CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO
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ADMINISTRATIVE PROCEDURE

1.0 Purpose:

To provide a safe and secure environment for the students and staff and to prevent asset loss or destruction, the Catholic District School Board of Eastern Ontario will install and maintain video surveillance systems where required.

The installation and maintenance will be in accordance with the Ontario Education Act, The Municipal Freedom of Information and Protection of Privacy Act, and Guidelines for using Video Security Surveillance in Schools – December 2003 provided by the Information and Privacy Commissioner/Ontario.

2.0 Responsibilities

2.1 Director of Education – The Director of Education is responsible for the overall Board video security surveillance program.

2.2 Manager of Plant and Maintenance – The Manager of Plant and Maintenance, through the Superintendent of Business, is responsible for the life-cycle management of authorized Facility video security surveillance systems (specifications, equipments standards, installation, maintenance, replacement, disposal, and related requirements (e.g. signage) and Principal training at Board sites. The Manager of Plant and Maintenance is also responsible for the development and review of the policy and supporting guidelines along with the technical aspects of the video security surveillance systems and the coordination of related audits.

2.3 Manager of Transportation and Assessment – The Manager of Transportation and Assessment, through the Superintendent of Business, is responsible for the life-cycle management of authorized Transportation video security surveillance systems (specifications, equipment standards, installation, maintenance, replacement, disposal, and related requirements (e.g. signage) and Service Provider training.

2.4 Superintendent of Business – The Superintendent of Business is the staff member responsible for the Board's privacy obligations under the Acts and the policy.

2.5 Principal – The Principal of a school/site having a video security surveillance system is responsible for the day-to-day operation of the system in accordance with the policy, guidelines, and direction/guidance that may be issued from time-to-time.

2.6 Board Solicitor – The Board Solicitor is responsible for the provision of legal advice related to the Board's obligations under the Acts.

3.0 Planning Criteria for Video Security Surveillance Systems

3.1 A video security surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable (i.e.: supervision, use of existing security devices) or when a situation exists which the equipment would enable the ability to respond to a compromise of student safety.

3.2 Video surveillance should only be used where conventional means for achieving the same law enforcement or public safety objectives are substantially less effective than surveillance or are not feasible, and the benefits of surveillance substantially outweigh the reduction of privacy inherent in collecting personal information using a video surveillance system.

3.3 The acquisition, installation, and operation of individual video security surveillance systems should be justified on the basis of verifiable, specific reports of incidents of crime, vandalism, or significant safety concerns.

3.4 An assessment should be conducted of the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated.

3.5 The School Principal shall conduct consultations with relevant stakeholders as to the necessity of the proposed video security surveillance system program at the school/facility/school bus.

3.6 Plant and Maintenance will endeavour to ensure that the proposed design and operation of the video security surveillance system in Facilities minimizes privacy intrusion to that which is absolutely necessary to achieve its required, lawful goals.

3.7 Transportation and Assessment will endeavour to ensure that the proposed design and operation of the video security surveillance system in Buses minimizes privacy intrusion to that which is absolutely necessary to achieve its required, lawful goals.

3.8 The Superintendent of Education, School Principal, Plant and Maintenance or Transportation Services will present proposals for all new video surveillance systems to the Director of Education and the Superintendent of Business recommending when they are deemed appropriate and meet the Board Policy and all relevant acts and regulations. It will then be at the discretion of the Director of Education presented to the Board for approval.

3.9 Any agreements between the Catholic District School Board of Eastern Ontario and Service Providers must indicate that all video surveillance programs are under the Board's control and are subject to this Policy.

3.9.1 A service Provider who is considered to be in breach of this Policy and the Act may lead to penalties and up to the termination of the contract.

3.9.2 An employee of a Service Provider must sign a written agreement regarding their duties and confidentiality under this Policy and Act.

4.0 The design, Installation and Operation of Video Security Surveillance Equipment

4.1 Reception equipment such as video cameras, or audio or other devices should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity (entrances, exits, general purpose areas, corridors, classrooms, labs, shops, offices, receiving areas, parking lots and exterior building perimeter). The equipment will operate up to 24 hours/seven days a week, within the limitations of system capabilities (e.g. digital tape), power disruptions and serviceability/maintenance.

4.2 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 properties.

4.3 If cameras are adjustable by operators, this should 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.

4.4 Equipment will not monitor the inside of areas where the students, staff, and the public have a higher expectation of privacy (e.g. change rooms and washrooms).

4.5 Clearly posted notification will be prominently displayed at various locations such as entrances, exterior walls, and/or the interior of buildings having video security surveillance systems, shall provide students, staff, and the public reasonable and adequate warning that video surveillance is in effect. Signage will satisfy the notification requirements under section 39(2) of the Provincial Act and section 29(2) of the Municipal Act which include informing individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used and the title, business address and telephone number of someone who can answer questions about the collection. This information can be provided at the location on signage and/or by other means of public notification such as

pamphlets. Principals will be the Point-of-Contact for schools, the Manager of Transportation Services will be the point of contact for busing and the Manager of Plant and Maintenance will be the Point-of-Contact for non-school facilities.

4.6 The Board will endeavour to be as open as possible about the video security surveillance program in operation and upon request, will make available to the public, information on the rationale for the video surveillance program.

4.7 Reception equipment should be kept in a strictly controlled access area. Only controlling personnel, or those properly authorized in writing by those personnel, should have access to the controlled access area and the reception equipment. Video monitors should not be in a position that enables public viewing.

5.0 Access, Use, Disclosure, Retention, Security and Disposal of Video Surveillance Records

5.1 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 labeled with a unique, sequential number or other verifiable symbol. Access to the storage devices should only be by authorized personnel. Logs should be kept of all instances of access to, and use of, recorded material to enable a proper audit trail.

5.2 PROCEDURES ON THE USE AND RETENTION OF RECORDED INFORMATION

5.2.1 Only the appropriate School Superintendent, Principal, Transportation and Assessment Manager, Superintendent of Human Resources, Superintendent of Business ,Manager of Plant and Maintenance and a delegated Alternate (or designate to any of the above positions, by name and position e.g. Vice-Principal or another Principal or Board personnel) may review the information. 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 and/or Manager of Plant and Maintenance to a very limited number of individuals.

Although the purpose is not to evaluate performance or discipline, the Board would be obligated to act if a staff member was seen on camera performing in an inappropriate way; not to do so would be negligent behaviour on behalf of the Board.

5.2.2 The retention period for information that has not been viewed for law enforcement, school or public safety purposes shall be thirty (30) calendar days or limited to the storage capacity of the Digital Recorder for digital systems and seven (7) calendar days for video-

tape cassette systems. Recorded information that has not been used in this fashion, within these timeframes, is then to be routinely erased in a manner in which it cannot be reconstructed or retrieved.

5.2.3 When recorded information has been viewed for law enforcement or school/public safety purposes the retention periods shall be one (1) year from the date of viewing. If personal information is used for this purpose, section 5 (1) of Ontario Regulation 460 under the provincial Act requires the recorded information to be retained for one year.

5.3 School/Sites/Service Providers will store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them. A storage device release will be completed before any storage device is disclosed to appropriate authorities. The form will indicate who took the device, under what authority, when this occurred, and if it will be returned or destroyed after use. This activity will be subject to audit.

5.4 Old storage devices (video tape, digital media) 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. The Storage Device Disposal Record is to be completed by appropriate personnel as outlined in section 5.2.1.

5.5 An individual whose personal information has been collected by a video surveillance system has a right of access to his or her personal information under section 47 of the provincial Act and section 36 of the municipal Act. An individual or their agent may have access to one's own personal information, in whole or in part, unless an exemption applies under section 49 of the provincial Act or section 38 of the municipal Act. Access to an individual's own personal information in these circumstances may also depend upon whether any exempt information can be reasonably severed from the record. One exemption that may apply is contained in subsection 38(b) of the municipal Act, which grants the heads of institutions the discretional power to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy. The confidentiality of all parties must be protected. Permission from other parties must be sought or enhancements must be made to the video to block the identity of other parties.

5.6 The application of the frivolous or vexatious request provisions of the municipal Act would occur in very rare circumstances. It can be concluded that a request for access to a record or personal information is frivolous or vexatious if:

5.6.1 The opinion is, on reasonable grounds, that 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

5.6.2 The opinion is, on reasonable grounds, that the request is made in bad faith or for a purpose other than to obtain access.

5.7 Principals will respond to any inadvertent disclosures of personal information based on direction provided by the Privacy Officer. Any breach of the Acts shall be reported to the Privacy Officer.

6.0 Training

6.1 Training programs addressing staff obligations under the Act shall be conducted as necessary.

7.0 Superintendent of Business will ensure that the use and security of video surveillance equipment is subject to regular audits. The audit will address the Board's compliance with the operational policies, guidelines and procedures. An external body may be retained in order to perform the audit. The Board will endeavour to address immediately any deficiencies or concerns identified by the audit. 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. Plant and Maintenance and Transportation Services respectively will regularly review and evaluate its video surveillance program to ascertain whether it is still justified in accordance with the requirements in Section 4. This evaluation shall occur at least once every two years and will include the review/update of the policy and the guidelines.

8.0 Covert Surveillance

8.1 Covert operations may be initiated by the Board with the knowledge of Senior Administration.

8.2 A comprehensive assessment shall be conducted to evaluate the privacy impacts associated with the implementation of such a program.

8.3 All Covert Surveillance will be time-limited.

8.4 The purpose of the assessment is to ensure that covert surveillance is the only available option under the circumstances and that the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed.

8.5 The surveillance equipment will be removed as soon as the case has been resolved or converted to a full notification system as per the steps outlined above in this document.

8.6 Covert Surveillance applications must be directed to the Director of Education for approval and clearly describe the rationale and the timelines for such an action to be taken.

9.0 Definitions

9.1 **Personal Information** is defined as recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, nationality or ethnic origin, sex and age. If a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the Acts.

9.2 **Record** is defined as any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record.

9.3 **Video Surveillance System** is defined as a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces on Board property. The Information and Privacy Commissioner/Ontario includes in the term video surveillance system an audio device, thermal imaging technology, or any other component associated with capturing the image of an individual.

9.4 **Reception Equipment** is defined as equipment or device(s) used to receive 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.

9.5 **Storage Device** is defined as a videotape, computer disk or drive, CD ROM, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

<u>REFERENCES</u>

1.0.0 The Education Act
1.1.0 The Freedom of Information and Protection of Privacy Act
1.2.0 The Municipal Freedom of Information and Protection of Privacy Act
Guidelines for Using Video Security Surveillance Cameras in Schools – December 2003