

 <b>M O N C T O N</b>	<b>POLICY</b>	<b>Owner Department:</b> City Manager
	<b>Video Surveillance Policy</b>	
<b>Effective Date:</b> April 17, 2023	<b>Last Reviewed Date:</b> New Policy	<b>City Council Approval Dates:</b> April 17, 2023
<b>Approving Authority:</b> Moncton City Council	<b>Replaces No.:</b> N/A	
<b>1. Purpose Statement</b>		

The purpose of this Policy is to govern the collection, use, disclosure, retention, and disposal of recorded information collected through video surveillance technology, which is used to enhance the protection and safety of employees and the general public; reduce, deter, and investigate incidents of vandalism or criminal activity; and protect property and assets.

## 2. Application

This policy applies to the collection, use, disclosure, retention, and disposal of recorded information collected through video surveillance technology by all employees of the City of Moncton, as well as its agents, volunteers, contractors, or other 3<sup>rd</sup> parties who may have access to video surveillance records.

In this policy, video surveillance includes any associated audio recordings captured as part of the video recording process. Where warranted, the City may use video surveillance systems in and around its facilities, properties, employees, and vehicles. For clarity, “video surveillance records” do not include traffic monitoring systems, webcams, or other media which may stream or broadcast video but have no recording function in operation.

## 3. Definitions

“**City**” means the City of Moncton.

“**Personal Information**” means personal information as defined in RTIPPA.

“**Privacy Breach**” means any incident of unauthorized access, use, disclosure, retention, or disposal of Personal Information in the custody or under the control of the City.

“**RTIPPA**” means the *Right to Information and Protection of Privacy Act*, S.N.B. 2009, c. R-10.6

“**Traffic Monitoring System**” means a self-contained Video Camera System that enables continuous or periodic recording, observing or monitoring traffic and/or roadways in the City.

“**Video Surveillance System**” means a mechanical or electronic system or device that enables continuous or periodic recording, and which may have the capacity of recording audio in addition to video images, observing or monitoring of Personal Information about individuals in open spaces, public buildings, or public transportation, and includes all recorded video collected by same.

## 4. Policy

4.1 It is the policy of the City to ensure that:

(a) before video surveillance equipment is installed on a City facility, property or vehicle, the use of the video surveillance system shall be justified by the requesting Director and approved by their General Manager on the basis of:

- (i) enhancing the protection and safety of employees and the general public;
- (ii) incidents of crime;
- (iii) safety concerns;
- (iv) reducing, deterring, and investigating incidents of vandalism or criminal activity; or
- (v) protecting property and assets;

(b) privacy intrusion from video surveillance shall be minimized;

(c) agreements between the City and any service providers shall state that the recorded information from the video surveillance system are under the City's custody and control and therefore are subject to RTIPPA and other applicable law;

(d) video surveillance equipment shall be restricted so that it cannot be adjusted or manipulated by anyone to overlook spaces that are not intended to be covered by the video surveillance system;

(e) video surveillance equipment shall not monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms);

(f) 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 personal injury, damage to assets, and other legal claims; or
- (iii) investigating and resolving public complaints received by the City or matters that may give rise to a customer complaint being received by the City;

(g) the monitoring procedures shall be performed based on the following principles:

- (i) video surveillance shall be conducted in accordance with all applicable law;
- (ii) video surveillance shall be conducted in a professional, ethical, and legal manner;
- (iii) operators shall be trained in the responsible use of the video surveillance equipment;
- (iv) the monitored areas shall have signage advising the public of the monitoring and recording;
- (v) records obtained through the video surveillance system shall be released only according to the standards set by RTIPPA and other applicable law.

(h) the video surveillance system shall be operated in accordance with the principles of RTIPPA and the collection, use, disclosure, retention, and disposal of related records shall be handled in accordance with RTIPPA and other applicable law;

(i) the public or employees may file a complaint, with the City Clerk's Office, regarding privacy concerns with the video surveillance system;

(j) ownership of the video surveillance records shall remain with the City;

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(k) access to the recorded information is only permitted in accordance with RTIPPA, other applicable law, and this Policy;

(l) access to the video surveillance records shall be restricted to those responsible for the administration of the video surveillance system and to:

- (i) City employees who lawfully require access to the records for the purposes of risk management, investigating complaints from the public, and the processing of personal injury claims and claims to the damage of assets;
- (ii) law enforcement agencies by official request where the records are required for law enforcement purposes as defined under RTIPPA; and
- (iii) the people whose images have been recorded and retained who make a request and are granted access to their own personal information in accordance with RTIPPA or other applicable law;

(m) except in the case of access as described under 4.1(l)(i) and (ii) above, all other requests for video surveillance records must be made through an official RTIPPA (<http://www.moncton.ca/RTIPPA>) request;

(n) a log must be maintained for all requests for access to video surveillance records and retained for the period set out in the Municipal Records Authority for RTIPPA records. The log must include the following information:

- (i) the date and time range of the recorded video requested;
- (ii) the date of the request;
- (iii) the name of the requester;
- (iv) the file / case number, where applicable; and
- (v) the name of the agency (if applicable);

(o) when requested video surveillance is used by the requester to make a final decision it becomes part of their records. The requester must securely retain and dispose of these records in accordance to the records retention and disposition schedules set out by legislation, or their records governing authorities;

(p) video surveillance records shall be routinely erased every 30 days;

(q) the City Clerk shall be notified as soon as possible if there has been an unauthorized disclosure of video surveillance records which may contain personal information.

### Responsibilities

**4.2** The City Manager is responsible for compliance with this Policy.

**4.3** General Managers are responsible for the operation of Video Surveillance systems specific to their areas of responsibility.

**4.4** Employees are responsible for reviewing and complying with this Policy, Video Surveillance Administrative Directive, RTIPPA, and other applicable law, when they perform their duties and functions related to the operation of the video surveillance system.

### Breach of Policy

**4.5** Employees are responsible for compliance with this Policy. Any employee who breaches this Policy may be subject to discipline up to and including dismissal.

## 5. Administration and Contact

City Clerk's Office

655 Main St., Moncton, NB E1C 1E8

Telephone: 506.853.3550

Email: [info.clerk@moncton.ca](mailto:info.clerk@moncton.ca)