

Halton District School Board

Operational Policy

NUMBER:	<i>to be determined</i>
TOPIC:	Video Surveillance
EFFECTIVE:	September 2005
CROSS-REFERENCE:	Education Act Freedom of Information and Privacy Act Municipal Freedom of Information & Privacy Act Guidelines for Using Video Surveillance Cameras in Schools (December 2003, Information & Privacy Commissioner/Ontario)
REVISION DATE:	September 2008
RESPONSIBILITY:	Superintendent of Education / Director / other...

Policy Statement

It is the policy of the Halton District School Board that Video Surveillance systems be installed and maintained according to the Education Act, The Freedom of Information and Protection of Privacy Act, The Municipal Freedom of Information and Protection of Privacy Act, and Guidelines for Using Video Security Surveillance in Schools – December 2003 by the Information and Privacy Commissioner/Ontario.

PROCEDURES

Definitions

The following definitions are set-out for the purpose of this policy.

Personal Information is defined as recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, nationality or ethnic origin, sex, and age. If a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the Acts.

Record is defined as 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 machine-readable record, and any record that is capable of being produced from a machine-readable record.

Video Surveillance System is defined as a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces on Board property. The Information and Privacy Commissioner/Ontario includes in the term video surveillance system an audio device, thermal imaging technology, or any other component associated with capturing the image of an individual.

Reception Equipment is defined as equipment or device(s) 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.

Storage Device is defined as 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.

Responsibilities

The Director of Education is responsible for the Board's overall video security surveillance program.

The Supervisor of Facility Maintenance, through the Superintendent of Facility Services and the Regional Supervisor Facilities Maintenance, is responsible for the life-cycle management of authorized facility video security surveillance systems (specifications, equipment standards, installation, maintenance, replacement, disposal, and related requirements (e.g. signage)) and principal training at Board sites. The Supervisor of Facility Maintenance is also responsible for the development and review of the operational policy and procedure, along with the technical aspects of the video security surveillance systems and the coordination of related audits.

The Manager of Transportation, through the Superintendent of Business Services, under a separate contract from that of facilities, is responsible for the life-cycle management of authorized Transportation video security surveillance systems (specifications, equipment standards, installation, maintenance, replacement, disposal, and related requirements [e.g. signage]) and service provider training.

The Freedom of Information and Protection of Individual Privacy Coordinator is the staff member responsible for the Board's privacy obligations under the Acts and the operational policy and procedure

The principal of a school/site having a video security surveillance system is responsible for the day-to-day operation of the system in accordance with the policy, guidelines, and direction/guidance that may be issued from time-to-time. The principal may also be responsible for the placement of cameras as necessary.

The Board solicitor is responsible for the provision of legal advice related to the Board's obligations under the Acts.

Planning Criteria For Video Security Surveillance Systems

A video security surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable.

To ensure the safety of individuals and the protection of their well being, and as a deterrent against vandalism to building and property, video surveillance cameras may be used according to the following criteria:

- to protect public security or reduce criminal and other illegal activity.
- to maintain a balance between the advantages of video surveillance for the public and the specific right to protect their privacy.
- to respect the principles of the Ontario Municipal Freedom of Information and Protection of Privacy Act that governs all school boards.
- to provide general surveillance without limiting general public activities.
- video surveillance may be installed without notice as part of a specific investigation where criminal activity is suspected.

Video surveillance should only be used where conventional means for achieving the same law enforcement or public safety objectives are substantially less effective than surveillance or are not feasible, and the benefits of surveillance substantially outweigh the reduction of privacy inherent in collecting personal information using a video surveillance system.

The acquisition, installation and operation of individual video security surveillance systems should be justified on the basis of verifiable, specific reports of incidents of crime, vandalism, or significant safety concerns.

An assessment should be conducted of the effects the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated.

The school principal shall conduct consultations with relevant stakeholders as to the necessity of the proposed video security surveillance program at the school/facility/school bus.

The Halton District School Board Facility Services Department will endeavor to ensure the proposed design and operation of the video security surveillance system in facilities minimizes privacy intrusion to that which is absolutely necessary to achieve its required, lawful goals.

The Halton District School Board Transportation Department, under a separate contract to that of facilities, will endeavor to ensure the proposed design and operation of the video security surveillance system in buses minimizes privacy intrusion to that which is absolutely necessary to achieve its required, lawful goals.

Any agreements between the Halton District School Board and service providers must indicate all video surveillance programs are under the Board's control and are subject to this policy.

1. A service provider who is considered to be in breach of this Policy and the Act may lead to penalties and up to the termination of the contract. In addition, full legal action and an investigation may be required, depending on the nature of the breach of policy.
2. An employee of a service provider must sign a written agreement regarding their duties and confidentiality under this Policy and Act.

The Design, Installation And Operation Of Video Security Surveillance Equipment.

Design Recommendations:

- Elementary Schools
 - Initially equipped with up to six (6) cameras as determined by Facility Services and the school, an optional 20" video monitor, digital recorder and a system that can be expanded up to nine (9) cameras.
 - The schools shall have the flexibility to locate up to four (4) cameras within the placement guidelines of this policy.
 - Facility Services shall have the flexibility to locate up to three (5) cameras within the placement guidelines of this policy.
 - Facility Services reserves the right for the spare of up to two (2) cameras on the system.
 - A static IP address is provided for remote network recording and monitoring capabilities.
- Secondary Schools
 - Initially equipped with six (6) cameras, as determined by Facility Services and the school, an optional 20" monitor, digital recorder and system that can be expanded up to sixteen (16) cameras.
 - The schools shall have the flexibility to locate up to eight (8) cameras within the placement guidelines of this policy.
 - Facility Services shall have the flexibility to locate up to eight (8) cameras within the placement guidelines of this policy.
 - Facility Services reserves the right for the spare of up to two (2) cameras on the system.
 - A static IP address is provided for remote network recording and monitoring capabilities.
 - Cameras to be protected by smoked globe fixtures.
 - Equipment shall be digital with LAN network readiness.
 - Facility Services reserves the right to make and approve all changes deemed necessary to the design recommendations for the betterment of the safe school program measures and equipment design practice or enhancement.

Cameras and Reception Equipment

1. Reception equipment such as video cameras, or audio or other devices should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity (entrances, exits, general purpose areas, corridors, classrooms, labs, shops, offices, receiving areas, parking lots and exterior building perimeter). The equipment will operate up to 24 hours/seven days a week, within the limitations of system capabilities (e.g. digital, tape), power disruptions and serviceability/maintenance.
2. The equipment will be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance. Cameras should not be directed to look through the windows of adjacent properties.
3. If cameras are adjustable by operators, this should be restricted, if possible, so operators cannot adjust or manipulate them to overlook spaces that are not intended to be covered by the video surveillance program.
4. Equipment will not monitor the inside of areas where the students, staff, and the public have a higher expectation of privacy (e.g. change rooms and washrooms).
5. Reception equipment should be kept in a strictly controlled access area. Only controlling personnel, or those properly authorized in writing by those personnel, should have access to the controlled access area and the reception equipment. Video monitors should not be in a position that enables public viewing.

Signage

1. Clearly posted notification will be prominently displayed at various locations such as entrances, exterior walls, and/or the interior of buildings having video security surveillance systems, shall provide students, staff, and the public reasonable and adequate warning that video surveillance is in effect. Signage will satisfy the notification requirements under section 39 (2) of the Provincial Act and section 29 (2) of the Municipal Act which include informing individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used and the title, business address and telephone number of someone who can answer questions about the collection. This information can be provided at the location on signage and/or by other means of public notification such as pamphlets. Principals will be the point-of-contact for schools; the Manager of Transportation Services will be the point-of-contact for non-school facilities.
2. The Board will endeavor to be as open as possible about the video security surveillance program in operation, and upon request, will make available to the public, information on the rationale for the video surveillance program.

Access, Use, Disclosure, Retention, Security And Disposal Of Video Security Surveillance Records.

All storage devices that are not in use should be stored securely in a locked receptacle located in a controlled-access area. Each storage device that has been used should be dated and labeled with a unique, sequential number or other verifiable symbol. Access to the storage devices should only be by authorized personnel. Logs should be kept of all instances of access to, and use of, recorded material to enable a proper audit trail.

Procedures On The Use And Retention Of Recorded Information.

1. Only the appropriate Superintendent, Principal, Transportation Manager, Facility Maintenance Supervisor and a delegated alternate (designated by name and position e.g. vice-principal or another principal or Board personnel) 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. Real-time viewing of monitors may be delegated by the Principal and/or Facility Maintenance Supervisor to a very limited number of individuals (e.g. a secretary, a special event security guard).

2. The retention period for information that has not been viewed for law enforcement, school or public safety purposes shall be thirty (30) calendar days or limited to the storage capacity of the digital recorder for digital systems and seven (7) calendar days for video-tape cassette systems. Recorded information that has not been used in this fashion, within these timeframes, is then to be routinely erased in a manner in which it cannot be reconstructed or retrieved.
3. When the recorded information has been viewed for law enforcement or school/public safety purposes the retention period shall be one (1) year from the date of viewing. If personal information is used for this purpose, section 5(1) of Ontario Regulation 460 under the Provincial Act requires the recorded information to be retained for one year.
4. School/Sites/Service Providers will store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them. A storage device release will be completed before any storage device is disclosed to appropriate authorities. The form will indicate who took the device, under what authority, when this occurred, and if it will be returned or destroyed after use. This activity will be subject to audit.
5. Old storage devices (video tape, digital media) must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include shredding, burning or magnetically erasing the personal information. The Storage Device Disposal Record is to be completed.
6. An individual whose personal information has been collected by a video surveillance system has a right of access to his or her personal information under section 47 of the Provincial Act and section 36 of the Municipal Act. Access may be granted to one's own personal information in whole or in part, unless an exemption applies under section 49 of the Provincial Act or section 38 of the Municipal Act. Access to an individual's own personal information in these circumstances may also depend upon whether any exempt information can be reasonably severed from the record. One exemption that may apply is contained in subsection 38(b) of the Municipal Act, which grants the heads of institutions the discretionary power to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy. The confidentiality of all parties must be protected. Permission from other parties must be sought or enhancements must be made to the video to block the identity of other parties.
7. The application of the frivolous or vexatious request provisions of the Municipal Act would occur in very rare circumstances. It can be concluded that a request for access to a record or personal information is frivolous or vexatious if:
 - The opinion is, on reasonable grounds, that the request is part of a pattern of conduct that amounts to an abuse of the right of access or would interfere with the operations of the school/facility, or
 - The opinion is, on reasonable grounds, that the request is made in bad faith or for a purpose other than to obtain access.
8. Principals will respond to any inadvertent disclosures of personal information based on direction provided by the Halton District School Board FOI Coordinator. Any breach of the Acts shall be reported to the Halton District School Board FOI Coordinator.

Training

Training programs addressing staff obligations under the Act shall be conducted as necessary.

Auditing And Evaluating The Use Of A Video Surveillance System

Halton District School Board FOI Coordinator will ensure that the use and security of video surveillance equipment is subject to regular audits. The audit will address the Board's compliance with the operational policies, guidelines and procedures. An external body may be retained in order to perform the audit. The Board will endeavor to address immediately any deficiencies or concerns identified by the audit. Employees and service providers should be aware that their activities are subject to audit and that they may be called on to justify their surveillance interest in any given individual. Facility Services and Transportation Services respectively will regularly review and evaluate its video surveillance program to ascertain whether it is still justified in accordance with the requirements in Section 4. This evaluation shall occur at least once every two years and will include the review/update of the policy and the guidelines.

Covert Surveillance

Covert surveillance takes place without notice to the public, individuals will not generally be aware that they are being monitored. The practice of covert surveillance is one that has the potential of being highly privacy-invasive and will only be used as a last resort in limited case-specific circumstances.

A comprehensive assessment shall be conducted to evaluate the privacy impacts associated with the implementation of such a program.

All Covert Surveillance will be time-limited.

The purpose of the assessment is to ensure that covert surveillance is the only available option under the circumstances and that the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed.

The surveillance equipment will be removed as soon as the cause has been resolved or converted to a full notification system as per the steps outlined above in this document.

Covert Surveillance applications must be directed to the Superintendent of Facility Services approval and clearly describe the rationale and the timelines for such an action to be taken.

“SCHOOL LETTERHEAD”

MEMO TO ALL STUDENTS, PARENTS AND GUARDIANS IN SCHOOL WITH VIDEO SURVEILLANCE

This building is equipped with a video surveillance system to provide protection for the well-being and security of individuals, and as a deterrent to vandalism, criminal acts or other illegal activities.

All information obtained by video surveillance is confidential and will only be transmitted to police authorities when criminal or other illegal acts are suspected. All recorded information will be destroyed within 30 days of being recorded unless they are used as part of an investigation.

All information is managed in accordance with the Halton District School Board’s Operational Policy/ Procedure regarding video surveillance and the Municipal Freedom of Information and Protection of Privacy Act.

VIDEO SURVEILLANCE

SCHOOL: _____

Use of Recorded Tapes

Authorization Form
To be signed by the Police Authorities

I, the undersigned, declare that I have received the recorded tape or disc numbers _____ from the administrator _____ of the school named above.

This information remains the property of the Halton District School Board and will not be copied without permission of the Halton District School Board.

This recorded media (tape or disc.) will be returned to the school administrator after being used as part of an investigation.

Date of Return

Name (print) _____

Station or Office _____

Telephone Number _____

Signature _____

Date _____