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By-law ##-2025

A By-law to Adopt the Revised Video Surveillance Camera Policy and to Repeal By-law 2016-46

Whereas Northumberland County has deemed it judicious to install video surveillance cameras at certain County facilities and properties for added security of persons, property and assets; and

Whereas recorded data will be managed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56* (MFIPPA) and the County's Records Retention Program By-law;

Now Therefore Be It Enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. **That** the revised Video Surveillance Camera Policy shall be attached as Schedule "A" and shall form part of this by-law; and
2. **That** By-law 2016-46 is hereby repealed.

That By-law ##-2025 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 18th day of June, 2024.

Brian Ostrander, Warden

Maddison Mather, Clerk

POLICY



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Name of Policy <ul style="list-style-type: none">Video Surveillance Camera Policy	Procedures <ul style="list-style-type: none">	Target Group <ul style="list-style-type: none">Internal & External
Council Approval:	Effective Date:	Supersedes: New

Policy Statement

It is the policy of Northumberland County to utilize video surveillance to ensure the security of individuals, assets and property, as well as to ensure compliance with Community Recycling Centre (CRC) Site Rules and to require Northumberland County residents to provide proof of residency to identify the source(s) of waste materials being brought into County CRCs.

Objectives

This policy is to establish the use of video surveillance cameras in county facilities and public spaces for the purposes of: increasing employee and public safety; asset security and general law enforcement; ensuring compliance with CRC Site Rules and identifying the source(s) of waste materials being brought to CRCs, while also ensuring the privacy rights of the individual in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990 Chapter M.56 (MFIPPA)*.

Northumberland County recognizes that video surveillance technology has a high potential for infringing upon an individual's right to privacy and although video surveillance technology may be required for legitimate operational purposes, its use must be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (the Act)*.



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Scope

This policy applies to all employees whose duties include requesting, installing, accessing and monitoring video surveillance equipment and video footage at all Northumberland County facilities and properties but does not apply to videotaping or audio taping of Council meetings or any covert surveillance that may be used for law enforcement purposes.

This policy will provide guidelines designed to assist County Departments that have identified an appropriate use for video surveillance technology, to manage records that may be created using this technology in a manner that complies with the *Act* and records management requirements.

Definitions

County Facilities - shall include facilities and property owned and or operated by the Corporation of the Northumberland County.

Personal Information - means information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex and age. If a video surveillance system captures and/or 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 *Act*.

Record - means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a file, a microfilm, a videotape, a

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machine-readable record, and any record that is capable of being produced from a machine-readable record under the control of the County.

Storage Device - refers to a videotape, computer disk or drive, CD ROM, DVD, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

Video Surveillance System - refers to a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording.

General

The Facilities Division of the Public Works Department shall be responsible for the implementation, administration and overall compliance with this policy and procedures and for the use of these systems. The Department Director/Designate shall work with the Facilities Division to determine when video surveillance is required at each county facility and where it shall be installed. The IT Division of Communications and IT Department will work with Facilities Division and provide technical support as needed.



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Responsibilities

Facilities Manager

At the discretion of the CAO or a Director, the Facilities Manager, or other authorized personnel as designated by the Facilities Manager, shall be permitted to operate video surveillance systems and reception equipment. The Facilities Manager, or designate, will only access video surveillance systems and reception equipment after receipt of a written request with authorization from the Department Director responsible for the facility/work area or the CAO. In accordance with *MFIPPA* and this policy, those persons shall be informed of their obligations and responsibilities regarding the use and disclosure of information.

Facility and IT Managers

The Facility Manager and/or IT Manager will ensure that access to the video surveillance equipment is restricted to authorized personnel, and that all requests for access to information stored is handled in accordance to this policy and *MFIPPA*.

County Clerk

The County Clerk or designate, shall be responsible for the administration and evaluation of this procedure, and will also be responsible for ensuring that information obtained through video surveillance is released in compliance with *MFIPPA*.

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Procedures

Installation and Use of Surveillance Equipment

1. This procedure will apply to any video, physical or other mechanical, electronic, digital or wireless surveillance system or device that enables continuous or period video recording, observing or monitoring of personal information about individuals in open or public spaces.
2. The video surveillance system may be justified on the basis of significant safety concerns, Human Resources related matters, or verifiable, specific reports of incidents of crime or illegal activity. A video surveillance system will be used to protect public safety, detect or deter, or assist in the investigation of criminal or illegal activity.
3. Only authorized personnel are permitted to perform maintenance of equipment or make adjustments to the position of cameras.
4. Equipment shall never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms, crew rooms).
5. Reception equipment must be located in a strictly controlled access area. Only authorized personnel shall have access to the controlled access area and the reception equipment.

Collection and Monitoring

1. The main purpose of the video surveillance system is to:
 - a. aid in the safety and security of county staff, as well as that of users and visitors of County Facilities; and
 - b. Identify the source(s) of waste materials being brought into County CRCs; and

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- c. Ensure compliance with applicable Rules at County Facilities, ensuring asset security, and general law enforcement.

With the exception of Human Resource related matters or where required for investigations into claims against the County, this information shall not be used or disclosed for any other purpose, except with the prior consent of the individuals to whom the information relates to or where required by law. The recorded information may be used as evidence to identify suspects involved in criminal activities.

2. The monitory procedures shall be performed based on the following principles:
- Video surveillance monitoring shall be conducted in accordance with all applicable statutes and regulations;
 - Video surveillance monitoring shall be conducted in a professional, ethical and legal manner;
 - As required under section 29(2) of *MFIPPA*, a notice of collection of personal information must be place in all locations where video surveillance systems are in place. These areas shall have signage advising the public of the monitoring and recording, and the purposes for collection of any personal information, and provide contacts where persons can obtain more information, in accordance with *MFIPPA*;
 - The video surveillance system shall not monitor individuals in any manner which would constitute a violation of the *Human Rights Code*;

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- e. Information obtained through the video surveillance system shall be used for security, safety, investigations in claims against the County, identifying source(s) of waste materials being brought into County CRCs, compliance with any applicable Site Rules at County Facilities, or law enforcement purposes, and used or disclosed only in according to the standards set by *MFIPPA*. The recordings shall be handled in a manner that provides continued security of the recorded information; and
- f. The cameras will be located in plain sight in areas to which the public has access. The view of the cameras will be restricted to view land and building interiors and exteriors owned or leased by the County. The cameras will be restricted to prohibit the viewing of private residences.

Special Purpose Video Recording

1. Special purpose video recordings are intended to capture data for research or a study (i.e. wildlife activity).
2. Should personal information be inadvertently captured, it will be used, disclosed or destroyed in accordance with *MFIPPA* unless otherwise specified by law.
3. Public notice signs may not be posted in areas where special purpose video recordings as they are not intended or situated where personal information may be captured.

Signage - Public Notice

The public will be informed with clearly written signs at the perimeter of surveillance areas, which advise that the area is or may be under surveillance and indicate that Northumberland County is responsible for the surveillance, compliance with privacy principles, and the contact



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information to answer questions or provide information about the system attached as Schedule “B”. The wording of Schedule “B” may be modified from time to time subject to legislative requirements without a formal amendment to this policy.

Personnel Authorized to Operate Video Equipment

1. Only the Facilities Manager and IT Manager, or other County employees as designated by the Facilities Manager and IT Manager in writing (“Authorized Personnel”), shall be permitted to operate or have access to video surveillance systems and reception equipment. In accordance with *MFIPPA*, Authorized Personnel shall be informed of their obligations and responsibilities regarding the use and disclosure of information.
2. Authorized Personnel will enter into a confidentiality and acknowledgement agreement regarding the video surveillance and operating policy. The original copy of this agreement will be placed in the employee’s personnel file in Human Resources Department.

Retention and Disposal of Recorded Information

1. This policy will apply to the Digital Video Recorder systems used within the County of Northumberland facilities. The County will store and retain the storage devices required for evidentiary purposes according to standard operating procedures until they are requested by law enforcement authorities.
 2. The individual DVR systems are set in a recording loop. Once the storage capacity has been reached, the recorded information will be overwritten. The DVR recordings are transitory data in accordance with the Records Retention Program Policy unless an adverse event occurs.
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- When the recorded information is required for law enforcement purposes, public safety, enforcement of Facility Rules, investigative purposes for claims against the municipality, or pursuant to an *MFIPPA* request, two copies shall be made. One copy may be provided to the requester, and the second copy shall be retained by the County in accordance to the approved Corporate Records Retention Schedule. The second copy will be sent to and retained by the County Clerk. Where recorded information is required as a result of claims against the municipality, copies may be provided to the Municipal Solicitor or other legal counsel employed or retained by the County, employees responsible for reviewing claims, and to the County's insurers on a confidential basis, in accordance with *MFIPPA*.
- When the recorded information is required for Human Resource related matters, the information will be kept in accordance with Human Resources policies and procedures and/or any other relevant legislation and in accordance with the approved Corporate Records Retention Schedule.
- The County Clerk and/or designate will be responsible for making sure the proper destruction of all copies of recorded information occurs in accordance to the Records Retention Schedule By-law.

Access to the Recorded Information

- Access to this recorded information is only permitted in accordance with *MFIPPA* and this procedure. This recorded information shall not under any circumstances be sold or used for commercial purposes or for the provision of entertainment.
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2. Access to the recorded information shall be restricted to Authorized Personnel and to:
- law enforcement agencies where the recorded images would assist in a specific investigation;
 - the people whose images have been recorded and retained who make a request and are granted access to information under *MFIPPA*, subject to any exceptions or prohibitions against disclosure that may apply;
 - the Director and/or Manager of Human Resources where the recorded images would assist in a specific employment-related investigation. The Director and/or Manager of Human Resources shall have the authority to determine which appropriate staff members (including the Municipal Solicitor or other legal counsel employed or retained by the County, union representatives and persons with respect to court or arbitration proceedings) shall also have access to the recorded information;
 - Department Directors, or individuals designated by the Department Director, where access is required for legal or investigative purposes.
 - Where recorded information is required related to claims against the County the Municipal Solicitor or other legal counsel employed or retained by the County, employees responsible for reviewing claims, and the County's insurers, may be given access to recorded information on a confidential basis for the sole purposes of reviewing, responding to, otherwise dealing with, or providing advice with respect to such claims, in accordance with *MFIPPA*.
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3. With the exception of requests by law enforcement agencies, Department Directors, or individuals designated by the Department Director, all formal requests for access to, or copies of video records should be directed to the County Clerk. The County Clerk may share recorded information with the Municipal Solicitor or other legal counsel retained or employed by the County for the purposes of receiving legal advice with respect to such requests.
4. If the recorded information is viewed on the storage device by law enforcement personnel for law enforcement purposes, by staff for legal or investigative purposes, for public safety, or pursuant to an *MFIPPA* request, but a copy of the recorded information is not created, an entry shall be made into the Video Surveillance Monthly Occurrence Report. The original copies will be retained by the department for their records and in accordance to the approved records classification and retention schedule.
5. Where access to a copy of a video surveillance record is required for the purpose of a law enforcement investigation, the requesting officer must complete the Record of Disclosure to a Law Enforcement Agency release form.
 - a. Release of, or access to, a video surveillance record for the purpose of a law enforcement investigation can be handled at the discretion of the Facilities Manager or other authorized personnel;
 - b. The original copy of the completed Record of Disclosure to a Law Enforcement Agency Release Form will be forwarded to the County Clerk, along with the second copy of the recorded information;



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- c. A copy of the form shall be retained by the department for their record, and attached to the Video Surveillance Monthly Occurrence Report.
6. Only images of the person making the request may be released to the requester. When a request is granted in accordance with *MFIPPA*, the images of other individuals may be disguised or blurred, if the County has the technology available to do so. If the County is unable to disguise images of other individual, the requested information will not be released to the requester because it contains personal information of another identifiable individual.

Unauthorized Access and/or Disclosure (Privacy Breach)

1. Any Northumberland County employee, who becomes aware of any unauthorized disclosure of a video record in contravention of the Guidelines for the Use of Video Surveillance Cameras Policy, this procedure and/or a potential privacy breach, has a responsibility to ensure the County Clerk is immediately informed of the breach.
2. The following actions will be taken immediately:
 - a. Staff shall work to mitigate the extent of the privacy breach, and to review the adequacy of privacy protection with the existing policy and procedure;
 - b. The County Clerk, in consultation with the Facilities Manager or designates, shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences;
 - c. The Facilities Manager or designates, shall inform the County Clerk of the events that have led up to the privacy breach;



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- d. The County Clerk will advise the CAO of the incident, and may obtain legal advice from the Municipal Solicitor or other legal counsel retained or employed by the County;
- e. All reasonable actions will be taken to recover the records and limit the record's disclosure;
- f. The County Clerk, where required, shall notify affected parties whose personal information was inappropriately disclosed and/or the Information and Privacy Commission of Ontario (IPC).

Classification of Records

Records filed in accordance to the approved records classification and retention schedule.

Inventory of Cameras

An inventory shall be maintained of all video surveillance cameras, the location and field of vision of the equipment, the times when surveillance will be in effect and the place where signals from the equipment will be received and monitored.

The Inventory shall be attached as Schedule "A" to this policy and may be amended from time to time as deemed necessary to maintain current information without a formal amendment to this policy.

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Schedule "A"

Location	Purpose	Monitoring Location
555 Courthouse Road, Cobourg <ul style="list-style-type: none"> Outside all exterior doorways 	Security of Person & Property	
600 William Street, Cobourg	Security of Person & Property	
860 William Street, Cobourg	Security of Person & Property	
Bewdley Transfer Station, Hamilton	Security of Person & Property	
Seymour Transfer Station, Trent Hills	Security of Person & Property	
Material Recovery Facility, Grafton	Security of Person & Property	
Brighton Landfill, Brighton	Security of Person & Property	

POLICY

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Location	Purpose	Monitoring Location
Hope Transfer Station, Port Hope	Security of Person & Property	
Ontario Food Venture Centre (OFVC), Colborne	Security of Person & Property	
County Forest, Alnwick/Haldimand	Special Purpose	

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Schedule "B"

SIGN FOR GENERAL USE

**Attention**

This area May be Monitored by Video Surveillance Cameras

The personal information collected at this site is collected under the Authority of the Municipal Act, 2001 and in accordance with the Northumberland County Video Surveillance Camera Policy and will be used and disclosed only in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and for the purposes for which it was collected. This information is collected for the purpose of promoting public safety and reduction of crime at this site.

Any questions about this collection can be directed to the
Manager of Legislative Services/Clerk
matherm@northumberlandcounty.ca
1-905-372-3329 ext. 2238

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SIGN FOR COMMUNITY RECYCLING CENTRE USE



Attention

This area May be Monitored by Video Surveillance Cameras

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