



TOWN OF SAINT ANDREWS

POLICY P-23-01 USE OF VIDEO SURVEILLANCE AND RETENTION OF PHOTOGRAPHIC EVIDENCE

Policy Statement

The Town of Saint Andrews recognizes the need to balance an individual's rights to privacy and the need to ensure the safety and security of the Town, its employees, clients, visitors, property, and by-law enforcement.

As an institution governed by the *Right to Information and Protection of Privacy Act*, R.S.O. 2009, Chapter R-10.6 (RTIPPA), the Town has obligations with respect to notice, access, use, disclosure, retention, and disposal of records.

While video surveillance cameras are installed for safety and security reasons on Town property and By-Law Enforcement Officers use photos for ticketing and enforcement procedures, there is a need to ensure the minimization of privacy intrusion.

Proper video and photo surveillance is an effective means to help keep the Town's facilities, properties, and enforcement measures operating in a safe, secure, and privacy-protective manner.

Scope

This policy shall apply to all Town of Saint Andrews owned or operated assets, open spaces, and by-law enforcement measures.

Purpose

- The video surveillance system and photographic uses are to ensure the safety of the public or enforce the laws or By-Laws.
- The video surveillance system supplements less intrusive forms of surveillance.
- The cameras do not view the inside of areas where the public and employees have a higher expectation of privacy (e.g., washrooms).
- The surveillance system is intended to provide the Town with an effective means to protect facilities, properties, staff, Council, and community members as it relates to enforcement measures and laws.

Openness and Transparency

- The Council, staff and the public has been advised of the purpose of the surveillance.
- The Town of Saint Andrews Council has been consulted as the elected representatives of the public.
- If any changes arise in the future with the system or processes, there will be a plan in place to inform the public.
- Signs have been posted to indicate the areas under surveillance.
- The cameras cannot be manipulated or adjusted by unauthorized users and only under the authority of the Chief Administrative Officer, Clerk, or Operations Manager.



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Right to Information and Protection of Privacy Act (RTIPPA)

RTIPPA sets out the rules that “public bodies” must follow when collecting, using, and disclosing personal information. It also establishes a general right to access public records held by a public body, as well as a right for individuals to access and correct their personal information.

Video Surveillance

- Where warranted, the Town may use video surveillance systems on Town-owned or operated buildings and open spaces, such as streets, to deter and detect crimes, and anti-social behavior such as theft, vandalism, harassment, other crimes against persons, and unauthorized entry.
- Video surveillance shall be used as part of a larger program that includes lighting, security protocols, and built environment design to promote public safety and security.
- Video surveillance shall be installed in a manner that minimizes privacy intrusions.
- Surveillance footage (recorded information) always remains protected.
- Video feeds are encrypted to reduce the risk of unauthorized access.
- General Video recordings are maintained for up to 30 days. Any recordings that are required as part of an in-house or police investigation will be maintained as long as required.

Photographic Evidence

- By-Law Enforcement has the right to take photographic evidence to support the writing of tickets.
- Photos will only be taken if an infraction has occurred and is in combination with the issuing of an educational or enforcement ticket under the Town of Saint Andrews By-Laws.
- Photos can also be used to support case building on infraction issues beyond tickets (e.g., Dangerous or Unsightly Premises).
- By-Law Enforcement will use discretion with taking photos as this is a tool to provide evidence of an infraction.

Access to Recorded Images

- The Town shall ensure that only authorized staff and Law Enforcement Officials shall review surveillance video records and photographic evidence if they have reasonable enforcement, crime, or an act of anti-social behavior has been or is in the process of being committed.
- Authorized staff, when viewing recordings or photography to determine administrative actions (e.g., viewing incidents, which may lead to banning individuals from Town facilities due to cases of public endangerment, vandalism, or theft) shall log the time and date the video record was viewed.
- If it is determined that it is not a Peace Officer reportable event or one requiring administrative action, the information will be destroyed, as per the Policy, and confidentially will be maintained.



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- Logs shall be kept of all instances, of access to, and use of, recorded material, to enable a proper audit trail. Logs will be kept and maintained in an electronic format accessible only by authorized staff.

Storage and Retention

- The surveillance footage is securely stored in cloud-based software.
- Surveillance footage is retained, stored, and securely destroyed based on a scheduled cycle. When footage is requested, the specific timeframe in question is retained according to the Government of New Brunswick's Classification Plan and Retention Schedule for Common Records.
- All video feeds are encrypted. By encrypting video feeds, there is less of a risk that unauthorized users could access the information. When a video feed is not encrypted, it is possible to purposefully, or accidentally, intercept the signal with a wireless device.
- Any photos that were or have been taken by By-Law Enforcement are kept on file with the By-Law Enforcement ticket issued. Photos will be deleted after 2 years of time, once the infraction has been fully addressed.
- Video recordings or photos that are believed to have some personal information that may be used for law enforcement or public safety purposes shall be removed from the cycle and stored in a digital format in a secure location until retrieved by law enforcement personnel.
- Law enforcement personnel removing video or photo records for the purpose of law enforcement or public safety shall provide written confirmation that they will take full responsibility for the information once it has left the custody of the Town.
- Photographic evidence of minors, 18 years or younger, will only be retained if there is a By-Law or criminal infraction taking place.

Policy Administration and Review

This policy shall be administered by the Clerk-Senior Administrator and will be reviewed as required based on revisions to Town practices or Provincial legislation.

Effective Date

This policy shall come into effect as of February 6, 2023.

Brad Henderson, Mayor

Paul Nopper, Clerk – Senior Administrator

