

Procedure Title	Video Surveillance		
Date of Issue	June 17, 2003	Related Policy	BP 1408-D
Revision Dates	January 20, 2007; August 21, 2013; November 23, 2016	Related Forms	
Review Date		Originator	Administrative Council
References			
Guidelines for Using Video Surveillance Cameras in Schools, July 2009, IPC; Guidelines for the Use of Video Surveillance, October 2015, IPC; Municipal Freedom of Information and Protection of Privacy Act; TCP-B014 "Video Cameras on Buses"; BP 6820-D "Safe and Accepting Schools"			
Procedure:			

1.0 RATIONALE

- 1.1 Video surveillance involves the collection, retention, use, disclosure and disposal of personal information. These activities must be in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Under the authority of the Director of Education, designated Bluewater District School Board on site personnel (principal or designate) will maintain control of and responsibility for the video surveillance system in each school at all times. The principal and/or designate will also provide information, and otherwise participate in the process for planning and implementing new school video surveillance technology.
- 1.2 The board will maintain control of, and responsibility for, the video surveillance systems at all times. Board employees will have access to video surveillance information only where necessary in the performance of their duties and in accordance with the following procedures.
 - a) Employees are expected to review and comply with MFIPPA and this procedure in performing any duties and functions that are related to the operation of the video security surveillance program.
 - b) Employees who knowingly, or deliberately, breach MFIPPA and/or this procedure may be subject to discipline, up to and including dismissal.
- 1.3 The board's video surveillance procedure has been modeled on the *Guidelines for the Use of Video Surveillance and the Guidelines for Using Video Surveillance Cameras in Schools*, issued by the Information and Privacy Commissioner of Ontario (IPC).
- 1.4 The board has determined that it has the authority to collect personal information by means of video surveillance, as the collection is a necessary part of the board's statutory obligation under the Education Act to provide a safe and secure environment for students, staff and the school community. In keeping with the board's obligation under the Education Act and board policy BP 6820-D "Safe and Accepting Schools", the board will utilize video surveillance cameras in public areas of its schools and on school buses to:
 - a) ensure the on-going safety of students;
 - b) promote a safe environment; and
 - c) control vandalism and theft of school property

- 1.5 This procedure is not intended to address or apply to:
- a) instances where school staff videotape a specific event (such as a school fun fair or graduation ceremony);
 - b) instances where a classroom is videotaped for educational or research purposes (e.g. where a student teacher is required to record his or her lesson as part of an assignment for a work placement);
 - c) the initiation and use of video surveillance for strictly employment-related purposes, and the examination and use of video surveillance evidence for employment-related purposes;
 - d) the initiation of “covert surveillance”, i.e. surveillance conducted by means of hidden devices, without notice to the individuals being monitored; or
 - e) surveillance when used by law enforcement as a case-specific investigation tool where there is a search warrant and or statutory authority.
- 1.6 The Director of Education is delegated the responsibility for the implementation of this procedure.

2.0 DEFINITIONS

(Adapted from *Guidelines for the Use of Video Surveillance, October 2015 and Guidelines for Using Video Surveillance Cameras in Schools, July 2009*, Office of the Information and Privacy Commissioner of Ontario)

Personal Information is defined as being recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, national or ethnic origin, colour, religion, sex, sexual orientation or marital or family status and age. Therefore a simple image on a video surveillance system that is clear enough to identify a person, or the activities in which he or she is engaged, will be classified as “personal information” under the MFIPPA and this procedure.

Reception Equipment refers to the equipment or device used to receive or record the personal information collected through a video surveillance system, including a camera or video monitor or any other video, audio, physical or other mechanical, electronic or digital device.

Record means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape, a sound recording, a machine-readable record, and any record that is capable of being produced from a machine-readable record.

Storage Device refers to a videotape, computer disk or drive, CD ROM, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

Video Surveillance System refers to a video, physical or other mechanical, electronic, wireless or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals in school buildings and on school premises. The term video surveillance system includes an audio device, thermal imaging technology or any other component associated with capturing the image of an individual.

3.0 PROCEDURE

3.1 General

Use of video surveillance equipment is only one resource that is used by the board at selected schools or work sites to promote safety of students, staff and community members. The recorded information will be utilized only to assist in the resolution of a security or safety issue, as described in more detail below.

3.2 Collection of Personal Information Using a Video Surveillance System

Collection of information through visual, audio or other images of an identifiable individual is considered personal information under the MFIPPA. The board will install video surveillance systems in schools based on

demonstrable need, and the board will consider all best practices stated in the *IPC Guidelines for the Use of Video Surveillance and Guidelines for Using Surveillance Cameras in Schools* in planning for new or expanded school video surveillance systems.

3.3 Considerations to be Evaluated Prior to Using Video Surveillance Systems

The following issues will be considered and evaluated prior to determining if a school or facility will be implementing the use of video surveillance:

- a) Video surveillance will be used only after it has been determined that conventional methods of maintaining a safe and secure environment (i.e., patrols, hall monitors) have shown to be ineffective or unworkable, and that they do not provide the level of safety that is required. It may be helpful to complete a Privacy Impact Assessment (PIA) in order to investigate the effects that a surveillance system will have on personal privacy and the ways in which adverse effects may be mitigated.
- b) Whether there is a real, substantial, and pressing problem that needs to be addressed, which may be shown on the basis of verifiable and specific reports (i.e. reports of incidents, vandalism, etc.)
- f) Whether a video surveillance system would be effective in dealing with or preventing incidents that have occurred, and whether the benefits of the video surveillance outweigh the reduction of privacy inherent in its use.
- g) The board may consult with parents, staff, students and the broader school community as to the need for a video surveillance program, and outline the less intrusive means that have been considered and the reasons why those means were not effective. Consultation will provide stakeholders with an opportunity to comment on the actual location of cameras should the project proceed.

3.4 Design, Installation and Operations of Video Security Surveillance Equipment

In designing, installing and operating a video security surveillance system, the school principal will consider the following:

- a) Reception equipment will be installed only in identified public areas where surveillance is considered necessary to ensure the safety of staff, students and school property. The equipment will operate up to 24 hours/seven days a week, within the limitations of the system capabilities (e.g., digital, tape), power disruptions and serviceability/maintenance. School principals, or designate, in consultation with the Municipal Freedom of Information and Protection of Privacy Co-ordinator, will be responsible for the use of the system equipment and for the privacy obligations under the MFIPPA.
- b) The system will monitor only those spaces that have been identified as requiring video surveillance. Cameras should not be directed to look through the windows of adjacent buildings or onto adjacent private property. If cameras are adjustable by operators this will be restricted, if possible, so that operators cannot adjust or manipulate them to overlook spaces that are not intended to be covered by the video surveillance program.
- c) Equipment will not be set up to monitor the inside of areas where the students, staff and the public have an especially high expectation of privacy (e.g., change rooms and washrooms).
- d) Signs will be prominently displayed at the school's entrances and at key locations within monitored areas of buildings that have video security surveillance systems. This signage will clearly communicate the use of video surveillance in the area. The signage is to be obtained from the Director's Office. Consideration will also be given to providing notification in alternative forms if there are individuals who are unable to read the signs.
- e) A more detailed notification, in compliance with section 29(2) of the MFIPPA, is available in Appendix B of this procedure, which is posted on the Bluewater District School Board website. It includes information relating to: the legal authority for the collection of personal information under the Education Act; the principal purpose(s) for which the personal information is intended to be used; and how to contact the school office or the title, business address and telephone number of the board's Freedom of Information and Privacy Coordinator to address questions regarding the MFIPPA requirements specific to video surveillance.

- g) The school principal will provide information to the public on the rationale for the video surveillance. When a video surveillance system is newly installed at a school location, the school principal will send out a letter (see appendix A) informing the parents/guardians or adult student of the installation. A notice will also be included in each September school newsletter advising parents/guardians/students of the use of video surveillance in their schools and also their use on school buses (see TCP-B014 for bus-specific sample letter).
- h) The reception equipment will be accessible only by authorized personnel (the principal or designate) in accordance with this procedure. Video monitors will not be placed in a position that enables public viewing.
- i) Each school that has installed a video surveillance system will adhere to a strict maintenance program that includes image refocusing and lens cleaning. Video equipment should be checked a minimum of three times per year by the school principal to ensure that video cameras and recording equipment are operating properly.
- j) It is recognized that video surveillance equipment installed on third party facilities is the property of the third party if not provided or installed by the board. The recorded information is the property of the board. Operators of the equipment and service providers are responsible to comply with this procedure in the collection and use of personal information.

3.5 Access, Use, Disclosure, Retention, Security and Disposal of Video Security Surveillance Records

- 3.5.1 Any information obtained by way of video surveillance systems may be used only for the purposes as stated in the rationale of the board's procedure. The stated reasons are: ensuring the on-going safety of students; promoting a safe environment; and, controlling vandalism and theft of school property.
- 3.5.2 Video surveillance systems create a record by recording personal information, and to protect that information, the following process will be adhered to:
 - a) Only the principal and/or designate (designated by name and position, e.g., vice-principal) may review the information. Circumstances, which would warrant review will normally be limited to an incident that has been reported / observed, or to investigate a potential crime.
 - b) The principal of the school will ensure that the video surveillance equipment and digital recordings are accessible only to authorized personnel and that access to the equipment by others is prohibited.
 - c) Any recording that has been used by authorized personnel will be retained and given a file name. The file name will note the date accessed by authorized personnel and the file will be assigned a unique sequential number/designation. If accessed by law enforcement, an associated case file number will also be recorded. A log will be maintained to record all instances of access to, disclosure of, and use of recorded material.
 - d) Video surveillance may be disclosed to a law enforcement agency when:
 - i. The law enforcement agency presents a warrant requiring the disclosure of footage, as per section 32(e) of MFIPPA;
 - ii. The law enforcement agency does not have a warrant but requests that footage be disclosed to aid an investigation from which a proceeding is likely a result, as per section 32(g) of MFIPPA; or
 - iii. An illegal activity is observed on school premises and footage of this activity is disclosed to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 32(g) of MFIPPA.
 - e) Procedures for the retention of recorded information include:
 - i. The retention period for information that has not been viewed for law enforcement, school or public safety purposes shall be approximately two to four calendar days (video surveillance systems in schools are motion activated and only record when there is activity). Recorded information that has not been used in this fashion will be recorded over (oldest recording first). The retention periods for digital video recording (DVR) systems are to be clearly documented at those schools/facilities having them.

- ii. When recorded information has been viewed for law enforcement or safety purposes the retention period shall be one (1) year from the date of viewing or one year from the date of resolution of the incident, in accordance with section 5 of Ontario Regulation 823 under MFIPPA.
- e) The school will store and retain storage devices required for evidentiary purposes. An entry in the log book will be completed before any storage device is disclosed. The record will indicate who took the device (name, title and agency), under what authority, circumstance justifying the disclosure, when this occurred, case file number (if applicable), means used to disclose the footage and if the device it will be returned or securely destroyed after use. This activity will be subject to audit.
- f) Old storage devices will be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include overwriting electronic records, shredding, burning or magnetically erasing the personal information. A record of the date of disposal of each old storage device will be maintained in a log.
- g) Individuals whose personal information has been collected by a video surveillance system have the right of access to his or her personal information under section 36(1) of the *MFIPPA*. Access to an individual's own personal information may be granted in whole or in part. Although this right is recognized, it is not absolute, as there are exceptions which may apply under section 38 of the *MFIPPA*. The exceptions include, among others, discretionary power granted to the board under section 38(b) of MFIPPA to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy. In such a case, access to an individual's own personal information may depend upon whether any exempt information can be reasonably severed from the record.
- h) Any inadvertent disclosures of personal information shall be reported immediately to the Director of Education who will respond based on direction provided by the Freedom of Information Co-ordinator.

3.3 Training

Where applicable and appropriate, the policy and guidelines will be incorporated into board training and orientation programs. Training programs addressing staff obligations under the *MFIPPA* shall be conducted as necessary.

Upon assignment to a new school location, principals must contact ICT Services to arrange access and training for their school-specific DVR system.

3.4 Auditing and Evaluating the Use of a Video Surveillance System

The school principal is responsible for monitoring surveillance programs. The use of security video surveillance equipment will be subject to regular audits. The audit will address compliance with this administrative procedure. Any deficiencies or concerns identified by the audit will be addressed immediately by administration. Employees should be aware that their activities are subject to audit and that they may be called upon to justify surveillance interest in any given individual.

The board will regularly review and evaluate its video surveillance program in order to ascertain whether it is still justified in accordance with the requirements listed in section 28(2) of MFIPPA. This should include an assessment of whether the deployment of cameras at a particular school remains justified in accordance with MFIPPA.

APPENDIX A
NOTICE OF INSTALLATION OF A VIDEO SURVEILLANCE SYSTEM

Dear Parent/Legal Guardian/Adult Student;

In order to ensure the on-going safety of students, the promotion of a safe environment and to control vandalism and theft of school property, the board has determined through careful analysis that it is necessary to install a video surveillance system.

The system will be installed at the school and monitored in accordance with administrative procedure AP 6815-D "Video Surveillance". Reception equipment for the video surveillance system will be located in public areas of the school only and will be clearly identified through the use of signage. Video surveillance will not take place in areas such as washrooms or change rooms, where there is a higher expectation of privacy.

Access to the equipment will be strictly prohibited to unauthorized personnel. Digital recordings will be erased every two to four calendar days, unless a recording must be viewed. If a recording is viewed to assist in resolving a security or safety issue the recording will be securely retained for a one year period from the date of resolution of the incident. After the one year period the tape will be destroyed in a safe and secure manner, which may include methods such as overwriting, or permanently erasing the personal information.

If you have any questions or concerns regarding the above, please contact me to discuss them.

Respectfully,

Principal of the School

Pursuant to the Municipal Freedom of Information and Protection of Privacy Act, the board's authorization for the collection of this information is under the Education Act. The personal information is being collected to promote a safe and secure school environment for the school community. The users of this information are the principal or designate or law enforcement personnel in the case of reported incidents that would require an investigation. The video will be reviewed only by authorized personnel and will be maintained in a locked and secure area. Inquiries concerning this collection may be made to the principal of the school.

**APPENDIX B
NOTICE OF COLLECTION**

Pursuant to the Municipal Freedom of Information and Protection of Privacy Act, Section 28(2), video information is being collected and used in order to promote a safe and secure environment for the Bluewater District School Board community. The board is legally authorized to collect this information under the Education Act when it is necessary for the board to meet its statutory obligations to provide a safe and secure environment for students, staff and the school community. Use of this information is restricted to school and board administration and law enforcement personnel in the case of incidents under investigation. The video will be reviewed only by authorized personnel and will be maintained in a locked and secure area. Inquiries regarding this collection should be directed to the board's Freedom of Information Co-ordinator at the Bluewater District School Board Education Centre, 351 1st Avenue North, Chesley, Ontario, N0G 1L0, Telephone 519-363-2014.