



CORPORATE POLICY MANUAL

Policy Name: Surveillance Policy	Policy Number: CP – 2025 - 01
Adopted: March 19, 2025	Division/Department: Digital Government
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1. Policy Statement

The Town of Midland (the Town) recognizes the importance of balancing each individual's right to privacy with the need to protect the safety and security of its employees, clients, visitors and property. The use of video surveillance systems is necessary for safety and security reasons, but such systems must be designed to minimize intrusion on privacy. Where this balance is appropriately struck, the use of video surveillance cameras is an effective means of ensuring that the Town's facilities and properties are operating in a safe and secure manner.

Guided by a commitment to public safety, crime prevention and stewardship of publicly owned assets, the Town may, where warranted by law, use video surveillance systems in municipally owned buildings, or at municipally operated facilities, parks and open spaces.

2. Purpose

This Video Surveillance Policy (the Policy) governs the Town's use of video surveillance at properties owned and leased by the Town in strict accordance with the relevant provisions of Ontario's *Municipal Freedom of Information and Protection Act* (MFIPPA).

3. Application

This policy applies to:

- (a) all camera surveillance systems, surveillance monitors, and other video recording devices used at Town-owned and leased properties that are used for security purposes,
- (b) all Town employees, including full-time, part-time, casual, contract, volunteer and co-op placement employees,
- (c) all Contractors and service providers, while performing authorized activities for the Town, and
- (d) the collection, use, disclosure and disposal of information collected through video surveillance technology.

This policy does not apply to:

- (a) traffic management cameras, or
- (b) audio/video taping of Council and Committee meetings, or
- (c) video surveillance used by the Ontario Provincial Police.

4. Legislative Authority

The collection of personal information through video surveillance is authorized under section 28(2) of MFIPPA.

5. Definitions

- (a) "Audio Surveillance" means processing of audio data concerning natural person by using automated video surveillance means (video cameras, and/or recording devices, etc.) irrespective of whether these data are recorded in a file or not.
- (b) "CAO" means the Chief Administrative Officer.
- (c) "Clerk" means the person appointed by the Town as the Clerk in accordance with section 228(1) of the Municipal Act, 2001.
- (d) "Live feed" means viewing of data captured from audio-visual devices and/or video surveillance equipment, whether or not these data are recorded in a file or not.
- (e) "MFIPPA" means the Ontario Municipal Freedom of Information and Protection of Privacy Act, which governs how a municipality collects, uses, discloses and disposes of information and records.
- (f) "Municipal properties" refers to any building, structure, or area of land owned by, or under the direction and control of the Town, including, but not limited to: sports and recreation facilities, arenas, parks, park amenities, street amenities, transit amenities, and Town-run facilities.
- (g) "Personal Information" in accordance with MFIPPA, means recorded information about an identifiable individual, including:
 - i. information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual.
 - ii. information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
 - iii. any identifying number, symbol or other identifier assigned to the individual.
 - iv. the address, telephone number, fingerprints or blood type of the individual.
 - v. the personal opinions or views of the individual except if they relate to another individual.
 - vi. correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature and replies to that correspondence that would reveal the contents of the original correspondence,

- vii. the views or opinions of another individual about the individual, and the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.
- (h) "Record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,
 - i. correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
 - ii. subject to the regulations, 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.
- (i) "Video Surveillance" means processing of image data concerning natural person by using automated video surveillance means (video and photo cameras, etc.) irrespective of whether these data are recorded in a file or not.

6. General Provisions

- (a) The Town is responsible for the video surveillance systems and maintaining custody and control of video recordings at all times.
- (b) Recorded information shall only be used and accessed by authorized Town employees or authorized service providers as governed by this policy.
- (c) Video surveillance records shall only be used for the purposes of:
 - i. detecting, deterring, and investigating unlawful activity, which includes possible contraventions of any federal or provincial law or municipal by-laws;
 - ii. investigating and resolving claims of personal injury or damage to assets, and other legal claims; or
 - iii. investigating and resolving public complaints received by the Town or matters that may give rise to a customer complaint being received by the Town.
- (d) Where possible, all cameras that are adjustable or moveable are restricted to prohibit the recording of locations not intended to be monitored. Cameras are prevented from recording through a window of an adjacent building or areas where a higher level of privacy is expected, such as within a washroom or change room.

7. Notice

The Town shall post signs, in a manner visible to all members of the public, at all areas under video surveillance. Signs shall advise the public of the monitoring and recording

taking place, the legal authority for the collection of personal information, the purpose(s) for which the personal information will be used, and the contact information of the person responsible for answering questions about the collection. The Form of Notice is attached at Appendix 1.

8. Monitoring Procedures

- (a) The monitoring procedures shall be performed based on the following principles:
 - i) video surveillance shall be conducted in accordance with all applicable law, specifically Section 28(2) of MFIPPA;
 - ii) video surveillance shall be conducted in a professional, ethical, and legal manner;
 - iii) operators shall be appropriately trained and supervised in the responsible use of the video surveillance equipment;
 - iv) the video surveillance system shall not monitor individuals in any manner which would constitute a violation under the Ontario Human Rights Code (OHRC); and
 - v) records obtained through the video surveillance system shall be released only according to the standards set by MFIPPA and other applicable law. The recordings shall be handled in a manner that provides continued security of the recorded information.
- (b) The benefits of video surveillance to the public shall be weighed against an individual's right to be free of unwarranted intrusion.
- (c) The benefits of video surveillance to the organization shall be weighed against an individual's and employee's right to be free of unwarranted intrusion.
- (d) The video surveillance system shall be operated in accordance with the principles of MFIPPA and the collection, use, disclosure, and disposal of related records shall be handled in accordance with MFIPPA and other applicable law.
- (e) A process is in place to allow the public to make a complaint about the video surveillance system through the Clerk's Office and a process is in place to allow the employees to make a complaint about the video surveillance system through the Director of Human Resources.
- (f) Any data storage devices that have been retained by the Town, shall be destroyed in an appropriate manner once the retention period has lapsed in accordance with Records Retention By-Law, as amended from time to time.
- (g) Access to the recorded information is only permitted in accordance with MFIPPA, other applicable law, and this Policy.
- (h) When a Town employee is involved in an incident for which a video recording is being accessed, that video recording must be reviewed and accessed by another applicable non-union employee after the Access to Recorded Video request is approved by the Director of Human Resources and the CAO.

- (i) When systems offer the ability to record audio, this feature should be disengaged, as recording audio may constitute “wiretapping” in violation of the Criminal Code of Canada.
- (j) Live viewing is restricted to time periods when there is a demonstrably higher likelihood of safety and security concerns involving employees, the public or corporate assets, or the commission of unauthorized activity in the area under surveillance.
- (k) Live feed monitors are turned off when not in use.
- (l) Live feed monitors are located in places not visible to or accessible by the general public.

9. Requests for disclosure of recorded surveillance

The Town will not disclose a video record to any individual or organization except as permitted through MFIPPA. All requests for access shall be processed by the Clerk, and shall be designated as follows:

- (a) Public requests: Any person may make a written request for access to video records created through a video surveillance system in the public realm through the freedom of information process. Access may depend on whether there is an unjustified invasion of an individual’s privacy and whether any exempt information can be reasonably severed from the record.
- (b) Internal requests: Directors and/or Executive Directors may submit an Access to Recorded Video request if it is necessary for the performance of their duties in the discharge of the institution’s functions.
 - i. Requests for Access to Recorded Video footage involving employees requires approval of the Director of Human Resources and the CAO.
 - ii. Requests for Access to Recorded Video footage involving the public requires approval of the Town Clerk and the Legal and Risk Program Manager.
- (c) Law enforcement requests: The Town may disclose a copy of a video recording to a law enforcement agency in the following circumstances:
 - i. Law enforcement approaches a Town agency or institution with a warrant requiring the disclosure of the footage, as per section 32(e) of the MFIPPA, or
 - ii. Law enforcement approaches a Town agency or institution without a warrant and requests disclosure of the footage to aid in an investigation from which a proceeding is likely to result, as per section 32(g) of the MFIPPA, or
 - iii. Town employees observe an illegal activity on Town property and disclose the potential availability of footage to law enforcement to aid in an investigation from which a proceeding is likely to result, as per section 32(g) of the MFIPPA. Either i or ii from this clause will then apply.
- (d) If a video record containing personal information is improperly disclosed or is suspected to have been disclosed to an unauthorized person, the employee or

service provider who is aware of the disclosure must immediately inform their manager, who will inform the Legal and Risk Program Manager.

10. Retention

- a) The Town shall retain all recordings pursuant to MFIPPA and all applicable regulations. Recordings used shall be retained for a period not less than one year following its use for MFIPPA or applicable regulated circumstance, unless specifically reduced by By-law.
- b) Retention for all recordings collected but not used, shall be pursuant to the Town's Records Retention Policy or other applicable legislation.

11. Roles and Responsibilities

- (a) Council is responsible for approving the Policy.
- (b) The Chief Administrative Officer (CAO) or designate is responsible for:
 - i) directing compliance and resolving any conflicts with this Policy;
 - ii) approval of internal requests for additional video surveillance in the public realm, with the Clerk;
 - iii) approval of internal requests for additional video surveillance in the private realm, with Human Resources.
- (c) The Executive Director, Digital Government, Customer and Recreation Services, or designate is responsible for:
 - i) administering and communicating this policy broadly to all employees in their service areas;
 - ii) establishing and approving procedural guidelines;
 - iii) responding to requests for disclosure of records related to video surveillance records under the MFIPPA or applicable routine disclosure procedures from internal or external sources;
 - iv) responding to requests from employees about the collection, use, and disclosure of personal information captured by a video surveillance system;
 - v) managing any Privacy Impact Assessments involving video surveillance equipment managed by the Town.
- (d) The Clerk or designate is responsible for:
 - i) responding to requests for disclosure of records under the MFIPPA or applicable routine disclosure procedures from the public;
 - ii) responding to requests from the public about the collection, use, and disclosure of personal information captured by a video surveillance system;

- iii) approval of internal requests for recorded video surveillance from the public realm, with the CAO;
 - iv) approval of external requests for recorded video surveillance from the public realm, with Legal and Risk.
- (e) The Manager, Information Technology Systems or designate is responsible for:
- i) life cycle management of the authorized video surveillance systems, including the specifications, equipment standards, installation, maintenance, replacement and disposal;
 - ii) ensuring a public notice for video surveillance is placed at all Town sites that have a video surveillance system;
 - iii) responsible for providing recorded video upon approved requests;
 - iv) responsible for the technical aspects of the video security systems;
 - v) responsible for deciding appropriate video storage location;
 - vi) assigning a person responsible for the operation of the video surveillance system in accordance with this policy;
 - vii) maintaining a list of personnel who are authorized to access and operate the video surveillance system;
 - via live feed monitoring;
 - with access to recorded video.
- (f) The Director of HR or designate is responsible for:
- i) educating employees and visitors on the collection, use, and disclosure of personal information through the video surveillance system;
 - ii) approval of internal requests for additional video surveillance in the private realm, with the CAO.
- (g) The Legal and Risk Program Manager or designate is responsible for:
- i) approval of external requests for recorded video surveillance from the public realm, with the Clerk;
 - ii) approval of internal requests for recorded video surveillance from the public realm, with ED Digital Government, Customer and Recreation Services;
 - iii) working with department manager(s) and employee(s) in the event of an improper disclosure of personal information;
 - iv) notifying the IPC in the event of a privacy breach, where appropriate;
 - v) responding to appeals and privacy complaints received through the office of the information and privacy commissioner of Ontario (IPC).
- (h) Managers, Directors, and/or Executive Directors are responsible for:
- i) ensuring the appropriate use of the video surveillance system at their facility(ies) or work areas in compliance with this policy;
 - ii) providing job-specific training regarding the appropriate use of the video surveillance system;
 - iii) referring any requests for copies of surveillance video to the Clerk (public areas) or HR (employee areas);

- iv) report any privacy breaches to the Clerk or delegated employee;
 - v) ensure that employees are monitoring compliance with the retention periods applicable to the video surveillance systems;
 - vi) identify any need for additional surveillance equipment and submitting a request for approval;
 - vii) identify any need for access to live feed monitoring of video surveillance for staff and submitting a request for approval;
 - viii) participating in any Privacy Impact Assessments involving video surveillance equipment at their facility(ies) or work areas or the public realm where staff work activities occur.
- (i) Employees are responsible for:
- i) Review and comply with this policy and MFIPPA in performing their duties and functions related to the operation of the video surveillance system
 - ii) Reporting to their manager or supervisor any suspected privacy breach;
 - iii) Reporting to their supervisor any problems with the video surveillance system.
- (j) Employees may be subject to criminal charges, civil liability and/or discipline, including but not limited to termination, for a breach of this policy, or provisions of MFIPPA or other relevant statutes.

12. Review and Evaluation

The Town shall periodically review the Policy to ensure compliance with all applicable legislation. Such review shall be conducted minimally once per term of Council.

Appendix 1 – Form of Notice

This Area Is Monitored By Video Security Cameras

Surveillance cameras are in operation of the safety and security of the public and Town of Midland employees, as well as for the protection of Town property. Information is collected pursuant to the Municipal Act and the Municipal Freedom of Information and Protection Act (MFIPPA). For more information, please [NTD: Insert].