

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Brent Larmer, Municipal Clerk/Manager of Legislative Services blarmer@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	March 29, 2021		
Report No.:	Corporate Services-044-21		
Submit comments to Council			

Subject/Title: Town of Cobourg Corporate Video Surveillance Policy

RECOMMENDATION:

THAT Council receive this report from information purposes; and

FURTHER THAT Council approve the Town of Cobourg Corporate Video Surveillance Policy to utilize video surveillance to ensure the security of individuals, assets and property.

1. STRATEGIC PLAN

Not applicable

2. PUBLIC ENGAGEMENT

The Town of Cobourg will maintain active communication and notification to the public regarding the on-going Video Surveillance Policy and shall comply with all provision of notice under the policy and the MFIPPA.

3. PURPOSE

The purpose of this report is to present a new policy for the use of video surveillance equipment at properties owned by the municipality. This policy will provide guidelines designed to assist Town Departments that have identified an appropriate use for video surveillance technology, to manage records that may be created using this technology in a manner that complies with the Act and record management requirements.

4. ORIGIN AND LEGISLATION

Over the years, the Town of Cobourg has installed Video Surveillance at a number of locations in which the Town has identified as a location with a need to protect the safety and well-being of its Staff, Customers, Visitors, Residents, Municipal Assets and Public Property.

The policy will ensure that video surveillance technology is used only for safety and security purposes and conducted in a manner that is in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and other relevant legislation. This policy will assist the municipal departments that have identified an appropriate use for video surveillance technology in a manner that complies with MFIPPA, all other relevant legislation and records management requirements.

5. BACKGROUND

The Town of Cobourg acknowledges the need to strike a balance between the Municipality's responsibility to promote a safe and secure environment and to protect the privacy of individuals and supports the use of video surveillance technology to promote public safety and the security of the Municipality's assets and property in accordance with established standards and procedures.

6. ANALYSIS

On March 11, 2021, the Corporate Municipal Policy Review Team, reviewed the Draft Video Surveillance Policy and provided comment and suggested changes that are reflected in the draft policy that is attached to this report. As a result of the team's review, it was directed that the policy with suggested changes be added to the next Committee of the Whole Meeting Agenda.

This policy addresses key requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and provides guidelines and protocols governing video surveillance including:

- a. the designation of the Supervisor of Information Technology or designate as the responsible Staff for the Security Video Surveillance Policy;
- b. identifying roles and responsibilities for personnel responsible for policy implementation and governance, as well as, individuals using and maintaining Video Surveillance Equipment;
- c. identifying factors to be considered prior to implementing video surveillance including: factors to consider prior to using cameras, considerations when designing and installing video surveillance equipment, providing notice of the use of video surveillance through posted signs, designating who and under what conditions personnel are authorized to operate camera equipment, and providing obligations to personnel who have access to records;

- d. addressing issues related to the collection, use, disclosure, retention and destruction of recordings in accordance with the privacy requirements of MFIPPA and its Regulations;
- e. detailing procedures to facilitate access to records, including formal access requests and access for law enforcement purposes; and,
- f. providing a review clause indicating that the policy will be reviewed every two years by the Municipal Clerk who will forward recommendations for update, if any, to Town Council for approval.

It should be noted that with respect to the viewing and/or observing of any Video Surveillance footage, there are particular scenarios of when these can be released. This process will be conducted as follows:

Type of Request:

- a) Incident or Accident Requests;
- b) Law Enforcement Investigation (including case file number); and
- c) Municipal Freedom of Information Request.

Requests for copies of recorded surveillance images shall be logged in the Video Surveillance Footage Request system and must include sufficient detail to address the following:

- Contact Information, department, staff name, phone extension, e-mail address and date of request
- Date, time, description of event and camera location
- Circumstance justifying the disclosure

Unless otherwise established, the retention period for information that has not been viewed for the above noted types of request purposes shall be thirty (30) days for digital systems. Once the retention period is met, all tapes/files must be erased and reused or securely disposed of (shredded, burned or degaussed). The Town may use self-erasing, re-setting systems which are pre-set to a designated time period.

When recorded information has been viewed for the outlined specific reasons it will proceed through the process access to records procedure, the retention period shall be a minimum of one (1) year from the date of viewing. However, this information may be retained for a period longer than one year if legal action or prosecution which relies on this evidence is ongoing.

The Town will store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them.

Exemption:

These Guidelines do not apply to covert surveillance and other video surveillance used for law enforcement purposes by the Cobourg Police.

In those circumstances, either a statutory authority exists and/or the authority for the surveillance is lawfully obtained through a search warrant.

Covert surveillance is conducted through the use of hidden devices. If covert surveillance is not implemented pursuant to the conditions, extra diligence in considering the use of this technology is required. However, covert surveillance is beyond the scope of this policy.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no financial implications or budget impacts associated with the approval of this Corporate Policy.

8. CONCLUSION

THAT Council approve the Town of Cobourg Corporate Video Surveillance Policy to utilize video surveillance to ensure the security of individuals, assets and property.

Report Approval Details

Document Title:	Corporate Video Surveillance Policy - Corporate Services-044-21.docx
Attachments:	
Final Approval Date:	Mar 19, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Mar 19, 2021 - 1:28 PM