

PROCEDURE

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TITLE: Process for Video Surveillance APPROVAL DATE: September 23, 2021

POLICY: 807, Video Surveillance REVISION DATE:

SECTION: Protective Services

RESPONSIBLE

DEPARTMENT: Legislative Services

1. PURPOSE

The objective of Video Surveillance System in City facilities and public areas is to:

- (a) Protect employees and the public;
- (b) To identify and/or apprehend individuals who are committing crimes against both persons and/or property; and
- (c) To discourage individuals who may be considering committing crimes.

The Video Surveillance System may also be used to assist in the investigation of certain types of occupational health and safety violations.

2. BACKGROUND

This Procedure has been developed to govern and ensure Video Surveillance compliance in accordance with the *Freedom of Information and Protection of Privacy Act*, RSA 2000, chapter F-25 (the "**FOIP Act**"), as amended from time to time, the Video Surveillance <u>Policy 807</u> and the Access to Information and Protection of Privacy ("**AIPP**") <u>Policy 500</u>.

Personal Information as defined in Section 1(n) of the FOIP Act may only be collected, used, and disclosed in accordance with the provisions of the FOIP Act.

3. COLLECTION

Sections 33(b) and (c) of the FOIP Act sets out the conditions under which personal information may be collected. This section states that:

- "33. No personal information may be collected by or for a public body unless
 - (b) That the information is collected for the purposes of law enforcement; or
 - (c) That the information relates directly to and is necessary for an operating program or activity of the public body."

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At least one of these conditions must be met in order for the City to have the legal authority to collect personal information.

4. INSTALLATION AND COLLECTION STANDARDS

Only the following individuals shall have access to the installation of video surveillance systems, handling of the video surveillance systems or storage devices:

- (a) Delegated City employees;
- (b) Third-party service providers; or
- (c) Building Manager or delegate.

Continuous video surveillance shall be restricted to building entry points unless additional locations meet one or more of the following criteria:

- (a) Areas where there is a pattern of occurrence of incidents;
- (b) Storage yards that contain the City's owned equipment;
- (c) High traffic patron activity locations (common publicly accessible spaces);
- (d) Restricted areas with or without secured access;
- (e) Hazardous areas: or
- (f) Surveillance in isolated areas for health and safety reasons.

Continuous video surveillance system is prohibited in areas where employees and members of the public have a higher expectation of privacy, including, but not limited to change rooms and washrooms.

Video surveillance system will be installed in such a way that it only monitors those areas that have been identified as requiring video surveillance system and will not be directed to look through the windows of adjacent buildings. If the surveillance area of a camera can be adjusted remotely by an authorized operator, the camera's movement shall be restricted so that operators are prohibited from adjusting or manipulating them to overlook spaces that are outside of the intended area to be covered by the video surveillance system.

Consideration is given to the use of motion detectors to limit the time when the video surveillance system is in operation.

5. NOTIFICATION

The FOIP Act requires that individuals be notified of the collection of their personal information, subject to specific and narrow exceptions. Specifically, section 34(2) of the FOIP Act indicates:

- "34(2) A public body that collects personal information that is required by subsection (1) to be collected directly from the individual the information is about must inform the individual of:
 - (a) The purpose for which the information is collected;
 - (b) The specific legal authority for the collection; and
 - (c) The title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection."

5.1 Continuous Surveillance

The City ensures that tenants, employees, and members of the public have reasonable and adequate warning that surveillance is, or may be, in operation by using clearly written signs, prominently displayed at the perimeter of the video security surveillance area, identifying video surveillance equipment locations. The notice must include contact information of the building manager or designated employee or third-party service provider of the City who is responsible for answering questions about the video surveillance system (see Appendix "A" - sample NOTICE).

Signs with a clear, language-neutral graphical depiction of the use of video surveillance are promptly displayed at the perimeter and/or entrance of the areas to be monitored and at key locations within those areas. The signs include all the elements and details required in section 34(2) of the FOIP Act.

Consideration will be given to modification or customization of notification signs to ensure accessibility, taking into consideration alternate language requirements, height at which signs are hung and adequate lighting.

5.2 Limited or Covert Surveillance for Investigation

Normally, video surveillance cameras used for limited surveillance in an investigation are hidden, so the City will not notify tenants and visitors that a video camera is recording during the investigation period.

For temporary video surveillance recordings used in an investigation to identify potential sources and causes of incidents, video surveillance systems will normally be hidden from view to minimizing the risk of evasion by potential perpetrators. Video surveillance cameras will be removed once the investigation has obtained the information needed to conclude the investigation.

6. USE AND DISCLOSURE

6.1 Use

The FOIP Act permits the use of personal information when the personal information is used for the purpose for which it was obtained, compiled or for a consistent purpose, when the City obtains consent from the individual to whom the information relates or in circumstances in which the information could be provided to the City under the Act's disclosure allowances.

Under the FOIP Act, use or disclosure are considered **consistent** with the **purposes** for which the personal information was originally collected or compiled if the secondary use or disclosure has a reasonable and direct connection to the original **purpose** and the information is necessary for the City to perform a statutory duty or operate a legally authorized program.

Specifically, FOIP Act sections 39(1)(a) and (4) restrict how personal information may be used once it has been lawfully collected:

- "39(1) A public body may use personal information only
 - (a) For the purpose for which the information was collected or compiled or for a use consistent with that purpose;
 - (4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner."

Only the designated Building Manager or delegate shall review the complete continuous or limited surveillance recording to identify the date, time, nature, and cause of an incident under investigation. As required for the purposes of the investigation, an extract of the recording relating to the incident may be viewed by complainants, witnesses, and persons of interest in the investigation, with the consent of the FOIP Coordinator.

6.2 Disclosure

Disclosure of personal information should only be executed in accordance with Part 1, Division 2, and section 40 of the FOIP Act. Disclosure of personal information outside of these exceptions would result in a breach of personal information.

To ensure compliance with the FOIP Act on the disclosure of personal information, the City will:

- (a) Ensure that anyone requesting access to personal information, completes the application form as provided by the City (see Appendix "B" Request to Access Information: Personal or Appendix "C" Law Enforcement Disclosure);
- (b) Maintain an auditable log of each disclosure (see Appendix "D" FOIP Tracking Sheet);
- (c) Ensure the log includes the date, time, and location of the video surveillance recording and where applicable, the case file number of the law enforcement agency's investigation;
- (d) Ensure the log also includes a description of the circumstances justifying the disclosure, the amount of video surveillance recording involved, the name, title and agency to whom the video surveillance recording is being disclosed, the legal authority for the disclosure, the means used to disclose the video surveillance recording and ensure that the City maintains a copy of the video surveillance recording disclosed in accordance with the FOIP Act and the Records Management, Retention and Destruction Bylaw C-1348; and
- (e) Ensure that if digitized, the video surveillance recording is securely encrypted.

7. ACCESS

Individuals have a general right of access to records in the custody or under the control of the City, under sections 6(1) and (2) of the FOIP Act, which states:

- "6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.
 - (2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record."

If the City receives a request from an individual for access to video surveillance recording capturing his or her image for a specified period, that individual may have a right to request access to the relevant recording. Accordingly, the City has a process in place to facilitate responses to access to information requests.

Note that all or portions of the video surveillance recording requested may be excepted from disclosure pursuant to a FOIP request by application of one or more of the limited and specific rules in Part 1, Division 2 of the FOIP Act. These sections protect the privacy rights of third-party individuals, in addition to protecting an individual or public safety, law enforcement matters, City decision-making, and legally privileged information, among other things.

The City has the authority to outsource to a third-party service provider, the responsibility of pixelating video surveillance, as needed in order to comply with the provisions of the FOIP Act. This service will be conducted under the supervision of the FOIP Coordinator.

The following tools and techniques will be used to redact video surveillance recording to protect exempted information:

- (a) Digitizing analog video surveillance recording to enable the use of more advanced editing tools;
- (b) Blacking out or blurring images of individuals; and
- (c) Removing the sound of voices.

8. RETENTION

To ensure that individuals have a reasonable opportunity to access the personal information about them held by the City, the FOIP Act and the Records Management, Retention and Destruction Bylaw C-1348 set out rules regarding the minimum length of time the City must retain personal information once they have used it.

Specifically, section 35 of the FOIP Act requires the City to retain personal information for at least one year after use, although section 35(b)(iii) of the FOIP Act permits the City to reduce this time period through a resolution or bylaw. The City has enacted the Records Management, Retention and Destruction Bylaw C-1348 that allows for a much shorter retention period, 30 days, if the video surveillance recording has not been used for any other purpose. It is important to note that this retention requirement applies only to personal information that has been "used" by the City.

In the context of the video surveillance system, personal information is used whenever video surveillance recording, that contains images of individuals or other identifiable information is accessed or disclosed. The definitions imply that "use" means using the personal information to decide about someone or about the matter at hand. Therefore, if accessed for the purpose of determining if a report-worthy incident has occurred and disclosure of the video surveillance recording considered, it must be retained for a minimum of one year, or longer if the video surveillance recording is part of an ongoing FOIP investigation through the Office of the Information and Privacy Commissioner of Alberta. However, simply viewing a live feed does not represent a "use" of personal information.

9. SECURITY

The FOIP Act indicates that the City must ensure the protection of informational privacy by adhering to the rules for the collection, use, disclosure and retention of personal information under its custody and control, and in addition by preventing unauthorized access, alteration, destruction or disclosure.

Section 2 of the FOIP Act states:

"2 Purpose of this Act are

- (a) To allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act;
- (b) To control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information;
- (c) To allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body;
- (d) To allow individuals a right to request corrections to personal information about themselves that is held by a public body; and
- (e) To provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act."

In the context of video surveillance recording, security involves ensuring the confidentiality, integrity and availability of the recording captured by the video surveillance system.

Measures of security include:

- (a) Any video surveillance recording that is released is done by encrypting a flash drive that is password protected, sent electronically with encryption or transmitted across open networks;
- (b) Storing physical records of video surveillance recording, such as discs, memory cards, flash drives or servers, in a locked room;
- (c) Limiting employees and other individuals' access to video surveillance recording on a need-to-know basis;
- (d) Storing or installing monitors in a secure location where they are not visible to the public;
- (e) Granting accounts, systems, applications and devices only to the degree and kind of access necessary to fulfill defined duties and functions; and
- (f) Keeping auditable logs of all accesses, uses and disclosures of video surveillance recording that are generated automatically where records are maintained electronically.

Notice



Video surveillance cameras are used to monitor the activities on the premises for the safety and security of both staff and the public.

The images captured through the system are collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25. An image may be used for identification purposes and may be disclosed to a law enforcement agency if criminal activity is suspected or for health and safety reasons. Images of people are considered personal information under the FOIP Act. If you have any questions about the collection, use or disclosure of personal information, please contact the FOIP Coordinator at 311.



APPENDIX "B"



Request Details

Date Received

City of Grande Prairie — Request to Access Information: Personal

Personal Information is your own personal information or the personal information of an individual your are entitled to represent. By making a formal FOIP request you may ask the Information and Privacy Commissioner to review the decision to disclose or refuse disclosure of requested records.



Your Contact Information Mrs. First Name Last Name Name of Company or Organization (if applicable) **Mailing Address City of Town Province Postal Code** Telephone Fax Number Email **Fees** There is no initial fee in accessing your own personal information. However, If the cost of photocopying is more than \$10, you will be notified of the fee. **About Your Request** Do you want to (please check one): Receive a copy Examine the record Please provide a detailed description of the record(s) you want access to. If requesting information related to a property, please provide the roll number or civic address (if known). What is the time period of the records(s). If possible, please provide specific dates. Please state the purpose for which the information will be used and/or the name and section number of an Act/Enactment of Alberta or Canada that requires this particular disclosure of information. Date Signature **City of Grande Prairie FOIP Office Use Only**

The personal information on this form is collected under the Freedom of Information and Protection of Privacy Act and will be used to respond to your request to access information. Please forward any questions or concerns to the FOIP Coordinator at 10205 - 98 Street, Grande Prairie, AB T8V 2E7. **Phone:** 780-357-8716 or **email:** vkirk@cityofgp.com

Date Completed

Inquiry Number

Request to Access Information

Instructions

You can access many public body records without making a request under the Freedom of Information and Protection of Privacy Act (the FOIP Act). To determine whether you need to make a request under the Act or if you need help completing the form, contact the FOIP Coordinator of the public body to which you are making the request.

About you

In this part of the form enter:

- your last name, first name and preferred title, if any;
- the name of the company or organization you are representing, if applicable;
- your complete mailing address and daytime and evening telephone numbers so that the public body can contact you about the request;
- a fax number or e-mail address, if any, where correspondence may be sent.

About your request

If you need help to find out what records a public body has, contact the FOIP Coordinator for the public body.

What kind of information do you want to access?
 Check general or personal information.

General information is information other than personal information (see below). For example, it would include information about a third party. **Do not include your credit card information in the mail or fax.**

- There is an initial fee of \$25.00. For a request to a government department, make the cheque payable to the Government of Alberta.
- For a request to a public body that is **not** a government department, please consult with the FOIP Coordinator for payment information.
- The public body provides you with an estimated cost before processing begins.
- If the total cost of processing your request is more than \$150, you are asked to pay a 50% deposit. The records are provided when the fee is paid in full.

Personal information is your own personal information or the personal information of an individual you are entitled to represent.

- You must provide proof of your identity before records containing your
 personal information are released to you. If you are requesting records for
 another person, you must provide proof that you have authority to act for that
 person (e.g. guardianship or trusteeship order, power of attorney).
- There is no initial fee for accessing your own personal information.
- If the cost of photocopying is more than \$10, you will be notified of the fee.

Continuing request: This is a single request that is processed more than once at predetermined time intervals over a period of up to 2 years.

- Contact the FOIP Coordinator of the public body if you are making a continuing request.
- The initial fee is \$50.00.
- You must pay any additional costs as the information becomes available.

- To which public body are you making your request? Enter the name of the public body that you believe has the records that you are requesting.
- 3. Do you want to receive a copy of the record OR examine the record? Check the appropriate box indicating whether you want to receive a copy of the record or examine the record.

About the information you want to access

1. What records do you want to access?

- Be as specific as possible in describing the records.
- If you need more space, continue your description on a separate sheet of paper and attach it to this request form.

If requesting your own personal information, give:

- · your full name;
- any other names that you have previously used; and
- any identifying number that relates to the records, such as your employee number, case number or other identification number.

If requesting another person's information, give:

- the person's full name;
- any other name that person may have used on the records; and
- any identifying numbers for the person, if you know them.

If you are requesting records for another person, you will have to provide proof that you have authority to act for that person.

2. What is the time period of the records?

Enter the specific dates or date ranges of the records you want to access. (e.g. if you want records for the period January 1, 2005 to August 31, 2007, enter those dates. If you want records from August 2008 to present, enter "August 2008 to present.")

Your signature

Sign and date the form.

Where to send your request

Send your completed form, and initial fee if applicable, to the FOIP Coordinator of the public body that has the records you wish to access.

For contact information, consult the Directory of Public Bodies available on the FOIP website at *foip.alberta.ca*

APPENDIX "C"



City of Grande Prairie — Law Enforcement Disclosure

Request for Disclosure under Section 40(1)(q) of the Freedom of Information and Protection of Privacy Act

In accordance with section 40(1)(q) of the Freedom of Information an	d Protection of Privacy Freedom of Informati
	Name of Public Body	
requests disclosure of personal	information pertaining to	
	Name of Individual or Othe	r Identifier/Incident
ı	View Video Surveillance	Receive digital/CD copy
	General Description of Info	mation Requested
Date of Incident:	Time:	Location:
	Title: File #:	Signature:
City of Grande Prairie FOIP	Office Use Only	
-,	Disclosing Official	consent to, or refuse this disclosure
Authorized Disclosing Offic	al	St OF GRANDE PRAME
•	Title:	
Signature:	Name of Public Body: _	ALBERTA ALBERTA
Date Received:	Date Processed:	File No.:
Note: This completed record may au	alify for exception to disclosure under section	n 20 of the Freedom of Information and Protection and Privacy Act

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APPENDIX "D" – SAMPLE TRACKING SHEET

2021 FOIP TRACKING SHEET



Applicant	File No.	Description	Video Surveillance Footage Details	Date Received	30 Day Response	Actual Response Date	FOIP Act Applicable Sections
Grande Prairie RCMP (Attn: Cst. J. Smith) File No.: 2020- 123456	5040-1-2021	Video Surveillance - Request for copies of Video Surveillance at Museum, theft Law Enforcement Matter	Date of Incident March 1, 2021 Time of Incident Between 1:00 a.m. and 3:00 a.m.	March 3, 2021	April 2, 2021	March 4, 2021	Section 40(1)(q)(i)(ii)
John Smith Building Manager Service Center	5040-2-2021	Video Surveillance - Request for copies of Video Surveillance at Service Center, damages to City Equipment	Date of Incident June 2, 2021 Time of Incident Between 2:00 p.m. and 6:00 p.m.	June 3, 2021	July 5, 2021	June 15, 2021	Section 39(4) Section 40(1)(q)(i)(ii)