

BY-LAW 2013-128


**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO
ADOPT THE VIDEO CAMERA POLICY**

WHEREAS Council of the City of Greater Sudbury wishes to adopt a
Video Camera Policy;


**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. Council for the City of Greater Sudbury adopts the Video Camera Policy attached hereto as Schedule A as a policy of the City.
2. This By-law shall come into force and effect upon passage.

READ AND PASSED IN OPEN COUNCIL this 28th day of May, 2013



Mayor



Clerk

Schedule A to By-law 2013-128

City of Greater Sudbury Video Camera Policy

POLICY SCOPE

This Video Camera Policy applies to the installation and use of all video camera systems and equipment by the City of Greater Sudbury. This policy is to be read in the context of the Municipal Freedom of Information and Protection of Privacy (MFIPPA) and does not apply to law enforcement purposes. Specific legislative requirements for longer retention periods or alternative collection practices which conflict with this policy supercede this policy.

PURPOSE OF VIDEO CAMERA SYSTEMS

Video camera systems include cameras and any other devices which are used by the City of Greater Sudbury to view and/or record images of people, places and things.

The City of Greater Sudbury is committed to balancing the privacy rights of individuals with the safety and security of its employees, facilities and the public. Accordingly, video camera systems are used by the City of Greater Sudbury:

- To protect the safety of CGS employees and the public
- To protect facilities, equipment and assets
- To deter, detect, and/or investigate criminal and/or anti-social behaviour
- To meet specific operational needs, as for example remote verification of an individual request to access a secure area

IDENTIFICATION OF NEED FOR VIDEO CAMERAS

Video camera systems will only be used where other measures designed to enhance safety and reduce risk are not feasible, as for example where human and/or financial resources and physical infrastructure do not permit frequent patrols or visual oversight of an area.

The City of Greater Sudbury will consider threat assessments and the documentary evidence of need for video camera in each business unit where a video camera system is being considered or when an existent camera or system is being reviewed. That documentary evidence will include, but is not limited to:

- Workplace Risk Assessments
- Joint Occupational Health and Safety Committee Reports
- Security and Incident Reports

Each request for new camera(s) will be in the prescribed format and approved by the Supervisor responsible for the business unit and either the Director or SMT member in jurisdiction. Copies will be sent to Information Technology who co-ordinates the installation of new cameras and to Corporate Security for the purposes of legislative compliance.

SELECTION OF CAMERA LOCATIONS AND DESIGN CONSIDERATIONS TO PROTECT PRIVACY

In identification of locations for video camera systems, the City of Greater Sudbury will ensure that those systems are designed to minimize potential privacy intrusions.

Video cameras will not be installed in areas where there are higher expectations of privacy, as for example washrooms, change rooms, dormitory or resident rooms, employee lunch rooms and individual employee workspaces. Cameras will be adjusted so that they do not capture images from these locations or from adjacent properties or areas.

Video cameras are not used by the City of Greater Sudbury for the purposes of monitoring employees in the workplace, in the course of their work, except where work involves travel through or maintenance of public and/or common areas where cameras are located in accordance with the purpose statements of this policy. However, video footage which contains images of employees may be accessed where that access is required to respond to specific needs as outlined in the purpose statement of this policy.

STANDARDIZATION OF EQUIPMENT

The City of Greater Sudbury has selected a vendor of record for its video camera solution, which system is to be used by all departments. Except for the cameras at the front of transit buses, the City does not record audio as part of its video camera programs. The City's system includes the recording system and software to which all CGS video cameras are to be connected, except for standalone cameras on Transit buses. Cameras which are currently plugged into other systems will be migrated to the centralized system by the end of 2013. Any department that has not yet transitioned to the centralized system will be required to manage and maintain detailed logs of access, retention and disposal as required to meet Information and Privacy Commission Guidelines, other applicable legislation and this policy.

PERSONAL INFORMATION

In accordance with Municipal Freedom of Information and Protection of Privacy Act, if a video camera system displays or records characteristics of an identifiable individual which could include an individual's race, colour, national or ethnic origin, sex, age or other personally identifying information, the image will be considered "*personal information*" under the legislation.

The City of Greater Sudbury collects personal information using a video camera system as authorized under the Municipal Act, under the authority of the By-Law implementing this policy and under other legislation specific to the environments in which the cameras are located.

ACCESS TO IMAGES

Any information obtained by way of video camera systems will only be used for the purposes of the stated purposes of this policy. Information will not be retained or used for any other purposes. An individual whose personal information has been collected by a video camera system has a right of access to his or her personal information as described in MFIPPA.

Three types of access are provided for in this policy:

Real Time Monitoring:

Authorized employees are able to view images in real time for monitoring purposes, provided that the monitoring meets the purposes outlined in this policy. Monitoring equipment must be located in an area for which there is strict access control. Only those employees who are authorized by virtue of their roles to monitor images should have access to the area of the monitors and images. Video monitors must never be in a position that enables viewing by the public.

Review of Recorded Images (Playback):

Playback and viewing of the recorded image is restricted to senior staff and used only where required under this policy. The Director in each business unit that has cameras plugged into the network as well as the IT Staff whose role it is to administer or provide technical support to the system have access to the playback function. Other CGS staff who require access to recorded images are required to submit a request for access form, signed by their Director or SMT member. Where that access relates to an Employment related investigation, approval of the Director, Human Resources and Organizational Development is also required. In an emergency or urgent security situation which requires immediate identification for investigative purposes, authorized CGS Security Staff will be granted access for those purposes.

Third Party Requests:

Requests from enforcement agencies, including Police forces, Ministries and other bodies must be made through the Head under MFIPPA. Images which are required for the purposes of legitimate law enforcement investigations and public safety purposes will be released to these bodies upon receipt of appropriate documentation.

CONFIDENTIALITY FOR STAFF WITH ACCESS TO CAMERA SYSTEMS

Individual employees of the City of Greater Sudbury are required to comply with the City's Employee Handbook. The Handbook assigns responsibility to each individual employee for the protection of personal information and the maintenance of confidentiality while working for the City. Contractors who are provided with access to video images, as for example employees of the contracted Security Services, will be required to provide a list of designated employees, all of whom will be required to sign specific confidentiality agreements. The City will periodically deliver training specific to video camera systems in those areas where cameras are used.

SUSPECTED PRIVACY BREACHES

The City Clerk is Responsible for the City of Greater Sudbury's privacy obligations and has been appointed by Council as the Head under the Municipal Freedom of Information and Protection of Privacy Act. All suspected privacy breaches are reported to the appropriate Head. The City of Greater Sudbury has adopted the Information and Privacy Commissioner's document entitled "*What to do When Faced with a Privacy Breach: Guidelines for the Health Sector*" as the protocol for this situation.

RECORDING AND RETENTION

The video camera system server is password restricted and the server itself is in a secured location. All electronic files are transmitted between cameras and the server over a secured network. The Manager Hardware and Technology Applications is responsible for ensuring and maintaining control of and responsibility for all technical and system obligations related to the video camera system, including the integrity and security of the system.

The video camera system is configured to automatically log all user access, including those clients who are signed into the system for monitoring purposes and those with elevated access who are accessing recorded images. Logs are automatically created for all viewing of recorded video. These logs are matched to the appropriate approval to access requests where applicable. Transit maintains logs for the bus camera system.

The retention period for most images is seven days for cameras in external spaces and no longer than fourteen days for internal spaces, which reflects the various patterns of activity in CGS buildings. The retention period for cameras on board transit buses is 24 hours. Where an event has happened during the retention period, that portion of the video can be electronically protected from being overwritten at the request of the operating department.

Images which have been accessed as noted above will be retained for twelve months to meet Legislative requirements or longer as required for Court purposes. Where there is a documented history of need to review images from particular cameras for reasons of litigation, images from those specific cameras may be saved for two years.


All images are disposed of by being overwritten.

NOTICE

Each area which uses video camera systems will post signage at the perimeter of the area, modeled on the wording appended to this policy. The City has an information pamphlet regarding its Video Camera Program which is available to the public on the City's website or in print upon request.

Appendix A – Example of Signage


Your Privacy and Security




Sécurité et protection de la vie privée

The City of Greater Sudbury collects personal information using a video camera system in accordance with the Municipal Freedom of Information and Protection of Privacy Act and under the authority of By-law 2013-XXX. The personal information is collected for the purposes stated in this By-Law and includes the safety and protection of people and property. Questions regarding the collection, use and disclosure of the images recorded by the video camera system may be directed to the City Clerk, Tom Davies Square, 200 Brady Street, PO Box 5000, Sudbury, ON, P3A 5P3, by emailing clerks@greatersudbury.ca or by calling 311.

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Information regarding the City's Video Camera Policy and Program will also be available at www.greatersudbury.ca.



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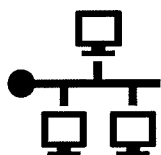


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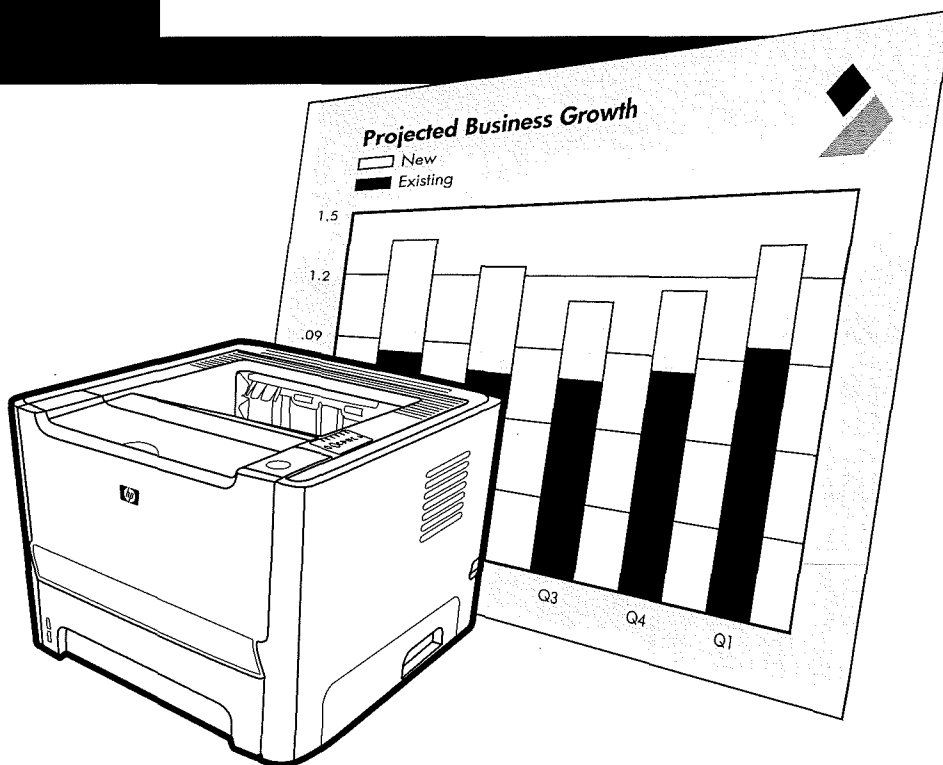


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