

HALIFAX

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Item No. 14.1.1
Halifax Regional Council
July 31, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: February 2, 2018

SUBJECT: Administrative Order #2017-006-ADM, Respecting Video Recording On
Municipal Property

ORIGIN

This report originates from staff's identification of a need for a policy to provide a framework to govern the use and administration of CCTV on municipal property.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c.39

59(3) In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.

Municipal Government Act, S,N.S. 1998, c.18, Part XX, Freedom of Information and Protection of Privacy

48(1) Personal information shall not be collected by, or for, a municipality unless
(a) the collection of that information is expressly authorized by, or pursuant to, an enactment;
(b) that information is collected for the purpose of law enforcement; or
(c) that information relates directly to, and is necessary for, an operating program or activity of the municipality

RECOMMENDATION

It is recommended that Halifax Regional Council adopt Administrative Order #2017-006-ADM, Respecting Video Recording on Municipal Property, as set out in Attachment A of this report.

BACKGROUND

HRM Corporate Security was established in 2008, in order to address the safety and security of all city employees, clients, visitors and property, as well as to counter asset loss by developing security measures. Included within this mandate, is the responsibility to develop policies and procedures that focus on security systems and provide direction on the installation, management and use of these systems.

The purpose of this policy is to provide guidelines for the use of CCTV on HRM property, including its transit system. It does not apply to CCTV or other recording devices used by Halifax Regional Police, as the Halifax Regional Police are governed by the *Police Act*. Facilities owned, but not operated directly, by HRM are not captured in this policy, but staff will work toward addressing the use of CCTV in those facilities through operating agreements as appropriate.

The policy outlines that CCTV may be used to enhance the safety and security of HRM employees, contractors and members of the public who are on municipal property or municipal assets, as well as to safeguard municipal property and assets, and manage risk to the Municipality.

The policy also provides that CCTV systems will be designed in a manner that minimizes privacy intrusions.

DISCUSSION

As requests for CCTV installations on HRM property continue to expand and evolve, the need for a comprehensive CCTV policy has become increasingly important. The Administrative Order outlined herein has been under development in consultation with business units and governs:

- i) the installation and operation of CCTV;
- ii) the collection and use of information obtained through the use of CCTV, including digital recordings;
- iii) the custody, control, retention, and disposal of information obtained through the use of CCTV; and
- iv) access to digital recordings.

This Administrative Order also defines roles and responsibilities, as well as reporting procedures and requirements for signage to alert employees and visitors to the presence of CCTV. Further, it is designed to ensure consistency around the installation and use of CCTV on HRM property by requiring Corporate Security to be engaged in the installation of CCTV on municipal property or in municipal assets in consultation with the Business Unit Director and the Access & Privacy Officer.

Corporate Security is responsible to lead the installation of CCTV on municipal property and assets, with the exception of onboard bus and ferry cameras, for which Halifax Transit Security is responsible.

CCTV is a useful tool for the Municipality in addressing issues of security and risk management. However, it also engages the Municipality's obligations with respect to the collection, use and disclosure of personal information. The Administrative Order balances these interests by providing a framework that requires several criteria to be considered before the installation of CCTV, including whether other measures may be available to address a particular issue, as well as the effect the installation will have on privacy and the ways in which those effects can be minimized. These considerations will be used to determine whether a full Privacy Impact Assessment is recommended by HRM's Access & Privacy Officer.

Once CCTV has been installed, the Administrative Order addresses ongoing privacy concerns, such as access to digital images, their use, retention and destruction, as well as providing for a requirement to report unauthorized access and possible sanctions where digital images are disclosed to unauthorized parties.

The proposed policy has been in development for a number of years, and is generally consistent with the Video Surveillance Guidelines issued by the NS FOIPOP Review Office in early 2017.

All HRM Business Units, including Legal, Insurance and Risk Management Services, ICT, Halifax Transit, Human Resources and Corporate and Customer Service were consulted on this policy. A copy of the report was forwarded to the various unions for consultation. HRM's Access and Privacy Office has also reviewed and consulted on this Administrative Order. Staff will be developing internal policy to support this Administrative Order subsequent to its approval. Additional consultation with internal stakeholders will take place, during this process.

HRM Corporate Security consulted with other Canadian jurisdictions, including Ottawa, London, Hamilton and Kitchener in the development of this initiative.

FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from this report.

RISK CONSIDERATION

Currently, HRM does not have a policy governing the installation, use and administration of CCTV on HRM property. In lieu of a defined process and governance, various HRM Business Units / Facilities have installed CCTV without appropriate consultation with HRM Corporate Security. This presents a moderate risk to the Municipality in terms of the consistent application of technology, as well as installation and maintenance standards. This Administrative Order provides clear direction concerning the use of CCTV on HRM property, the retention and dissemination of records, as well as a governance model that addresses concerns of employees and the public.

COMMUNITY ENGAGEMENT

There was no community consultation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this report.

ALTERNATIVES

It is recommended that Council approve the attached Video Recording Administrative Order. The alternative is to continue with each business unit managing their own CCTV policy. This is not recommended by staff.

ATTACHMENTS

Attachment A - Administrative Order #2017-006-ADM, Respecting Video Recording on Municipal Property

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Angela Murphy, Manager, Corporate Security, 902.237.4787

Original Signed

Report Approved by: _____
Diane Moulton, Manager, Municipal Facilities Maintenance & Operations, 902.490.1536

**Halifax Regional Municipality
Administrative Order Number 2017-006-ADM
Respecting Video Recording On Municipal Property**

WHEREAS the Council wishes to provide a framework for the effective management of video recording on municipal property and municipal assets;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as Administrative Order No. 2017-006-ADM, the *Video Recording Administrative Order*.

Purpose

2. The purpose of this Administrative Order is to enhance the safety and security of employees, members of the public and municipal property while minimizing privacy intrusion. The appropriate use of video surveillance, combined with other safety and security measures, is a necessary and effective means of achieving these purposes.

3. This Administrative Order establishes requirements and responsibilities with respect to:

(a) the installation and operation of CCTV on municipal property and in municipal assets; and

(b) the collection, use, custody, control, retention, disclosure and deletion of digital recordings.

Interpretation

4. In this Administrative Order,

(a) "Access & Privacy Officer" means the responsible officer under Part XX of the *Municipal Government Act*, S.N.S. 1998, c. 18, or his or her delegate;

(b) "business unit" means an administrative unit of the Municipality responsible for the delivery of those services assigned to the unit from time to time by the CAO;

(c) "CAO" means the Chief Administrative Officer of the Municipality, or his or her delegate;

(d) "CCTV" means closed circuit television cameras, monitors, and associated equipment that allow for remote viewing of images and/or audio captured within the field of vision of the cameras;

(e) "contractor" means a corporate entity, or an individual, performing work on behalf of the Municipality under contract;

(f) “Corporate Security” means the business unit of the Municipality, or section thereof, assigned responsibility for the safety and security of municipal property and municipal assets by the CAO;

(g) “Council” means the Council of the Municipality;

(h) “covert video surveillance” means the use of hidden or non-disclosed CCTV for law enforcement purposes, to respond to a specific threat to the safety and security of employees, visitors, or municipal property, or to assist with internal investigations;

(i) “digital recordings” means the images, data and associated records created and retained as a result of the municipality’s use of CCTV;

(j) “Director” means an employee of the Municipality designated by the CAO to manage a department, or his or her delegate;

(k) “employee” includes any person categorized as permanent, term, full-time, part-time, casual, contract, seasonal, temporary or student worker in the employ of the municipality, as well as volunteers, but it does not include a member of the Halifax Regional Police or the Royal Canadian Mounted Police;

(l) “FOIPOP” means Part XX, Freedom of Information and Protection of Privacy, of the *Municipal Government Act*, S.N.S. 1998, c. 18;

(m) “Halifax Transit Security” means the division of Halifax Transit assigned responsibility by the CAO for the safety of security of municipal property and municipal assets used as part of a passenger’s contiguous trip on the Halifax Transit system;

(n) “internal investigation” means an investigation undertaken by the municipality where alleged improper conduct by an employee has been identified, including actions or omissions that are in breach of municipal policies, procedures or work-related instructions;

(o) “Municipality” means the Halifax Regional Municipality;

(p) “municipal assets” includes vehicles, buses and ferries owned or leased, and operated directly by, the municipality;

(q) “municipal property” means any real property owned or leased, and operated directly by, the municipality, including buildings, parks, and recreational facilities;

(r) “personal information” has the same meaning as “personal information” in section 461(f) of FOIPOP; and

(s) “secure” means to copy a portion of a digital recording to an external storage device such as a hard drive or flash drive.

Application

5. This Administrative Order applies to CCTV on all municipal property and municipal assets.

6. This Administrative Order does not apply to CCTV or other recording devices used by the Halifax Regional Police, or to the digital records produced as a result of the operation of such devices and their use by the Halifax Regional Police.

7. This Administrative Order does not apply to CCTV installed for the purpose of traffic management, including for the enforcement of traffic laws or regulations.
8. This Administrative Order does not apply to covert video surveillance.
9. Nothing in this Administrative Order limits the CAO's ability to develop and implement policies relating to the use of digital recordings for the management of employees.

Guidelines for Installation of CCTV

10. (1) Subject to subsection (2), the decision to install CCTV on municipal property or in municipal assets shall be made by Corporate Security, in consultation with the applicable Director.

(2) The decision to install CCTV on Halifax Transit busses or ferries shall be made by Halifax Transit Security, in consultation with the Director of Halifax Transit.

11. (1) When considering the installation of CCTV on municipal property or in a municipal asset, the following criteria shall be considered and documented by Corporate Security or Halifax Transit Security, in consultation with the applicable Director and the Access & Privacy Officer:

(a) the existence of demonstrated and significant safety or security concerns at the location, or at similar locations to the location, where placement of CCTV is being proposed;

(b) what measures, other than the installation of CCTV, are available to address identified safety or security concerns;

(c) whether measures other than the installation of CCTV would be effective in addressing the identified safety or security concerns;

(d) the effect that the proposed placement of CCTV may have on personal privacy, and the ways in which privacy intrusion can be minimized;

(e) the operational requirements of the business unit; and

(f) any other criteria deemed relevant by the CAO.

(2) The Access & Privacy Officer shall recommend whether a full Privacy Impact Assessment is required.

12. Where circumstances require the immediate installation of CCTV, the criteria in section 11 shall be reviewed as soon after installation as is practicable and adjustments, up to and including removal, will be made if required in respect of the installation once the review is complete.

13. (1) Where CCTV is permanently installed on municipal property or a municipal asset, Corporate Security or Halifax Transit Security shall post signage in a conspicuous place in close proximity to the CCTV, advising employees and members of the public that the area is monitored by CCTV, the authority for doing so, the principle purpose(s) for which the digital recordings is intended to be used, and the telephone number of someone who can answer questions about the collection of digital recordings.

(2) Notwithstanding (1), if a sign cannot physically be posted in a conspicuous place in close proximity, it shall be posted in the general vicinity.

(3) Where a number of CCTV devices are placed in a location, it shall be sufficient to display a single sign in a conspicuous place at or near the entry point advising those entering the location that it is being monitored by CCTV.

14. CCTV shall not be installed in areas where employees or members of the public have a higher expectation of privacy, including washrooms or change rooms.

15. CCTV shall, to the extent possible, be focused on the location identified as having safety or security concerns, and the ability to adjust or manipulate CCTV to overlook spaces not intended to be monitored shall, to the extent possible, be restricted.

16. To the extent possible, video displays of digital recordings should not be located such that the public or unauthorized staff may view the images.

17. CCTV may operate at any time in a twenty-four hour period.

18. Corporate Security and Halifax Transit Security shall maintain an inventory of all CCTV installations under their control.

Guidelines for use of digital recordings obtained through CCTV

19. Digital recordings may be used by the Municipality to:

(a) enhance the safety and security of employees, contractors and members of the public who are on municipal property or municipal assets;

(b) safeguard municipal property and municipal assets;

(c) detect and deter criminal activity by providing law enforcement agencies with evidence related to possible unlawful activities;

(d) manage risk to the Municipality, including workplace accidents and/or injuries, incidents, complaints, claims or potential claims involving the Municipality; and

(e) undertake internal investigations, as authorized by the CAO.

20. Directors may request that Corporate Security or Halifax Transit Security secure digital recordings from an identified time and location for any of the purposes set out in section 19.

Custody and Control of Digital Recordings

21. The Municipality is responsible for the custody and control of digital recordings.

22. CCTV recording equipment shall be located such that only individuals authorized by Corporate Security or Halifax Transit Security may access the equipment.

23. All wireless transmissions of digital recordings shall be encrypted.

24. (1) Corporate Security or Halifax Transit Security, in consultation with the applicable Director, may designate employees or contractors who are authorized to access CCTV and digital recordings for the purpose of monitoring CCTV at a given location.

(2) Corporate Security or Halifax Transit Security may designate employees or contractors who are authorized to:

- (a) retrieve, download, view and/or secure a digital recording;
- (b) perform maintenance and repairs on CCTV.

(3) Corporate Security and Halifax Transit Security shall maintain a list of authorized individuals designated pursuant to subsections 24(1) and 24(2).

25. The CAO shall develop procedures for accessing, securing, using, maintaining, and storing digital recordings.

26. Corporate Security and Halifax Transit Security shall maintain records regarding the access, security, use, maintenance, and storage of digital recordings.

Third Party Access to Digital Recordings

27. Third parties may request access to digital recordings in the following manner:

- (a) an application pursuant to FOIPOP;
- (b) as part of a legal action against the Municipality; or
- (c) by way of a court order or otherwise as provided for by law.

28. Law enforcement personnel may request access to digital recordings for law enforcement or investigative reasons by contacting Corporate Security or Halifax Transit Security.

29. A statutory body may request access to digital recordings pursuant to its legislative authority.

30. A third party who is given access to digital recordings may be required to acknowledge his or her duties, obligations and responsibilities with respect to the confidentiality, use and disclosure of the digital recordings in writing.

31. Any unauthorized access to digital recordings or CCTV shall be reported to the Access & Privacy Officer for investigation.

32. (1) Any employee who provides digital recordings to unauthorized parties, either as a result of intentional wrongful disclosure or disclosure caused by negligence, may be subject to disciplinary action, up to and including dismissal.

(2) Any contractor who provides digital recordings to unauthorized parties, either as a result of intentional wrongful disclosure or disclosure caused by negligence, may be subject to termination of their contract.

Retention and Disposal of Digital Recordings

33. The CAO may develop retention periods for digital recordings, including the length of time such recordings are to be maintained, and may develop different retention periods for those digital recordings that have been secured.

34. (1) Digital recordings that have been secured by Corporate Security or Halifax Transit Security in response to a request pursuant to section 20 shall be retained by the business unit in accordance with the legal and records management requirements of the request.

(2) Notwithstanding (1), where digital recordings that have been secured in response to a request pursuant to section 20 are subsequently used to make a decision that directly affects an individual, they shall be retained for a minimum of one year.

35. Digital recordings for which no request to secure has been received by Corporate Security or Halifax Transit Security shall not be retained for longer than 30 days.

36. Digital recordings shall be disposed of in a manner that ensures that personal information is erased and cannot be retrieved or reconstructed. Disposal methods may include shredding, burning, or erasing depending on the type of storage device.

Transition

37. The Guidelines for Installation of CCTV do not apply to CCTV installed prior to the adoption of this Administrative Order until three years from the coming into force of this Administrative Order.

Done and passed in Council this day of , 2018.

Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on XXXXXXX, 2018.

Kevin Arjoon, Municipal Clerk

Notice of Motion: -----, 2018
Approval: -----, 2018