

The Corporation of the Township of Huron-Kinloss



**BY-LAW**  
**2019-130**

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Being a By-Law to Adopt a Video Monitoring Policy  
for the Township of Huron-Kinloss

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**WHEREAS** The Council for The Corporation of the Township of Huron-Kinloss deems it expedient to establish policies;

**AND WHEREAS** the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under Section 9, shall be exercised by by-law;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

- 1.0 That the Corporation of the Township of Huron-Kinloss Council hereby adopts a Video Monitoring Policy as contained in the attached Schedule "A" to this by-law.
- 2.0 This by-law shall come into full force and effect upon final passage.
- 3.0 This by-law may be cited as the "Video Monitoring Policy By-Law"

**READ a FIRST and SECOND TIME** this 21<sup>st</sup> day of October, 2019.

**READ a THIRD TIME and FINALLY PASSED** this 21<sup>st</sup> day of October, 2019

Mitch Twolan, Mayor

Emily Dance, Clerk



## Policy

Section: 1.0 Facilities

Policy: Video Monitoring Policy

By-Law: 2019-130

Date: 21 October 2019

Revision: [Click here to enter text.](#)

### Coverage:

The video monitoring policy will cover all video monitoring systems at Township owned or leased and administered properties and facilities.

### Policy Statement:

The Township of Huron-Kinloss is committed to the on-going protection of the health and safety of its employees, customers, residents and visitors, as well as the protection of Township owned or occupied property, both physical and intellectual.

The Township recognizes the need to strike a balance between the Township's responsibilities to promote a safe and secure environment and its responsibility to protect the privacy of individuals.

Video cameras, when utilized with other security measures and operational tools, is an effective means of ensuring the security and safety of Township properties and facilities, the employees who work in them, the individuals who use them and the assets housed in them.

The Township supports the use of Video Monitoring technology to promote a safe and secure environment and to protect the Township's assets and property in accordance with established standards and procedures.

### Legislative Authority:

Video monitoring 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)

### Contents:

#### 1.0 Purpose

The purpose of this policy is to ensure that Video Monitoring technology is used for safety, security and operational purposes and that its use is conducted in a manner that reflects the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and any other relevant legislation.

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More specifically, this policy addresses requirements and responsibilities with respect to:

- The installation of video monitoring systems;
- The operation of video monitoring systems;
- The use of the information obtained through video monitoring systems; and
- Custody, control and access to records created from video monitoring systems.

## **2.0 Scope**

This policy applies to all properties and facilities owned and administered by the Township of Huron-Kinloss and to all employees, including temporary and contract employees, elected officials, appointees to agencies, boards and committees, volunteers, and any individual retained by the Township to act on the Township's behalf.

## **3.0 Definitions**

In this policy:

“Facility” means any building or land that is occupied and administered by the Township of Huron-Kinloss;

“Property” means any building or land that is owned or occupied and administered by the Township of Huron-Kinloss;

“Video monitoring camera” means a camera used to monitor and/or record activities as part of the video monitoring system;

“Video monitoring recording” means information transmitted from the video monitoring system to a storage device which includes videotape, computer disc or drive, compact disc, computer chip or other device used to store the recorded data or visual, audio or other images captured by the video device system;

“Video monitoring record” means monitoring information that has been extracted from video monitoring recordings; and

“Video monitoring system” or “System” refers to a video, physical or other mechanical, electronic, digital or wireless monitoring system or device that enables continuous or periodic video recording. In this policy, the term video monitoring system includes, but is not limited to, an audio device, thermal imaging technology or any other component associated with capturing an image.

## **4.0 Use of Video Monitoring System**

Video monitoring systems are installed in facilities where a need has been identified by the Department Head responsible for the facility and funding has been approved.

## **5.0 Installation of Video Monitoring System**

### **5.1 Location of Video Monitoring Cameras**

The Township may employ the use of video monitoring cameras as they offer a reasonably effective deterrent to inappropriate activity and will assist in maintaining a safe and secure environment. Cameras also allow for an effective means by which to manage operations and to remotely address issues such as security alarms that have been activated.

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Each proposed camera position/location will be assessed on a case- by-case basis to determine the effects the video monitoring system may have on personal privacy. The Township will take all reasonable steps to mitigate any adverse effects that may be caused by camera position/location. No camera will be placed so that it views into an area where individuals have an expectation of privacy, such as washrooms, change rooms or employee lunchrooms.

### **5.2 Signage**

The Township will provide notice that an area is under video monitoring. Signage will be installed in a clearly visible location at all facilities that are subject to monitoring. The signage will advise all persons entering the facility that the facility is under video monitoring, and will provide a contact for more information.

### **5.3 Approval**

All positions/locations for cameras and signs will require the approval of the Department Head responsible for the facility in which video monitoring equipment is located in consultation with the Clerk.

### **5.4 Maps and Floor Plans for Video Monitoring Cameras**

The Department Head responsible for the facility in which video monitoring equipment is located will ensure that maps/floor plans are prepared to identify the location of video cameras, video monitoring monitors and any other video monitoring equipment located at a facility. The Department Head will retain copies of such maps and floor plans and provide a copy to the Clerk.

## **6.0 Operation of Video Monitoring System**

To ensure the ongoing privacy of employees and the public at large, only authorized persons shall monitor live video monitors. The Department Head of a facility in which

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video monitoring equipment is located shall designate those persons permitted to monitor live video monitoring recordings and shall maintain a list of all persons so authorized.

A person authorized to view live video monitoring recordings shall not permit members of the public or other unauthorized persons to view live video monitoring recordings.

If staff authorized to monitor live video monitoring recordings have reason to believe that the video recording contains relevant information for law enforcement or public safety purposes, they shall notify the Department Head responsible for the facility immediately, who in turn will advise the Clerk. In the absence of the Department Head responsible for a facility, the Clerk advised directly. The Clerk will make every effort to ensure that the information is protected and not written over.

## **7.0 Use of Information Collected**

The information collected through video monitoring systems will only be used to:

- Assess the effectiveness of safety and security measures at a particular facility;
- Investigate an incident involving the safety or security of people, facilities or assets;
- Provide law enforcement agencies with evidence related to an incident under police investigation;
- Provide evidence as required to protect the Township's legal rights;
- Respond to a request for information under MFIPPA;
- Investigate an incident or allegation of serious employee misconduct; or
- Investigate an incident involving an insurance claim.

The Township will not use video monitoring systems to monitor or measure productivity of employees. Notwithstanding this, where video monitoring systems disclose that an employee has been involved in an activity that can be reasonably characterized as criminal in nature, may affect the Township's reputation, or may present a possible legislation or policy violation, the Township reserves the right to use the video monitoring recordings to support investigations leading to possible discipline or discharge or as an investigative aid in any investigation arising out of such activity.

## **8.0 Record Management**

The information collected through video monitoring is managed by the Clerk. All activities with respect to video monitoring recordings, including access to recordings and storage and disposal of recordings will be documented by the Clerk.

## **8.1 Retention of Video Monitoring Recordings**

The retention period for video monitoring recordings will vary by facility, number of video monitoring cameras at each facility and the video monitoring hardware used will vary. As storage devices become full, recordings are written over previously recorded information. The maximum standard retention period for video monitoring recordings is forty-five (45) days, unless required for related investigations.

Retention periods will be reviewed regularly to ensure that retention periods are minimized in order to reduce the risk of improper use and disclosure.

## **8.2 Creation and Retention of Video Monitoring Records**

A record will only be created from the video monitoring for the purposes outlined in this policy. No other records will be created or retained. The Clerk, in consultation with the CAO, is responsible for determining when a record will be created.

Records created from the video monitoring system shall be labeled, documented and securely stored in an access-controlled area by the Clerk and/or CAO.

## **9.0 Access**

### **9.1 Access Restrictions**

In accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as amended, access to the records created by video monitoring is restricted. Access is limited to:

- Individuals responsible for the management of recordings or records of the video monitoring equipment;
- Individuals who have a legitimate need to access the information for one of the purposes listed in the "Use of Information Collected" section of this policy;
- If required by police or in relation to litigation.

### **9.2 Access Procedures**

A Request to Access Video Monitoring Recordings or Records must be completed and submitted to the Clerk

For all requests related to investigations of serious employee misconduct, the request form must be completed and submitted to the CAO.

Requests for access to recordings or records shall be bound by and subject to MFIPPA and any other relevant legislation.

When access to a record is given, the following information will be logged for audit purposes:

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- the date and time at which access was allowed or the date on which disclosure was made;
  - the identification of the party who was allowed access or to whom disclosure was made;
  - the reason for allowing access or disclosure;
  - details of the information to which access was allowed or which was disclosed; including the date of the incident recorded and the location or vehicle number, if applicable, of the incident recorded; and
  - provisions for the return of the record or its destruction.

Anyone who is granted access to any record created through video monitoring systems will be required to sign a written agreement regarding his or her duties, obligations and responsibilities with respect to the use and disclosure of the record.

### 9.3 Exceptions to the Access Processes Outlined in Section 9 are:

Employees permitted to monitor live video of the workplace, as outlined in section 6.0 of this policy, as part of their regular ongoing responsibilities. These employees may rewind to view (but not create or record a video record) events within the same calendar day.

In urgent circumstances, Department Heads may contact the Clerk directly requesting access to a video record. A "Request to Access Video Monitoring Records" form will subsequently be submitted in a timely manner.

## 10.0 Ownership of Video Monitoring Recordings

All recordings created by means of video monitoring systems shall be the sole property of the Township of Huron-Kinloss and may not be taken, reproduced or destroyed for any reason without the prior permission of the Clerk in accordance with the Township's Records Retention Policy.

### 10.1 Unauthorized Access and/or Disclosure

Any Township employee having knowledge of unauthorized access or disclosure of a video monitoring recording or record created from video monitoring systems must immediately report the incident to the Clerk.

The Clerk will inform the CAO of all reported breaches of privacy and unauthorized viewing or disclosure, and together they will take all reasonable actions to recover the record and limit the Township's exposure.

Any breaches of privacy and unauthorized viewing or disclosure of information as set out in this policy may result in disciplinary action up to and including termination of employment.

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Appendix 'A' – Law Enforcement Officer Request Form

RELEASE OF RECORD TO LAW ENFORCEMENT AGENCY

Under Section 32. (g) of the Municipal Freedom of Information and Protection of Privacy Act

TO: The Township of Huron-Kinloss

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I, \_\_\_\_\_ of the \_\_\_\_\_  
Print Name of Police Officer                      Print Name of Police Force

request a copy of the following record(s):

Time Period: \_\_\_\_\_ to \_\_\_\_\_

Township Facility: \_\_\_\_\_

to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

I confirm that the record will be destroyed by the Ontario Provincial Police after use by the agency.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

Return completed original forms to the Clerk of the Township of Huron-Kinloss, 21 Queen Street, Ripley ON, NOG 2R0, (519) 395-3735

Personal information is collected under the authority of the Municipal Act, 2001, S.O. 2001, c. 25 for the purpose of creating a record relating to release of video surveillance record to law enforcement agency. Questions about the collection may be addressed to the Clerk of the Township of Huron-Kinloss, 21 Queen Street, Ripley ON, NOG 2R0, (519) 395-3735.

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Appendix B – Review of Record By Staff Request Form

RELEASE OF RECORD TO TOWNSHIP STAFF

Under Section 32. (d) of the Municipal Freedom of Information and Protection of Privacy Act)

I, \_\_\_\_\_, of the \_\_\_\_\_

Print Name of Staff

Print Name of Department

request a review of the following record(s):

Date: \_\_\_\_\_

Time Period:

to

Township Facility: \_\_\_\_\_

to aid a review undertaken to ensure the safety and security of the Township's employees, clients, visitors and property.

Describe circumstances to warrant a review of the video:

\_\_\_\_\_  
Name and Signature of Staff Member Date

\_\_\_\_\_  
Name and Signature of Director Date

Return completed original forms to the Clerk for review.

Review Approved:

\_\_\_\_\_  
Signature of Clerk r Date

Personal information is collected under the authority of the Municipal Act, 2001, S.O. 2001, c. 25 for the purpose of creating a record relating to release of video surveillance record to law enforcement agency. Questions about the collection may be addressed to the Clerk of the Township of Huron-Kinloss, 21 Queen Street, Ripley ON, NOG 2R0, (519) 395-3735