ADMINISTRATIVE PROCEDURE	
Approval Date **2015**	*Replacing* **All previous procedures**
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Contact Person/Department **Superintendent of Secondary Operations**	*Identification* **OP-6026**

VIDEO SURVEILLANCE

1.0 PURPOSE

Trillium Lakelands District School Board is committed to maintaining safe and secure environments for all individuals.

Video surveillance systems complement other means being used to promote and foster a safe and secure environment under the Education Act and The Safe Schools Act. Video surveillance systems are resources to:

a) Provide for the safety of students, staff, and community members;

b) Protect Board property against vandalism and theft (for example, by aiding in the identification of intruders).

2.0 REFERENCES/RELATED DOCUMENTS

2.1 The Education Act;
http://www.ontario.ca/laws/statute/90e02;

2.2 The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
http://www.ontario.ca/laws/statute/90f31;

2.3 Guidelines for Using Video Security Surveillance Cameras in Schools
https://www.ipc.on.ca/images/Resources/vidsch-e.pdf

2.4 Guidelines for the Use of Video Surveillance Cameras in Public Places
https://www.ipc.on.ca/images/Resources/up-3video_e_sep07.pdf

2.5 Freedom of Information and Protection of Privacy Act (FIPPA)
http://www.ontario.ca/laws/statute/90f31

2.6 Privacy and Information Management Taskforce Toolkit, Video Surveillance Guidelines
http://pimedu.org/files/toolkit/PIMprotection9.pdf
http://laws-lois.justice.gc.ca/eng/acts/P-8.6/index.html

2.7 Code of Conduct - OP-6021
Freedom of Information and Protection of Privacy - BD-2031
Privacy Information Management (PIM) - BD-2121
Records Retention - BD-2036
Transportation Procedure – BU3026
http://tldsb.ca/board/policies-and-procedures/

3.0 TERMS AND DEFINITIONS

3.1 PERSONAL INFORMATION

Recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex and age (as per Section 2, MFIPPA).

3.2 RECORD

Any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

3.3 VIDEO SURVEILLANCE SYSTEM

Refers to a video, physical or other mechanical, electronic, wireless or digital surveillance system or device that enables continuous or periodic video recording or monitoring of individuals on Board property, in Board premises or on school busses.

3.4 RECEPTION EQUIPMENT

Refers to the equipment or device used to receive, whether wired or wirelessly, 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.

3.5 STORAGE DEVICE

Refers to a digital video recorder, computer disk or drive, CD ROM, DVD, computer chip, videotape or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

4.0 ADMINISTRATIVE PROCEDURE

The Director of Education is responsible for the overall Board video surveillance program. Unless and until otherwise delegated by the Director, the following personnel shall have the following responsibilities:

4.1 SENIOR MANAGER OF INFORMATION COMMUNICATION TECHNOLOGY AND SENIOR MANAGER OF FACILITY SERVICES RESPONSIBILITIES

a) Compliance with Board policy and procedure regarding video security surveillance within the system, along with the technical aspects of the video surveillance and coordination of related audits.

b) The life-cycle management of authorized video surveillance systems, including specifications, equipment standards, installation, maintenance, replacement, disposal and related requirements (such as signage) and principal/administration/delegate training at Board sites.

4.2 FREEDOM OF INFORMATION (FOI) OFFICER RESPONSIBILITIES

Responsibility for the Board's privacy obligations under MFIPPA, and this policy and procedure.

4.3 PRINCIPAL/ADMINISTRATOR/DELEGATE RESPONSIBILITIES

a) To provide information and otherwise participate in the process for planning and implementing new school video surveillance technology.

b) Responsibility of the day-to-day operation of the video surveillance system, in accordance with this policy and procedure and additional direction/guidance, which may be issued from time to time.

4.4 EMPLOYEES AND SERVICE PROVIDERS

The Board will maintain control of, and responsibility for the Video Surveillance Systems at all times. Board employees will have access to video surveillance information only where necessary in the performance of their duties and in accordance with the following procedures.

4.4.1 Employees and service providers are expected to review and comply with MFIPPA, this policy and procedure, in performing any duties and functions that are related to the operation of the video surveillance program.

4.4.2 Employees who knowingly or deliberately breach MFIPPA, this policy or accompanying procedure may be subject to discipline up to and including dismissal. Service providers that knowingly or deliberately breach MFIPPA or this policy and procedure may be found to be in breach of their respective contracts leading to penalties up to and including contract termination.

4.4.3 Written agreements between the Board and service providers shall be drafted to incorporate appropriate penalties for breaches of privacy. They shall also state that the records dealt with or created while delivering a video surveillance program are under the Board's control and subject to MFIPPA, and this policy and accompanying procedure.

4.5 THIS PROCEDURE IS NOT INTENDED TO ADDRESS OR APPLY TO:

4.5.1 Instances where school staff videotape a specific event (such as a school fun fair or graduation ceremony);

4.5.2 Instances where a classroom is videotaped for educational or research purposes (e.g. where a student teacher is required to record his or her lesson as part of an assignment for a work placement);

4.5.3 The initiation and use of video surveillance for strictly employment-related purposes and the examination and use of video surveillance evidence for employment-related purposes;

4.5.4 The initiation and use of covert surveillance on Board premises, which is prohibited unless approved by the Director of Education.

4.6 COLLECTION OF PERSONAL INFORMATION USING A VIDEO SURVEILLANCE SYSTEM

Video Surveillance Systems, by their very nature, collect personal information about identifiable individuals. The Board has determined that it has the authority to collect personal information by means of video surveillance as the collection is a necessary part of the Board's statutory obligation within the Education Act to provide a safe and secure environment for students, staff and school community.

4.7 PLANNING CONSIDERATIONS FOR A VIDEO SURVEILLANCE SYSTEM

The Board will install video surveillance systems in schools based on a demonstrable need, and the availability of funds, and in consultation with the school's Principal, School Council, and Supervisory Officer. The Board will consider all best practices stated in the Information and Privacy Commissioner/Ontario's Guidelines for Using Surveillance Cameras in Schools in planning for new or expanded school video surveillance system.

4.8 DESIGN, INSTALLATION, AND OPERATION OF A VIDEO SURVEILLANCE SYSTEM

In designing, installing and operating a video surveillance system, the Board will consider the following:

4.8.1 Reception equipment such as video cameras, will only be installed in identified public areas where necessary and proportionate to identified concerns. The equipment will operate up to 24 hours/seven days a week, within the limitations of power disruptions and serviceability/ maintenance.

4.8.2 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 buildings or onto adjacent private property.

4.8.3 If cameras are adjustable by operators, this will be restricted, if possible, so that operators cannot adjust or manipulate them to

overlook spaces that are not intended to be covered by the video surveillance program.

4.8.4 Equipment shall never monitor areas where the students, staff, and the public have an especially high expectation of privacy, including but not limited to change rooms and washrooms.

4.8.5 The Board will have signage in place that adheres to section 29(2) of MFIPPA which requires that institutions inform individuals of the legal authority for the collection of personal information; the principle purpose(s) for which the personal information is intended to be used, and to contact the school office or the title, business address and, telephone number of the Board's Freedom of Information Officer to address questions regarding the MFIPPA requirements with regard to video surveillance.

4.8.6 Video monitors shall not be placed in a position that enables public viewing. Only personnel authorized in writing by the principal of the school or the administrator/manager of the facility, shall be permitted access to the recording equipment.

4.8.7 The Senior Manager of Facility Services will be responsible for ensuring that an annual preventative maintenance program for reception and recording equipment will include image refocusing and lens cleaning while ensuring that the equipment is operating properly and in accordance with the manufacturers' specifications.

4.9 ACCESS, USE, DISCLOSURE, RETENTION, SECURITY, AND DISPOSAL OF RECORDS

4.9.1 Any information obtained through use of video surveillance systems may only be used for the purpose set out in this procedure and for the goals noted above, in section 1.0 PURPOSE:

a) provide for the safety of students, staff, and community members;

b) protect Board property against vandalism and theft (for example, by aiding in the identification of intruders).

4.9.2 Video surveillance systems shall not be used for monitoring staff performance.

4.9.3 Review of recorded information for the purposes set out above will be done in accordance with the following procedures:

(a) Access to the storage devices should only be by authorized personnel. In order to enable a proper audit trail, all instances of access to, and use of, recorded

material should be recorded in an "Access to and Viewing of Recorded Material Log" (refer to attached Appendix 5.1).

(b) The following procedures on the use and retention of recorded information will be adhered to:

(i) Only the principal/designated administrator (vice-principal or designated administrative assistant) may review the information;

(ii) 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/designated administrator;

(iii) The retention period for recorded information that has not been used for law enforcement, or for school or public safety purposes shall be thirty (30) calendar days in the case of digital systems, and seven (7) calendar days in the case of videotape cassette systems. These timeframes are based on experience, risk assessment, privacy considerations, and equipment capabilities;

(iv) When recorded information has been viewed for law enforcement, or for school or public safety purposes, the retention period shall be one (1) year from the date of viewing. Section 5 of Ontario Regulation 823 under MFIPPA requires that personal information that has been used must be retained for one (1) year.

(c) 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 labelled with a unique, sequential number. For this purpose, a "Storage Device Retention Log" is to be used (see attached Appendix 5.2).

(d) The Board will store and retain storage devices required for evidentiary purposes according to standard procedures. A "Storage Device Release Form" will be completed before any storage device is disclosed. This form will indicate who took the storage device, under what authority, the date on which this occurred, and whether it will be returned or destroyed after use. This activity will be subject to audit (refer to attached Appendix 5.3).

(e) Old storage devices 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. When disposal is completed, the "Device Disposal" section of the "Storage Device Retention Record" shall also be completed (refer to attached Appendix 5.2).

(f) Any student, staff member or member of the public that has been recorded in a video surveillance system has a general right of access to his or her personal information under section 47 of MFIPPA. Although this right is recognized, it is not absolute, as there are exceptions.

(i) Under subsection 38(b) of MFIPPA, there is discretionary power to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy; in such a case, access to an individual's own personal information may depend upon whether any exempt information can be reasonably severed from the record;

(ii) If the disclosure could, among other things, be reasonably expected to:

1) interfere with a law enforcement matter;
2) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
3) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;
4) endanger the life or physical safety of a law enforcement officer or any other person.

(iii) Under section 5.1 of Ontario Regulation 823 (of MFIPPA), if an application is a frivolous or vexatious request, which would occur only in very rare circumstances if:

1) In the opinion of the Director, on reasonable grounds, 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;
2) In the opinion of the Director, on reasonable grounds, the request is made in bad faith or for a purpose other than to obtain access.

(iv) Principals /designated administrators will respond to any inadvertent disclosures of personal information based on direction provided by the FOI Officer. Any

breach of MFIPPA shall be reported to the FOI Officer.

4.10 TRAINING

Where applicable and appropriate, this procedure will be incorporated into training and orientation programs of the Board and service providers. Training programs addressing staff obligations under MFIPPA shall be conducted as necessary.

4.11 AUDITING AND EVALUATING THE USE OF A VIDEO SURVEILLANCE SYSTEM

4.11.1 The Board will ensure that the use and security of equipment used in each video surveillance system is subject to regular audit. The audit will address the Board's operational compliance with this policy and procedure. An external body may be retained in order to perform the audit. The Board will endeavour to address any deficiencies or concerns identified by the audit as soon as possible.

4.11.2 Employees and service providers should be aware that their activities are subject to audit and that they may be called upon to justify their surveillance interest in any given individual.

4.11.3 The Board should regularly review and evaluate its video surveillance program in order to ascertain whether it is still justified in accordance with the requirements listed in section 28(2) of the Municipal Act. This should include an assessment of whether the deployment of cameras at a particular school remains justified in accordance with the Act.

5.0 APPENDICES

5.1 Access to and Viewing of Recorded Material Log
5.2 Storage Device Retention Log
5.3 Storage Device Release Form

Trillium Lakelands DISTRICT SCHOOL BOARD

Video Surveillance Procedure
OP-6026 Appendix 5.1

ACCESS TO AND VIEWING OF RECORDED MATERIAL LOG

Today's Date	Date Viewed	Time Viewed	Camera # / Location	Viewed By	Circumstances for Viewing

SCHOOL FACILITY: _____

Trillium Lakelands DISTRICT SCHOOL BOARD

Video Surveillance Procedure
OP-6026 Appendix 5.2

STORAGE DEVICE RETENTION LOG

STORED DEVICE					DEVICE DISPOSAL		
Date Stored	Device I.D.#	Type of Device	Secured Storage Location		Method of Disposal / Reason	Date & Time of Disposal	Signature / Name (Print)
				1			
				2			
				3			
				4			
				5			
				6			
				7			
				8			

SCHOOL FACILITY: _____

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Trillium Lakelands DISTRICT SCHOOL BOARD

STORAGE DEVICE RELEASE FORM

Name of School:			
Date:	Time:	Storage Device ID#	
Camera Location:			
Date of Incident:	Time Frame of Incident:		
Type of Device:			
Name of authorized TLDSB:			
Individual Releasing Material:			
Signature:			
Position:			
Name of Individual taking custody of storage device:			
Signature:	Officer ID/Badge #:	Organization & Telephone No.:	
Position:			
Purpose or Reason for Release:	❒ To be returned to School/Facility of Origin Confirmation of receiving: Name: _____ Signature:_____ ❒ To be destroyed ❒ Other – Specify: _____		

An Individual Storage Device Release Form is to be completed for each device to be released.