



Risk Management Policy No. 53-2024

**CLOSED CIRCUIT TELEVISION (CCTV) PROGRAM
CODE OF PRACTICE**

Area: Community Safety

Effective Date: April 29, 2024

Subject: CCTV Video Surveillance

Revision Date:

1. Introduction

The Town of Goderich (the “Town”) is committed to the improvement of community safety, crime prevention, and the desirability of the Town as a place for shopping, business and leisure. A closed-circuit television system has been implemented to help promote a safer environment in the Town of Goderich.

The Code of Practice establishes procedures for users of the Goderich Closed Circuit Television (CCTV) Program, which records images from areas to which the public has access from certain fixed locations.

Copies of the Code of Practice are available at various locations including Town Hall and on the Town of Goderich internet site.

2. Defining the Responsible Persons

The Director of Legislative Services/Clerk for the Town of Goderich is the Head under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”) and is legally responsible for the disclosure of information from the Goderich CCTV Program. The Advisory Team as described in Section 6, oversees and monitors the ongoing management of the Program. The CEMC, Accessibility and Health & Safety Manager is responsible for conducting audits of the Program.

3. Definitions

Closed Circuit Television System (“CCTV”) means Town-owned and placed audio/visual recording equipment that enables the observing, monitoring, or recording of images and sound within public spaces in a digital format, but does not include audio/visual recording equipment that has a dominant purpose of observing, monitoring, or recording traffic, weather, airspace, water, navigation, or environmental conditions. Notwithstanding the foregoing, a CCTV System does not include Digital Recordings of public or private meetings of Council or Town administration.

Digital Recording means the audio/visual data created and stored by the CCTV System.

Privacy Breach means an incident involving the unauthorized disclosure of personal information.

MFIPPA means the *Municipal Freedom of Information and Protection of Privacy Act*, as amended from time to time.

4. Purpose and Principles of Monitoring

The key purpose of the Goderich CCTV Program is to promote public safety in the Town of Goderich.

The goals of the Goderich CCTV Program are:

- To contribute to the safe environment of the Town;
- To assist as one of the components of downtown revitalization; and,
- To improve the ability of the Ontario Provincial Police and community to respond to crime and anti-social behaviour occurring in the Town.

The objectives of the Goderich CCTV Program are:

- To deter crime and anti-social behaviour;
- To improve police reaction to crime through enhanced monitoring and detection of crimes;
- To increase the perception of safety; and,
- To use camera recording as evidence to identify suspects involved in criminal activities.

The monitoring procedures are performed according to the following principles:

- a) Goderich CCTV monitoring shall be conducted in a manner consistent with all applicable statutes.
- b) Goderich CCTV monitoring shall be conducted in a professional, ethical, and legal manner.
- c) Monitoring operators shall be appropriately trained and supervised in the responsible use of the cameras and recording equipment.
- d) Information obtained through video monitoring may be used for the following purposes:
 - Enhancing the safety and security of persons or property;
 - Preventing unauthorized entry or activities on Town property;
 - To investigate an incident involving suspected health and safety violations/concerns, security and property damage, illegal activity, a violation of the Workplace Harassment and Discrimination Policy, or the Workplace Violence Prevention Policy, or involving a potential or actual insurance-related claim;
 - To manage corporate risk;
 - To preserve evidence as required to protect the Town's legal rights;
 - To respond to a request for information under MFIPPA;
 - To aid law enforcement agencies with a matter under investigation;

- To assess the effectiveness of any of the above-noted uses;
 - As required by Court Order;
 - In anticipation of one of the above-noted uses;
 - For a purpose consistent with the above-noted uses, including data analytics and service enhancements.
- e) All information is retained for a period of one (1) year unless a record has been requisitioned for use.
 - f) Camera locations and operation shall not provide visual access, not available to the general public, of residential areas.
 - g) The monitored areas shall have signs advising the public of the monitoring and recording.
 - h) The use of Goderich CCTV cameras shall not reduce the Ontario Provincial Police presence in monitored locations.
 - i) Monitoring operators shall not monitor individuals in any manner which would constitute a violation of the *Human Rights Code*.

5. The *Municipal Freedom of Information and Protection of Privacy Act*

This Code of Practice has been drafted to conform with practices outlined by the Information and Privacy Commissioner of Ontario (“IPC”) in a document entitled “Guidelines for the Use of Video Surveillance”, attached hereto as “**Appendix A**”. The IPC has indicated that after careful consideration, an institution may decide to use video surveillance for purposes in accordance with MFIPPA. Section 2 of MFIPPA defines “videotapes” in the term “record” and also provides a definition of “personal information” which describes it as recorded information about an identifiable individual.

6. Changes to this Code of Practice

Changes to the Code of Practice will be necessary from time to time as the Town of Goderich obtains experience with respect to the Goderich CCTV Program. The Code of Practice will be revised with the approval of the Municipal Council on a regular basis in order to take account of developments in the interpretation of the provisions of the data protection legislation, developments in the technology involved in the recording of images and developments in the use of such technologies.

7. Advisory Team

The Advisory Team shall consist of the following individuals:

- a) The Chief Administrative Officer,
- b) The Director of Legislative Services/Clerk to advise the committee regarding compliance with MFIPPA;
- c) The Director of Community Services, Infrastructure & Operations;
- d) The CEMC, Accessibility and Health & Safety Manager who manages the operation of the Goderich CCTV Program;

- e) The Municipal Law Enforcement Manager;
- f) At least one representative from the Huron County Ontario Provincial Police – represents law enforcement in the community and assists the Committee in measuring the success of this Program; and
- g) Other staff as required – providing technical, legal, communication and administrative assistance to the Committee.

Members of the Goderich CCTV Program Advisory Team are required to sign an oath of confidentiality.

The role of the Advisory Team is to provide recommendations, advice and information to Council on those specialized matters which relate to the Goderich CCTV Program.

The objective of the Advisory Team is to establish, implement and continually monitor and improve a CCTV Program in the Town of Goderich. This will include:

- Identifying areas in the Town of Goderich that would benefit from the installation of CCTV cameras
- Monitoring legislation regarding the installation and use of CCTV cameras and to recommend to Council any necessary changes regarding the Town's policies and procedures regarding the CCTV Program
- Providing information to Council and residents regarding the CCTV Program
- Reporting to Council on performance indicators such as the number of reported incidents in CCTV monitored areas
- Reviewing the annual audit and providing information and best practices on how to continually improve the Goderich CCTV Program

The use and location of CCTV cameras will be determined on the basis of reasonable and justifiable grounds for the provision of safety and security and in accordance with MFIPPA and any other governing legislation, giving consideration to the following:

- Whether there is a real, substantial, and pressing problem to be addressed;
- Whether other less intrusive means of achieving the same goals have been considered and are substantially less effective than video surveillance or are not feasible;
- Whether the benefits of video surveillance substantially outweigh the reduction of privacy inherent in its use;

Camera placement will be assessed on a case-by-case basis to determine the effects the CCTV cameras may have on personal privacy and the sensitivity of personal information collected. Where possible, cameras will be positioned so that they only capture locations intended to be monitored and will not be directed to look through the windows of adjacent buildings or onto

adjacent property. Where this is not possible, stakeholder consultation will take place prior to VSS placement.

8. Management of the System

The CEMC, Accessibility and Health & Safety Manager of the Town of Goderich oversees the management of the operation of the Goderich CCTV Program and ensures the day-to-day compliance with the requirements of the Code of Practice.

The responsibilities of the Director of Legislative Services/Clerk's representative include responsibilities under MFIPPA concerning:

- a) Maintaining the security of information collected by the system;
- b) Controlling the storage and release of information recorded by the system;
- c) Ensuring that those involved in operating the system do so in accordance with MFIPPA and the Code of Practice; and,
- d) Liaising with the Ontario Provincial Policy and other agencies and persons concerning the proper maintenance of information under MFIPPA.

9. Public Information and Input

The Town of Goderich is committed to operating the Goderich CCTV Program in accordance with the principles in MFIPPA.

Camera Location

Cameras shall be located to monitor only areas to which the public have access. The view of the cameras is restricted to prohibit the viewing of private dwelling spaces. All operators have been made aware of the purpose(s) for which the cameras have been established and are prohibited from using the cameras for any other purpose. If cameras are adjustable by the operators, these adjustments are restricted so that operators cannot adjust or manipulate them to overlook spaces to which the public do not have access (e.g. private residences).

Signs

Signs shall be placed in the field of view of the cameras so that the public are aware that they are entering a zone which is covered by CCTV surveillance equipment. The signs shall be clearly visible to members of the public.

The signs shall contain the following information:

“You have entered an area that may be monitored by Closed Circuit Video Cameras. This program is a community-led initiative to reduce crime within the Town of Goderich.

Legal Authority for collection of information is pursuant to Section 29(1)(g) of the Ontario Municipal Freedom of Information and Protection of Privacy Act.

If you have any questions or concerns about this program, please contact the CEMC, Accessibility and Health & Safety Manager at townhall@goderich.ca or 519-524-8344.”

Website Information

Information about the Town’s CCTV Program is available on the Town’s website and through regular media releases issued by the Town. Police services may also release information from the Goderich CCTV Program through its media relations officer, and depending on the urgency of the release, may inform the Chief Administrative Officer and the Director of Legislative Services/Clerk after the release.

Public Input Process

Any individual who wishes to speak to the Town about the Goderich CCTV Program, either to provide comment or to make a complaint, should contact the CEMC, Accessibility and Health & Safety Manager at Town Hall.

Complaints may include, but are not limited to the following:

- a) The operation of the program;
- b) The treatment of an individual;
- c) The interpretation of this Code of Practice; and,
- d) The administration of the CCTV Program.

A record of the number and types of complaints or enquiries shall be maintained by the CEMC, Accessibility and Health & Safety Manager. A report on the number and types shall be submitted to the Advisory Team in order to assess the use of the system. The Advisory Team is responsible for undertaking regular reviews of the documented procedures to ensure compliance with the provisions of the Code. A report on the reviews will be submitted to Goderich Council.

10. Areas Covered by the Goderich CCTV Program

A map showing the areas covered by the Goderich CCTV Program is attached hereto as “**Appendix B**”.

The system has not been designed to cover residential areas however cameras may have residential accommodation in close proximity. Measures are required to ensure that cameras do not view into private dwellings, by way of operational procedures or technical methods.

11. Evaluation and Monitoring of the Goderich CCTV Program

Annual Evaluation Report

An annual report shall be produced, which evaluates the effectiveness of the Goderich CCTV Program. The annual report will be assessed for compliance with the stated purpose of the program. The annual report shall be submitted to the Goderich Town Council.

The annual evaluation report shall include:

- a) An assessment of the impact on crime reduction;
- b) An assessment of future areas that could benefit from the Goderich CCTV Program;
- c) Requests for opinions and views from the public; and,
- d) The administration of the system and its policies and procedures.

The evaluation report is prepared by the CEMC, Accessibility and Health & Safety Manager. A copy of the report shall be reviewed by the Advisory Team to ensure all matters/issues have been identified.

The CEMC, Accessibility and Health & Safety Manager, in conjunction with the Advisory Team, continuously monitors the operation of the Program and the adherence to the Code of Practice.

Audits

The auditing of the Goderich CCTV Program is the responsibility of the CEMC, Accessibility and Health & Safety Manager. Audits will be performed annually.

The audit consists of:

- A review of a random selection of recorded information at various locations to ensure the camera monitors have complied with the Code of Practice for camera use and have not monitored individuals in any manner that would constitute a violation of the Human Rights Code:
- A review of the Camera Monitoring Logbook to ensure the reported incidents were properly recorded and that only authorized staff had access to the recordings and to ensure the recorded information had been released according to the Code of Practice requirements for release of information.

At the conclusion of the audit, the CEMC, Accessibility and Health & Safety Manager shall complete and sign an audit report within 30 days of the date of the review and provide it to the Chief Administrative Officer for review. The audit report will be included in the annual report for the program.

The audits constitute a record under MFIPPA and therefore are retained by the Corporation for a two year retention period as noted in the Town's Retention Bylaw.

12. Operators

The successful operation of the Goderich CCTV Program relies on operators being well disciplined, having integrity and dedication and maintaining the confidentiality that is required for the operation of the CCTV cameras in accordance with MFIPPA.

Those persons involved in the management, supervision, and audit of the Goderich CCTV Program are required to pay particular attention to privacy issues in managing and operating the program.

The Goderich CCTV Program is operated in a manner which is sensitive to the privacy of those people living and working in the area.

The CEMC, Accessibility and Health & Safety Manager is responsible for establishing an appropriate training program for the CCTV Program operation and will ensure all operators are trained appropriately. A list of qualified operators will be maintained by the CEMC, Accessibility and Health & Safety Manager.

13. Control and Operation of the Cameras

The server is located on the main floor at Town Hall. The camera locations may be monitored. Operators of the cameras act with the utmost integrity and only authorized operators are permitted to use the equipment.

The camera operator is not permitted to use the pan, tilt, and zoom features to view residential areas or to monitor individuals in any manner that would constitute a violation of the Prohibited Grounds of the Human Rights Code (e.g., ability (physical, mental, developmental, sensory), age, sex, sexual orientation, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, family or marital status).

Camera operators are aware that recordings are subject to audit procedures and they may be required to justify their actions. Camera operators may notify the Ontario Provincial Police upon observing an incident that requires the dispatch of patrol officers or police investigation. In such case, the camera operator will make a manual entry in the Camera Monitoring Logbook indicating weather conditions, date, time, incident type, start time and end time of the incident.

The Ontario Provincial Police may notify the camera monitor upon becoming aware of an incident in a monitored area to assist in response and subsequent investigation.

It should be noted that the Ontario Provincial Police may also monitor and operate the cameras. The Ontario Provincial Police may, at their discretion, assume control of monitoring an incident at any time.

The media may also be notified by the Ontario Provincial Police where it is assessed by them that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment, the wishes of the victim of an incident should be taken into account.

14. Use and Storage of Information

Ownership of the recorded material, in whatever medium, remains with the Corporation of the Town of Goderich. The transfer of the custody of the information from the Ontario Provincial Police to the Town is outlined in the Data Sharing Agreement with the Ontario Provincial Police attached hereto as "**Appendix C**".

Agreements with service providers or other parties shall explicitly state that records dealt with or created during the working relationship and under the institutions control are subject to the Act.

Recorded material is only used for the purposes defined by this Code of Practice and in accordance with MFIPPA. The viewing of live information on a CCTV monitor is not considered use of recorded information. However, if this information is accessed by downloading it onto a compact disk or accessed at the end of the one (1) year retention time period, then the recorded information is considered used and must be retained for an additional year as per the Town's Retention By-Law.

Any CD's that have been retained within the Town and the retention period expires; the Town will destroy the CD by cutting it in half.

The use of recorded information is allowed only in accordance with law.

Any records and copies for audit or otherwise will remain on Town Hall premises at all times. This is in keeping with IPC's best practices.

15. Access to Recorded Information

Access to recorded information is only permitted in accordance with this Code of Practice and MFIPPA. Material may not under any circumstances be sold or used for commercial purposes or for the provision of entertainment.

Access to recorded information should be restricted to those responsible for the administration of the Goderich CCTV Program and to:

- a) Law enforcement agencies where the images recorded would assist in a specific investigation; and,
- b) The people whose images have been recorded and retained who make a request under MFIPPA.
- c) Town employees, Town insurers, or those hired to work on the Town's behalf if it is necessary for one or more of the uses outlined within this policy.
- d) The Town Solicitor or their designate if, in the Town's discretion, it is in the interest of justice to do so, and disclosure is compliant with MFIPPA.

Where a request is granted pursuant to MFIPPA, the images of individuals may be disguised or blurred. If the Town does not have the facilities to carry out that type of editing, an editing company may be hired to carry out that editing.

Individuals who make a request under MFIPPA for images from the Goderich CCTV Program are provided with information which describes the types of images which are recorded and retained, the purposes for which those images are recorded and retained, and information about the disclosure policy in relation to those images. This should be provided at the time that

the standard freedom of information request form is provided to an individual. All requests will be dealt with by the Director of Legislative Services/Clerk or their designate. Any uncertainty whether a use is consistent with the uses outlined above, shall be determined by the Director of Legislative Services/Clerk or their designate.

When access to a Digital Recording is given, the following information will be logged:

- The date and time disclosure was made;
- The identify of the party to whom the disclosure was made;
- The reason for the disclosure;
- The details of what was disclosed (ex. Time period, camera location, etc.); and
- Where applicable, a case file number.

If there has been an inadvertent disclosure of personal information, the Director of Legislative Services/Clerk will take any required steps under MFIPPA. If the identity of the individual is known, every effort will be made to contact the individual to advise him/her of the inadvertent disclosure.

Any uncertainty whether a use is consistent with the uses outlined within this Policy shall be determined by the Director of Legislative Services/Clerk or their designate.

16. Dealing with Incidents

Police Officers comply with this Code of Practice when requesting stored information in any other matter under the jurisdiction of this Code of Practice.

The Town is notified by a police officer(s) of any reports of incidents that may require the digital recording.

When a digital recording is developed and seized, the Town makes an entry in the Camera Monitoring Log Book indicating that:

- a) The tape has been created, sealed and presented to the requesting officer;
- b) The name of the officer requesting the seizure; and
- c) The camera location, date and time.

Violations of the Code/MFIPPA

Any violations of this Code are also considered a violation under MFIPPA and will be subject to the consequences found under the Act.

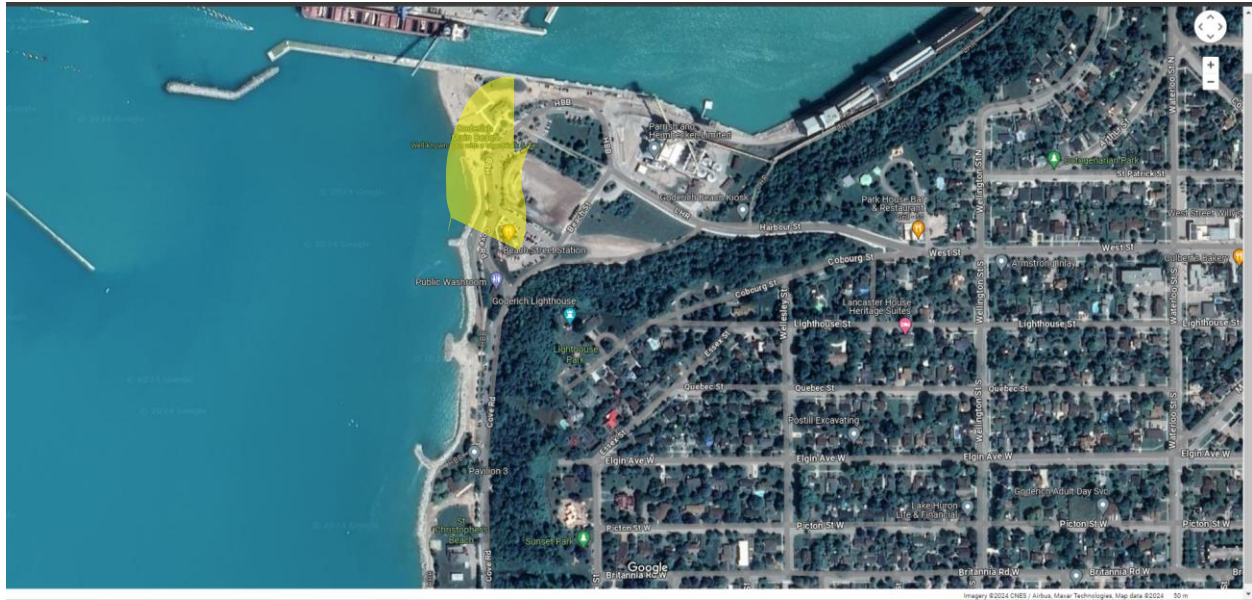
APPENDIX A

Information and Privacy Commissioner of Ontario's Guidelines for the Use of Video Surveillance

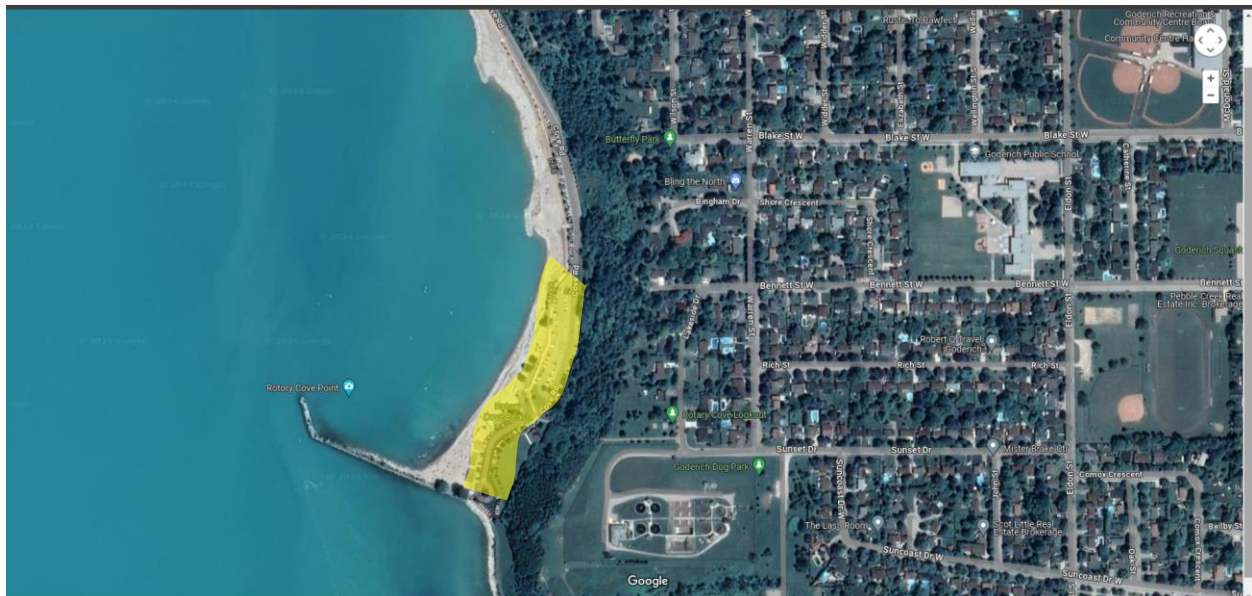
APPENDIX B

Map Showing Location of Surveilled Areas

Goderich Main Beach



Rotary Cove



APPENDIX C

Data Sharing Agreement with the Ontario Provincial Police