



The Corporation of the Town of Tecumseh

Technology & Client Services

To: Mayor and Members of Council

From: Shaun Fuerth, Director Technology & Client Services

Date to Council: July 25, 2023

Report Number: TCS-2023-03

Subject: Policy 118 Video Surveillance – Municipal Properties

Recommendations

It is recommended:

That Report TCS-2023-03 entitled “Video Surveillance – Municipal Properties Policy” **be received.**

And that Attachment 1 to Report TCS-2023-03 “Video Surveillance – Municipal Properties Policy #118” **be approved.**

Background

The Town of Tecumseh (Town) is responsible for ensuring the safety of individuals and the security of equipment and property within the scope of the services the Town provides. To assist in fulfilling this obligation, one tool that has been utilized by the Town over the years is video surveillance on municipal properties.

The Information and Privacy Commissioner of Ontario (IPC) oversees compliance with the privacy protection provisions of Ontario’s Freedom of Information and Protection of Privacy Act (FIPPA) and Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and conducts investigations into privacy complaints.

Video surveillance captures information electronically about activities and events in a given area over time. Although primarily used as a means of detecting and assisting in

the investigation of criminal activity, video surveillance may also act as a deterrent when used in an appropriate manner. The systems described in this policy relate to overt (fixed video capturing) systems and do not pertain to covert surveillance, or surveillance when used as a case-specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant to conduct the surveillance.

While video surveillance may help to increase the safety of individuals and the security of Town owned property and assets, it also introduces risks to the privacy of individuals whose personal information may be collected, used and disclosed as a result of the technology. The risk to privacy is particularly acute because video surveillance may, and often does, capture the personal information of law-abiding individuals going about their everyday activities. In view of the broad scope of personal information collected, special care must be taken when considering whether and how to use this technology. Policy # 118 Video Surveillance – Municipal Properties will outline the parameters by which this technology will be used by the Town and how this information will be accessed, disseminated, and protected in a secure environment.

Comments

The Town has utilized video surveillance technology at various town owned facilities for many years. During this time, the information collected by these systems have led to improvements to security, confirmation of illegal activities and in some cases the conviction of offenders. These systems are part of the Technology & Client Services (TCS) Lifecycle budget with updates and/or new sites added each year. Currently, video surveillance systems are installed at the following locations:

- Town Hall
- Fire Station #1
- Fire Station #2
- McCord Bulk Water Station
- Tecumseh Arena
- Environmental Services & Public Works Garage (1189 Lacasse Blvd)
- 12420 Lanoue Street (Community Centre)
- Parks Building (300 Manning Rd.)
- Lakewood Park North Pavilion
- Tecumseh Pool
- St. Mary's Park
- Tecumseh Water Tower
- Lacasse Park & McAuliffe Park (2023)
- Weston Park (2024)

The 2023 TCS Budget includes a new system being installed at McAuliffe Park near the pavilion, splash pad and playground and at Lacasse Park as part of the new grandstand.

In addition to these permanent systems, the Town, from time to time, deploys portable systems in remote areas where offences are known to occur (ex. vandalism, property damage, etc.)

None of the above noted systems are actively monitored by Town staff or third-party contractors. The information contained on the various recording devices are reviewed upon request based on the occurrence of an incident.

VIDEO SURVEILLANCE REQUIREMENTS

In Ontario, FIPPA and MFIPPA set out the rules for the collection, use and disclosure of personal information by institutions. The application of these rules to video surveillance programs raises specific issues. Some of these issues are as follows:

1. Personal Information

By definition “personal information” is “recorded information about an identifiably individual,” which includes, but is not limited to, “information relating to the race, national or ethnic origin, colour, religion, age [or] sex” of an individual. Therefore, if video surveillance is used to collect or disclose personal information, then the rules of FIPPA and MFIPPA must be complied with.

2. Lawful Collection

The legal authority to collect personal information via a video surveillance system must pass one of these three tests:

- a) Expressly authorized by statute
- b) Used for the purposes of law enforcement or
- c) Necessary to the proper administration of a lawfully authorized activity

Although there are cases to be made for 2.a) and 2.b) it is under 2.c) where the Town is being lawfully authorized to operate under the Municipal Act, and in doing so, it must take reasonable steps to ensure the safety and security of town assets and to those who visit municipal properties.

Sensitivity of personal information is also a factor with setup and installation video surveillance systems. Where neighbouring properties and areas where privacy is to be expected (ex. change rooms, washrooms) the system will be installed to not allow the invasion of this privacy.

3. Notice of Collection

FIPPA and MFIPPA require that individuals be notified of the collection of their personal information through onsite signage that indicates:

- The legal authority for the collection
- The principal purpose or purposes for which the personal information is intended to be used; and
- The title, business address and business telephone number of a public official who can answer the individual's questions about the collection.

(see Policy 118 and Appendix 2 attached thereto)

4. Lawful Use

In the context of video surveillance, the Town may only use personal information collected by this system for the purpose of the video surveillance program or for a consistent purpose. Use of the information for other, unrelated purposes would not generally be permitted.

5. Lawful Disclosure

Disclosure of personal information contained in video surveillance records can be disclosed to law enforcement upon request from the law enforcement agency or subsequent to an illegal activity on Town property to aid in any investigation.

6. Retention

Upon report of an incident and/or subsequent investigation, the requested records will be stored in a secure location for the period of one year. It is important to note that retention for personal records that has been collected but not used has a much shorter retention period based on the storage capabilities of the video surveillance system at each site.

7. Security

As part of the Town's overall network and technology security policies, the records stored within video surveillance systems will be safeguarded by various methods including but not limited to:

- Storage of records in secure locations
- Password protection
- Limiting physical access
- Providing viewing monitors in secure locations
- Granting access to designated staff only
- Applying system patching and upgrades to systems as required
- Keeping logs when systems are accessed (reviewed annually)
- Require request for information form for any record request

8. Policies and Procedures

Policy #118 Video Surveillance – Municipal Properties outlines the provisions that are required to define, document enforce reasonable measure to safeguard the video surveillance records under the Town's control. This policy will be made available to the public on the Town's website.

Consultations

Community & Recreation Services
Legislative Services & Clerk

Financial Implications

Purchase and installation of proposed signage to be posted at all municipal properties under video surveillance in the amount of \$1,000 will be funded by the Community & Recreation Services (Facilities) operating budget.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒

Social Media ☒

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Shaun Fuerth, BCS
Director Technology & Client Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Policy #118 – Video Surveillance – Municipal Properties