

Closed Circuit Television Systems Setup and Monitoring Policy

Risk and Emergency Management

Part 1: Purpose and scope:

1. The purpose of this policy is to establish parameters for the usage of closed circuit television (“CCTV”) systems owned by the Risk and Emergency Management Division of the City of Vancouver (“REM”).
2. This policy deals with the usage of CCTV systems for events, operations or projects of a short-term nature, and does not authorize the long-term or permanent installation of CCTV systems.

Part 2: Responsibility for policy:

3. REM is responsible for
 - a. implementing this policy and keeping it current to ensure that it meets the needs of the City of Vancouver,
 - b. ensuring, in consultation with the Manager, Corporate Information and Privacy, that the implementation of this policy does not violate the terms of the *Freedom of Information and Protection of Privacy Act* or any other laws, or by-laws of the City of Vancouver, and
 - c. reporting breaches of this policy to the Manager, Corporate Information and Privacy.

Part 3: Definitions:

4. “Personal information” means information about an identifiable individual.
5. Personal information is “collected” as soon as it is captured on camera, even if it is not recorded.
6. “Law enforcement” means
 - a. policing, including criminal intelligence,
 - b. investigations that lead or could lead to a penalty or sanction being imposed, or
 - c. proceedings that lead or could lead to a penalty or sanction being imposed.

7. "Planning" means the development of designs or procedures for engineering, City planning, property development, traffic management or related purposes.

Part 4: Proposals for system usage:

8. Written proposals to install and use CCTV systems may be made by any of the following:
 - a. any department of the City of Vancouver,
 - b. the Vancouver Board of Parks and Recreation,
 - c. the Library Board, and
 - d. the Vancouver Police Department,and the agency that makes the proposal will be referred to as the "Lead Agency".
9. REM must receive all proposals for use of CCTV systems no later than two weeks prior to the required date for use of the systems. In the case of complex multiple camera proposals, the time must be increased to allow for proper "zoning" and restricting of the cameras.
10. Notwithstanding anything in this Part, REM may authorize the immediate installation and/or activation of CCTV systems for the purpose of aiding in an emergency, such as a natural or man-made disaster, civil unrest, or any other unforeseen event involving a risk of significant harm to the environment or the health or safety of the public. After the emergency, the Lead Agency must provide REM with a written report containing the information listed in section 11.
11. All proposals for CCTV system usage must provide the following information:
 - a. what is the problem/problems that the use of the CCTV systems is expected to alleviate, and why other measures could not address this problem/these problems,
 - b. when and where the CCTV systems will be used,
 - c. what information will be collected using the CCTV systems,
 - d. how the information collected using the CCTV systems will be used,
 - e. who will have access to the information collected using the CCTV systems,
 - f. whether Personal Information is to be collected using the CCTV systems, and, if so,

- i. what is the legal authority to collect this Personal Information, and
 - ii. how the benefits will outweigh any privacy invasion resulting from the collection.
12. REM will evaluate each proposal on a case-by-case basis and will not approve these proposals unless all of the following criteria are met:
 - a. the Manager, Corporate Information and Privacy is satisfied that the proposal does not violate the terms of Part 3 of the *Freedom of Information and Protection of Privacy Act*, and
 - b. REM is satisfied that the proposal represents a cost-effective and reasonable use of the CCTV systems and of staff resources.
13. REM may impose restrictions upon the use of the CCTV systems to ensure that the above criteria are met. While the CCTV systems are in use, REM retains authority to alter these restrictions, or discontinue the use of the systems, to ensure that the above criteria are being met. REM is not responsible for damages resulting from its decision to restrict or discontinue the use of its CCTV systems.
14. REM may require the Lead Agency to defray expenses incurred by REM in the course of installing and operating the CCTV systems.

Part 5: Permissible uses of the CCTV systems:

15. REM will only permit the CCTV systems to be used for the following purposes:
 - a. Planning,
 - b. Law Enforcement, or
 - c. a combination of Planning and Law Enforcement.
16. Where CCTV systems are used exclusively for a Planning purpose, REM will set up the systems in such a way that there is no reasonable possibility that they can be used to identify individuals, license plates or any other Personal Information. This will be done by placing restrictions and system lockouts to ensure that the pan, tilt and zoom capabilities of the CCTV cameras do not exceed what has been authorized for the particular event. (This will include “zoning” black out areas and restricting the level of focused zoom available).
17. Where CCTV systems are used exclusively for a Law Enforcement purpose, or for mixed Planning and Law Enforcement purposes, REM will set up the systems in such a way that they can be used to collect only as much Personal Information as is required for the Law Enforcement purpose. REM will ensure that there is no reasonable possibility that the systems can be used to collect any unauthorized Personal Information.

18. REM will ensure that the CCTV system parameters it establishes cannot be modified by employees of the Emergency Operations Centre, Lead Agency, or any unauthorized persons. REM cannot delegate authority to modify these system parameters to the Emergency Operations Centre or Lead Agency.

Part 6: System operation:

19. Once approved for use by REM, the CCTV system will be installed in the desired location and will be left in a deactivated state until the event or incident being monitored commences. In the case of an emergency the system will be activated immediately on installation.
20. The CCTV system will be deactivated immediately after the completion of the event being monitored, and the microwave signal to the Emergency Operations Centre will be disabled.
21. The CCTV system will be removed and stored as soon as is practicable following the event. In the case of multiple events occurring within a few days of each other, the camera may remain mounted but the data and microwave links will be disabled to prevent monitoring until the event commences.
22. The CCTV system will at all times be controlled and operated by a civilian employee of REM or the Lead Agency, who will operate the equipment as stipulated in the conditions of use for the event.
23. During CCTV operations, no visitors or transient staff not assigned to the event will be permitted entry into the operations room. REM will make all other reasonable security arrangements to ensure that the signal from the CCTV system cannot be monitored by unauthorized individuals.

Part 7: Public notification:

24. For planned public events where CCTV systems will be collecting Personal Information, REM will ensure that a notice is published through the media advising the public that they may be monitored while at the event. This notice will include
 - a. the purpose for collecting the Personal Information,
 - b. the legal authority for collecting it, and
 - c. the title, business address and business telephone number of one or more employees of the City of Vancouver who can answer questions about the collection.

Part 8: Access to information:

25. Except as required by law, only the following individuals will be given access to the information collected by the CCTV systems:

- a. authorized REM employees,
- b. authorized Emergency Operations Centre employees, and
- c. authorized employees of the Lead Agency.

Part 9: Use of Personal Information:

26. Personal Information collected by the CCTV systems will only be used for the purposes set out in the proposal of the Lead Agency. As an exception to this rule, notwithstanding the purpose for which it was collected, Personal Information may always be used, or disclosed to a law enforcement agency in Canada, for a Law Enforcement purpose.

Part 10: Recording and retention of information:

27. The information collected by the CCTV system will be recorded during the event being monitored. The method of recording will be SVHS tape, or another recording medium that enables thorough erasure and destruction of the information post event.
28. All tapes will be labeled with a unique identification number and will be kept in a secure, locked cabinet pending destruction.
29. Tapes not containing Personal Information, such as tapes showing traffic flows, will be retained until the desired information has been assessed.
30. Tapes containing Personal Information will be retained for 30 days unless a longer retention period is required by a search warrant or court order.
31. As soon as possible after the expiration of the retention period, the tape will be erased following commercial standards and then shredded. Destruction of tapes will be done by an employee of REM or the Lead Agency, and will be witnessed by another REM employee.

Part 11: Documentation:

32. REM will maintain a log containing the following information:
 - a. details of the proposal and approval process,
 - b. public notice given,
 - c. times CCTV systems were used and areas that were monitored,
 - d. list of tapes destroyed, with names of the persons destroying and witnessing destruction of the tapes,
 - e. list of tapes seized by warrant or released for any other reason, and

- f. a copy of any reports of investigations into breaches of this Policy, as described in Part 12.
33. REM will retain the log for one year in a secure location.
34. The log and all related documentation will only be released to the public through the freedom of information process, unless otherwise required by law. Before releasing the documentation, the Manager of Corporate Information and Privacy will remove any information that is excepted from disclosure under the *Freedom of Information and Protection of Privacy Act*, eg. Personal Information and information that may harm a Law Enforcement matter.

Part 12: Breach of Policy:

35. REM will monitor the use of its CCTV systems to ensure that this Policy is not being breached.
36. Complaints about breaches of this Policy may be made to the REM or the Manager, Corporate Information & Privacy, who will jointly carry out an investigation.
37. The identities of complainants will not be disclosed except with the consent of the complainant or as required by law.
38. After their investigation, REM and the Manager, Corporate Information & Privacy will prepare a written report that contains:
- a. findings of fact,
 - b. recommendations aimed at ensuring that the Policy will be followed in future, and
 - c. any conditions that will be applied to future proposals for use of CCTV systems.
39. The report referred to in the previous section will be provided to the Lead Agency, the City Manager and the complainant (if any).