



<b>Policy Name: Video Surveillance and Audio Recording Policy</b>	<b>Policy No: S203-19</b>
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Department/Division:	Clerk's

## 1. Purpose

The purpose of this Policy is to establish guidelines for the Video Surveillance Program and authorized audio recording practices of the Town of Pelham (the "Town") in compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 ("MFIPPA"), the *Municipal Act, 2001*, S.O. 2001, c. 25 ("Municipal Act, 2001"), and the Information and Privacy Commissioner of Ontario (IPC) Guidelines for the Use of Video Surveillance.

This Policy applies to Video Surveillance Systems located on Town property and to the Audio Recording Systems that record telephone calls between members of the public and Town staff within designated departments, where such recordings are necessary for purposes including quality assurance, training, public safety, service improvement or investigations.

This Policy ensures that the collection, use, retention, access, disclosure, and disposal of video and audio recordings are conducted in a manner that respects individuals' privacy and limits the collection and retention of personal information to what is reasonably necessary while enhancing public safety, security, and service delivery.

## 2. Policy Statement

The Town is committed to enhancing the safety and security of the public, its employees, and its property while balancing an individual's fundamental right to privacy. Accordingly, the Town is committed to full compliance with provincial privacy laws regarding the notice, collection, access, use, disclosure, retention and disposal of personal information. This includes adherence to data minimization principles, which, for video and audio surveillance, entails limiting the amount of personal information collected and retained to what is necessary to fulfill the purposes of the lawfully authorized activity.



### 3. Definitions

**“Audio Recording”** means a recorded telephone or voice communication between a member of the public and Town staff captured through a Town-operated telephone or communications system.

**“Audio Recording Program”** means a system that uses authorized audio recording technologies to record telephone communications within approved Town systems and designated departments for purposes including service delivery, public safety, quality assurance, and compliance, and that is governed by policies on use, storage, access, retention, disclosure, and privacy.

**“Audio Recording System(s)”** means any recording system, physical or other mechanical, electronic, digital, or wireless system or device that enables the authorized recording of telephone or voice communications through Town-owned or Town-operated communication systems.

**“Authorized Use”** means disclosure of Video Surveillance System Footage and/or Audio Recording(s) (i) in response to a law enforcement request made pursuant to section 32 of *MFIPPA*; (ii) when required by law, such as a court order or access request made under sections 32 and 36 of *MFIPPA*; and/or (iii) where necessary to protect public safety and authorized under *MFIPPA* or a Town policy for this purpose.

**“Authorized Staff”** means employees of the Town who are authorized to review Video Surveillance System Footage and/or Audio Recording(s).

**“Clerk”** means the Clerk of the Town or designate.

**“Head”** means the Clerk that has been designated by Council to act as the head of the Town for the purposes of *MFIPPA*.

**“Information and Privacy Commissioner (IPC)”** means the independent officer of the Ontario Legislature that provides oversight on Ontario’s access and privacy laws, ensuring that personal information remains private and secure while granting the public the right to access government-held information.

**“Personal Information”** means personal information as defined in section 2 of *MFIPPA*, namely, recorded information about an identifiable individual, including but not limited to information relating to an individual’s race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital status.



**“Privacy Analysis”** means a checklist with specific privacy-related questions to help inform the Privacy Impact Assessment and assist the Town in determining if expansion or modification to the current Video Surveillance Program and/or Audio Recording Program is necessary.

**“Privacy Breach”** means any loss or theft of Personal Information and/or any collection, disclosure, or use of Personal Information that occurs without authority and in a manner that does not comply with Ontario’s privacy laws.

**“Privacy Impact Assessment (PIA)”** means a risk management tool used by the Town to identify the actual or potential effects that a proposed or existing information system, technology, program, process or other activity may have on an individual’s privacy. The Town completes PIAs using the PIA module provided through Vayle Inc.

**“Town Facility”** means any land, building, or structure owned or occupied by the Town that is open to the public, including but not limited to fields, parks, pools, splash pads, arenas, gymnasiums, multi-use community rooms, and parking areas.

**“Unauthorized Use”** means any accessing or disclosure of Video Surveillance System Footage and/or Audio Recording(s) that is not an Authorized Use.

**“Video Surveillance Program”** means a system that uses cameras to monitor Town Facilities and infrastructure to enhance safety, security, and compliance, and that includes policies on camera and audio use, data storage, access, and privacy to ensure responsible and lawful operation.

**“Video Surveillance System(s)”** means any recording system, physical or other mechanical, electronic, digital, or wireless surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals in Town Facilities.

**“Video Surveillance System Footage”** means the video recording(s) captured by a Video Surveillance System.

## 4. General Provisions

### 4.1 Legal Authority and Justification

Under the *Municipal Act, 2001*, the Town has authority to provide services necessary or desirable for the health, safety, and well-being of persons and the



protection of Town assets. This includes security measures such as Video Surveillance Systems and Audio Recording Systems.

The Town has authority under section 28 of *MFIPPA* to collect Personal Information, including Video Surveillance System Footage and Audio Recording(s), where the collection is (i) expressly authorized by statute; (ii) necessary for the proper administration of a lawfully authorized activity; or (iii) used for law enforcement purposes.

In keeping with these legal requirements, the Town will use Video Surveillance Systems and Audio Recording Systems only where necessary for public safety, crime prevention, service delivery, quality assurance, investigations or the protection of Town assets. Additionally, before implementing or expanding a Video Surveillance System at any Town Facility, or an Audio Recording System within a department, the Town will assess whether less intrusive alternatives have been considered and determined to be inadequate. This assessment is discussed further in section 4.6 of this Policy.

#### **4.2 Notice of Collection and Public Awareness**

The Town is required to provide notice of the collection of Personal Information to individuals whose information is collected. Section 29 of *MFIPPA* provides that individuals must be informed of (i) the legal authority for the collection; (ii) the principal purpose or purposes for which the Personal Information is intended to be used; and (iii) the title, business address and business telephone number of a public official who can answer the individual's questions about the collection.

The Town will provide notice of the use of Video Surveillance Systems in Town Facilities by posting signage at the perimeter of all monitored areas and at key locations within monitored areas. The signage will have clear, language-neutral graphical descriptions of the use of a Video Surveillance System and will provide the information prescribed by section 29 of *MFIPPA*.

The Town's approved signage is attached as Appendix "A" to this Policy.

Where telephone calls or voice communications may be captured by an Audio Recording System, the Town will provide notice of collection through an automated recorded message delivered via the Town's auto-attendant system at the outset of all incoming calls, prior to any audio recording taking place. To further facilitate public awareness, the Notice of Collection of Personal Information and this Policy will be available on the Town's website at [www.pelham.ca/video](http://www.pelham.ca/video).



### **4.3 Location and Use of Video Surveillance and Audio Recording Systems**

The Town will implement Video Surveillance Systems in Town Facilities only where there is a demonstrated need for the use of a Video Surveillance System for public safety, crime prevention, or the protection of Town assets.

The Town will not install any component of a Video Surveillance System in any area of a Town Facility where individuals have a high expectation of privacy, such as washrooms or changerooms.

The Town may implement Audio Recording Systems within approved Town communication systems and designated departments only where there is a demonstrated need for purposes including service delivery, public safety, quality assurance, training, investigations, or compliance. The Audio Recording Program does not apply to all telephone or voice communications or to all Town employees and is limited to specific staff extensions.

The Town currently uses Video Surveillance Systems in the Town Facilities listed in Appendix "B" to this Policy.

### **4.4 Retention, Access, and Disclosure**

#### **4.4.1 Video Surveillance System Footage**

Video Surveillance System Footage recorded at the Meridian Community Centre (MCC) will be retained for no more than fifteen (15) calendar days, unless required for an investigation or legal hold for actual or potential litigation or law enforcement purposes.

Video Surveillance System Footage recorded at any other Town Facility will be retained for no more than thirty (30) calendar days, unless required for an investigation or legal hold for actual or potential litigation or law enforcement purposes.

If Video Surveillance System Footage is subject to a law enforcement request, legal hold, or formal *MFIPPA* access request, it must be retained until the matter is resolved, as provided for in section 5 of *MFIPPA*.

Access to Video Surveillance System Footage is restricted to Authorized Staff with a legitimate need to review it or as provided for in section 31 of *MFIPPA*. Any employee who engages in Unauthorized Use is subject to disciplinary action.

Video Surveillance Footage may be disclosed only for an Authorized Use. Any disclosure must be documented by the Town in a log maintained by the Manager



of Information Technology, which must include (i) the date and time of access, (ii) the person/entity requesting access, and (iii) the reason for disclosure.

Individuals may request access to Video Surveillance System Footage that contains their Personal Information by submitting a formal request under section 36 of *MFIPPA*. The Head will review requests to determine whether disclosure is permitted under the statute's privacy and law enforcement exemptions.

#### **4.4.2 Audio Recordings**

Audio Recordings captured under the Audio Recording Program will be retained for no more than fifteen (15) calendar days from the date of collection and will be automatically deleted after this period.

Notwithstanding the above, where an Audio Recording is identified as relevant to an investigation, complaint, audit, legal proceeding, law enforcement request, or a formal access request under *MFIPPA*, the Town reserves the right to retain the recording for a longer period, until the matter is fully resolved.

The Town acknowledges that system default retention settings may exceed the approved retention period; however, retention periods will be configured to align with this Policy wherever technically feasible.

#### **4.5 Security and Protection of Video Surveillance System Footage and Audio Recordings**

*MFIPPA* regulations require the Town to define, document, and implement reasonable measures to prevent the Unauthorized Use of Video Surveillance System Footage and Audio Recordings. Accordingly, the Town will store Video Surveillance System Footage and Audio Recordings on secure devices equipped with encryption or other security measures to protect data integrity and maintained in controlled locations. The Town will also ensure that any contracts between the Town and third parties include privacy and security obligations to ensure compliance with this Policy when third-party service providers fall under any part of this Policy.

#### **4.6 Public Consultation and Privacy Considerations**

Prior to expanding the Town's current Video Surveillance Systems or Audio Recording Program, the Town will conduct public consultations to gather input from the community on the necessity, scope, and potential impacts of surveillance. The Clerk's Department will post a Public Notice on the Town's website ([www.pelham.ca](http://www.pelham.ca)) containing information on the proposed Video



Surveillance System(s) or Audio Recording Program and allow for a two (2) week commenting period for agencies and the public. Public comments will be delivered to the Clerk for review and consideration.

The Town will also undertake a Privacy Analysis before implementing any new or significantly modified Video Surveillance System(s) or Audio Recording Program(s) to evaluate its necessity, proportionality, and effectiveness while considering alternative measures. PIAs will be conducted by the Clerk's Department in conjunction with the Manager of Information Technology and the manager(s) of the Town Facility/Facilities or department(s) where the Video Surveillance System or Audio Recording Program is present or proposed. The Town will ensure that privacy considerations, such as limiting the collection of Personal Information and data minimization principles, are incorporated into the design of, and operational procedures for, any new or significantly modified Video Surveillance System or Audio Recording Program.

In the event of a Privacy Breach involving the Town's Video Surveillance Program or Audio Recording Program, the Town will take the steps outlined in Appendix "C" to this Policy.

#### **4.7 Review and Audits**

The Manager of Information Technology will review the Video Surveillance Program and Audio Recording Program every two (2) years to ensure compliance with this Policy and relevant legislation.

The Head may periodically conduct privacy audits of the Video Surveillance Program and Audio Recording Program to assess compliance with section 4.1 of *MFIPPA* and ensure that privacy protections remain effective.

The Clerk's Department will review this Policy every two (2) years and update as necessary to reflect changes in legislation, technology, and municipal needs.

#### **4.8 Roles and Responsibilities**

All Town employees have a shared responsibility to implement and adhere to this Policy.

The Clerk is responsible for:

- approving designated departments for Audio Recording and associated retention periods;



- directing compliance and resolving any conflicts with this Policy;
- administering and communicating this Policy broadly to all Town employees;
- establishing and approving procedural guidelines;
- responding to requests for disclosure of records under *MFIPPA* or applicable routine disclosure procedures;
- responding to requests from the public and employees about the collection, use, and disclosure of Personal Information captured by any Video Surveillance System or Audio Recording System;
- educating employees and the public on the collection, use, and disclosure of Personal Information through Video Surveillance Systems and Audio Recording Systems;
- coordinating PIAs and public consultations, as required;
- working with the department manager(s) and employee(s) in the event of an improper disclosure of Personal Information;
- responding to privacy complaints received through the IPC; and
- notifying the IPC in the event of a Privacy Breach, where appropriate.

The Manager of Information Technology (IT) is responsible for:

- administering and maintaining the Town's Video Surveillance Systems and Audio Recording Systems;
- ensuring automatic retention and deletion settings are applied in accordance with this Policy;
- ensuring Video Surveillance System Footage and Audio Recordings subject to legal hold or investigation are preserved;
- ensuring that the Video Surveillance System location document is kept up to date;
- ensuring Notice of Collection signage and system notices are implemented for Video Surveillance Systems and Audio Recording Systems;
- providing access to the Video Surveillance System Footage and Audio Recordings to Authorized Staff where required and maintaining an access log;



- managing the life cycle management of the Video Surveillance Systems and Audio Recording Systems, including the specifications, equipment standards, installation, maintenance, replacement and disposal;
- implementing and overseeing all technical and security aspects of Video Surveillance Systems and Audio Recording Systems as set out in this Policy; and
- determining appropriate Video Surveillance System Footage and Audio Recording storage methods and locations.

Directors and Managers of the Town are responsible for:

- ensuring the appropriate use of the Video Surveillance Systems and Audio Recording Systems at Town Facilities and within designated departments for which they are responsible;
- ensuring that Notice of Collection signage and audio recording notices, as applicable, at Town Facilities and within approved communication systems for which they are responsible are properly implemented and visible or communicated to the public at all times;
- notifying the Clerk when employee training is required;
- referring any requests for Video Surveillance System Footage or Audio Recordings from the public to the Clerk or designated employee;
- reporting any technical problems and Privacy Breaches with the Video Surveillance Systems or Audio Recording Systems to the Manager of Information Technology (IT) and the Clerk.

All employees of the Town are responsible for:

- following this Policy and its related procedures in all circumstances;
- notifying their manager of Video Surveillance System Footage or Audio Recordings that may require a legal hold or be subject to an investigation;
- reporting to their manager any actual or suspected Privacy Breach;
- reporting to their manager any lack of visibility, damage, or unauthorized alterations to the Notice of Collection signage as shown in Appendix "A"; and
- reporting any issues with the Video Surveillance System or Audio Recording Systems at their location or within approved communication systems to their manager.



## **5. Attachments**

Appendix A – Approved “Notice of Collection” Language and Signage – Video Surveillance

Appendix B – Video Surveillance System Locations

Appendix C – Privacy Breach Management