



BY-LAW NO 2024-10

BEING A BY-LAW TO ADOPT A VIDEO MONITORING POLICY
FOR THE TOWNSHIP OF BILLINGS

WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

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;


AND WHEREAS the Township of Billings deems it expedient to establish policies;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BILLINGS ENACTS AS FOLLOWS:


- 1.0 THAT the Corporation of the Township of Billings hereby adopts a Video Monitoring Policy as attached as Schedule 'A' and forming part of this By-Law.
- 2.0 THIS By-Law shall come into full force and effect upon final passage.
- 5.0 THIS By-Law may be cited as "Video Monitoring Policy By-Law"

READ a FIRST and SECOND TIME this 20th day of February, 2024

READ a THIRD TIME and FINALLY PASSED this 20th day of February, 2024



Bryan Barker, Mayor



Emily Dance, CAO/Clerk

Policy –Video Monitoring Policy

By-Law No: 2024-10

Revision:

Date: February 20, 2024

Coverage

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

Policy Statement

The Township of Billings is committed to the on-going protection of the health and safety of its employees, rate-payers, 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.

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)

1. Contents

Purpose

The purpose of the 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 MFIPPA and any other relevant legislation.

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. Scope

This policy applies to all properties and facilities owned, leased and administered by the Township of Billings and to all employees, including temporary, contract, elected officials,

appointed to boards and committees, volunteer and any individual retained by the Township or to act on the Township's behalf.

3. Definitions

In this policy:

"Facility" means any building or land that is occupied and administered by the Township of Billings;

"Property" means any building or land that is occupied and administered by the Township of Billings;

"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 video tape, computer disc or drive, compact disk, 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" refers to a video, physical or other mechanical, electronic, digital or wireless monitoring system or device that enable 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. Use of Video Monitoring System

Video monitoring systems are installed in facilities where a need has been identified by the supervisor, manager or CAO/Clerk for the facility and funding has been approved.

5. Installation of Video Monitoring Cameras

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 behaviour and activity in assisting in maintain a safe and secure environment. Cameras also allow for effective means to which to manage operations and to remotely address issues such as security alarms that have ben activated.

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 the 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, changerooms 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 supervisor responsible for the facility in which the video monitoring equipment is located in consultation with the CAO/Clerk.

5.4 Maps and Floor Plans for Video Monitoring Cameras

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

6. 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 supervisor of a facility in which 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 to of the public or other unauthorized persons to view live video monitoring recordings.

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

7. 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 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. Record Management

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

8.1 Retention of Video Monitoring Recordings

The retention period for video monitoring recording 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 CAO/Clerk 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 CAO/Clerk.

9. Access

9.1 Access Restrictions

In accordance with MFIPPA 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 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 CAO/Clerk.

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

Requests for access to recording 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:

- 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 their 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, supervisors may contact the CAO/Clerk directly requesting access to a video record. A written "Request to Access Video Monitoring Records" form will subsequently be submitted in a timely manner.

10. Ownership of Video Monitoring Recordings

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

10.1 Unauthorized Access and/or Disclosure

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

The CAO/Clerk will report any breaches or privacy and unauthorized viewing or disclosure and 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.



**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 Billings

I, _____ of the _____
(Name) (Police Service)

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 _____ after use by the agency.

Signature

Date

Return completed original forms to the CAO/Clerk of the Township of Billings, 15 Old Mill Road, Kagawong, ON

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 the release of video surveillance record to law enforcement agency. Questions about the collection may be addressed to the Deputy Clerk of the Township of Billings 15 Mill Road, Kagawong (705) 282-2611.



Appendix 'B' – Review of Record by Staff Form
RELEASE OF RECORD TO TOWNSHIP STAFF

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

TO: The Township of Billings

I, _____ of the _____
(Name) (Department)

Request a copy of the following record(s):

Time Period: _____ to _____

Township Facility _____

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

Describe the circumstances

Signature

Date

Return completed original forms to the CAO/Clerk of the Township of Billings, 15 Old Mill Road, Kagawong, ON

Review Approved _____ 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 the release of video surveillance record to a staff member. Questions about the collection may be addressed to the Deputy Clerk of the Township of Billings 15 Mill Road, Kagawong (705) 282-2611.