

# VIDEO SURVEILLANCE POLICY

<b>Policy Number:</b>	ADM 37
<b>Administered By:</b>	Chief Administrative Officer & Director of Operations
<b>Approved By:</b>	Town Council
<b>Effective Date:</b>	July 11, 2022 R.187.2022

## I. Purpose:

The purpose of this Policy is to clearly communicate the purposes for and uses of video surveillance by the Town of Fort Macleod (the "Town").

## II. Policy Statement:

The Town is committed to enhancing the safety and security of employees and the public by the reasonable use of surveillance, in a manner that reasonably protects their privacy rights to the extent reasonably possible.

The Town is also committed to providing clarity and consistency in processes to install, use and maintain surveillance systems, and to ensure that information collected through the use of surveillance is securely stored and protected from unauthorized access.

The Town has developed this Policy in keeping with these policies and goals.

## III. Applicable Legislation:

The Town is committed to reasonably respecting and protecting the privacy rights of employees and members of the public pursuant to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (the "FOIP Act"). This Policy has been developed and implemented in accordance with the FOIP Act.

## IV. Definitions:

1. Throughout this Policy,
  - a. "surveillance" shall refer to video surveillance;
  - b. "extracted recording" means a recording created by making a digital copy of a recording from a surveillance system; and
  - c. "surveillance system software" refers to the software used to access, view and extract the recordings created by the surveillance system.
2. Unless otherwise specified, terms used in this Policy have the same meaning as defined in the FOIP Act.

## V. Collection and Use of Information:

### A. General

1. The Town may collect personal information via surveillance for the following general purposes:

- a. For the purposes of law enforcement, in accordance with section 33(b) of the FOIP Act; and
  - b. To facilitate an operating program or activity of the Town, in accordance with section 33(c) of the FOIP Act: namely, maintaining safe and secure public and working environments.
2. The Town may use and disclose personal information collected via surveillance only in accordance with these general purposes, for a use consistent with those purposes, or in accordance with a court order.

**B. Surveillance at Fort Macleod & District Sports Centre – 235 21<sup>st</sup> Street**

3. Surveillance may be used in the pool and arena public areas at the Fort Macleod & District Sports Centre specifically in order to:
- a. Ensure the safety and security expectations of the public and employees; and
  - b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

**C. Surveillance at Compost and Recycling Site – 765 & 865 30<sup>th</sup> Street**

4. Surveillance may be used in the plant area of the Compost and Recycling Site specifically in order to:
- a. Ensure the safety and security expectations of the public and employees; and
  - b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

**D. Surveillance at Public Works Yard and Buildings – 230 Lyndon Road**

5. Surveillance may be used in the Town's Public Works Yard and Buildings specifically in order to:
- a. Ensure the safety and security expectations of employees; and
  - b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

**E. Surveillance at Wastewater Treatment Plant Yard and Buildings– 865 30<sup>th</sup> Street**

6. Surveillance may be used in the Town's Wastewater Treatment Plant Yard and Buildings specifically in order to:
- a. Ensure the safety and security expectations of employees; and

- b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

#### **F. Surveillance at Water Treatment Plant Yard and Buildings – 765 30<sup>th</sup> street**

7. Surveillance may be used in the Town's Water Treatment Plant Yard and Buildings specifically in order to:
  - a. Ensure the safety and security expectations of employees; and
  - b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

#### **G. Surveillance at Centennial Park – 568 26<sup>th</sup> Street**

8. Surveillance may be used in the outdoor yard of the Centennial specifically in order to:
  - a. Ensure the safety and security expectations of employees; and
  - b. Reduce, deter or eliminate incidents of vandalism and illegal or inappropriate conduct including assault or theft, and to facilitate investigation of the same post-incident.

#### **H. Employee Performance**

9. For greater certainty, the use of surveillance is not to monitor the performance of Town employees. Rather, employees' performance will be supervised and monitored by Town administration generally.
10. However, if administration has a particular concern with respect to employee conduct, e.g. if a complaint or grievance against an employee arises, and it is reasonably believed that surveillance records may assist in investigating, identifying or rectifying this concern, then the Chief Administrative Officer may review existing surveillance records for this purpose, in accordance with section 33(c) of the FOIP Act.
11. Without limiting the generality of the foregoing, surveillance may be reviewed post-incident or when a complaint is received regarding an employee's conduct.
12. If concerns regarding an employee's conduct are inadvertently revealed in reviewing surveillance records for another purpose, the employee may nonetheless be subject to disciplinary action.
13. If surveillance records are relied upon in the discipline or termination of an employee, administration shall provide the employee with an opportunity to review the record in advance of a decision to discipline or terminate that employee.

## **VI. Locations of Surveillance:**

1. Surveillance is utilized at:

- a. The public pool and public arena areas at the Fort Macleod & District Sports Centre, but, for clarity, is not used at this location in any change room or washroom;
- b. The Compost and Recycling Site;
- c. The Town's Public Works Buildings and outdoor yard;
- d. The Town's Wastewater Treatment Plant Buildings and outdoor yard; and
- e. The Town's Water Treatment Plant Buildings and outdoor yard;
- f. Centennial Park but for clarity is not used at this location in any washroom.

## **VII. Notification Requirements for the Use of Surveillance Systems:**

1. Obvious signage must be posted in any area covered by surveillance notifying the public and employees that the area is under surveillance. Such signs must:
  - a. Provide notice that the area is under surveillance;
  - b. Identify the type of surveillance used;
  - c. Identify a party who can answer questions about the surveillance system and include an address or phone number for contact purposes; and
  - d. Be located in a place easily observed to any person (whether an employee or member of the public) who may be observed and recorded using that surveillance.

## **VIII. Ongoing Maintenance of Surveillance Systems:**

1. To ensure all surveillance cameras and systems are in working order, the Director of Operations or the Chief Administrative Officer shall ensure a prescribed maintenance program is followed accordingly.
2. Any issues or concerns regarding the performance of surveillance cameras and systems must be reported to the Director of Operations or the Chief Administrative Officer and addressed immediately.
3. If a surveillance camera or system is no longer required in a specific area, the Director of Operations or the Chief Administrative Officer shall ensure its removal.
4. Where a storage device or other parts of a surveillance system are to be replaced, they must be securely disposed of.

## **IX. Authorized Access to Surveillance Systems:**

1. If a surveillance system is in use, the following conditions must be in place:
  - a. Access to view surveillance system recordings through the surveillance system software is restricted and password-protected, and a log is created to audit and monitor who is accessing the surveillance system recordings and the surveillance system software; and

- b. Physical access to the surveillance systems and the access log is restricted to the Director of Operations and the Chief Administrative Officer, in the performance of their duties.
2. Surveillance system recordings may only be reviewed by the Director of Operations or the Chief Administrative Officer, when a specific incident or event occurs that requires an investigation. Some examples of the circumstances that would merit a review of surveillance recordings include, but are not limited to:
  - a. incidents of safety and security that have been reported or observed;
  - b. for disciplinary, legal or legislative purposes; or
  - c. for a law enforcement matter.
3. Town employees may review surveillance system recordings through the surveillance system software when they are required and authorized to do so by the Director of Operations or the Chief Administrative Officer, in the performance of their duties but only to the minimum extent necessary to fulfill their duties.

## **X. Retention, Destruction, and Logs of Extracted Recordings:**

1. The Director of Operations or the Chief Administrative Officer may make an extracted recording in accordance with the purposes set out in this Policy, provided that a log entry is created when the extracted recording is made. The log shall include the date, the purpose, and the individual who made the extracted recording.
2. If an extracted recording has been created to assist in the investigation of an incident, the Town's copy of the extracted recording must be retained for the longer of the following two periods:
  - a. For one (1) year from the date of viewing; or
  - b. For one (1) year from the date of the final resolution of the incident.
3. If a surveillance recording has not been viewed or requested for assistance in the investigation of an incident, the recording shall be retained and stored by the surveillance system for a maximum of 30 days.
4. After the retention period has expired, the surveillance system shall delete or destroy the recording in such a way that the personal information cannot be reconstructed or retrieved.
5. Disposal of any recorded information from the surveillance system must be noted in the surveillance system log. This includes noting the timelines in which the video surveillance system overwrites recordings.
6. All recordings collected through a surveillance system are the property of the Town.

## **XI. Access Requests from Law Enforcement:**

1. Any request from law enforcement personnel to view or for release of a surveillance system recording, recording device or extracted recording must be referred to the Director of Operations or the Chief Administrative Officer who must ensure that a Law Enforcement Disclosure Form is completed before the surveillance system recording, recording device or extracted recording is viewed or released.

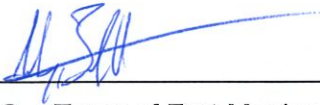
2. With regard to serious matters, legal advice should be sought to determine if a warrant is necessary.

## **XII. Right of Access Under The FOIP Act:**

1. An individual whose personal information has been collected and recorded by a surveillance system may request access to their own personal information in accordance with the FOIP Act.
2. Any individual may request access to a surveillance system recording or an extracted recording in accordance with the FOIP Act.
3. Any surveillance system recordings or extracted recording released by the Town through any means including a Law Enforcement Disclosure Form or FOIP request must be maintained according to the FOIP Act.

## **XIII. Further Information:**

For further information regarding this Policy, please contact the department identified in the title bar under Administered by.



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CAO – Town of Fort Macleod