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Surveillance Policy

XX-NTC

Policy Category:	Name of Policy:
Operations	Surveillance Policy

Policy Owner	NTC
Approval Body	Niagara Transit Commission Board
Approval Date	October 15, 2024
Effective Date	October 21, 2024
Review by Date	October 31, 2026

1. Policy

Niagara Transit Commission (NTC) is committed to providing a safe and secure transit environment for the benefit of its passengers, employees and assets. Video surveillance is used for safety and security purposes, recognizing the responsibility of the NTC to ensure a safety for employees and the public in accordance with applicable law including under the Occupational Health and Safety Act and the Occupiers Liability Act, in a manner that is in compliance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and consistent with existing employment policies and agreements (collective agreements) and other relevant legislation.

2. Purpose Statement

The purpose of this policy is to govern the use of video surveillance as a tool to enhance the safety and security of employees, the public, and NTC's assets and to address unauthorized activities on or involving NTC property and mitigate risk and liability exposures for the NTC, in a manner that complies with applicable laws.

This policy recognizes the need to balance individual privacy rights with the need to ensure a safe and secure public transit system for employees, customers, and NTC assets. Guidelines are established with respect to the installation and operation of digital recording surveillance systems, the use and retention of information obtained and controlling access to the records created by the system.

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3. Scope

This policy applies to video surveillance technology installed by NTC on vehicles and at facilities operated by the NTC. It does not apply to videotaping of NTC meetings or any covert surveillance that may be used for law enforcement purposes.

4. Roles and Responsibilities

The General Manager is responsible for the NTC's video surveillance program, including the establishment and amendment of any procedures necessary to implement this policy. The roles and responsibilities assigned to NTC staff members are outlined in Schedule "A" attached.

5. Guidelines: Implementation of a Surveillance System

5.1 Designing, Installing, and Using Surveillance System Equipment

When designing a Surveillance System and installing related equipment, including the addition, removal or adjustment of cameras within an existing Surveillance system, the following must be considered:

a) The ability to adjust cameras will be restricted to designated maintenance staff, so that cameras cannot be manipulated to overlook spaces that are not intended to be monitored by the surveillance program.

b) Reception/recording equipment must be in a strictly controlled access area or system. Only staff designated by the appropriate Deputy General Manager will have access to the controlled access area/system and the reception/recording equipment.

c) Every reasonable attempt should be made to ensure Surveillance System equipment is not in a position that enables the public and/or unauthorized staff to view images.

5.2 Notice of Use of Video Recording System

a) NTC will post appropriate signage, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the vehicles and at facilities with a Surveillance System installed.

5.3 The notification requirements of this signage must comply with MFIPPA and inform individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used; and the title, business address, and telephone number of someone who can answer questions about the collection Personnel Authorized to Operate and Maintain Surveillance System Equipment

Only authorized staff as specified in Schedule A will be permitted to operate the Surveillance System and maintain the Surveillance System installed on NTC vehicles. Only authorized staff as specified in Schedule B will be permitted to view and retrieve Surveillance Recordings. All staff with responsibilities outlined in this Policy will acknowledge in writing that they have received training with respect to their responsibilities and confidentiality obligations and that they understand those obligations.

5.4 Breach of Policy

The General Manager in consultation with the MFIPPA Coordinator, Manager Human Resources and Legal/Risk Management Services as needed, will investigate and respond to any breach or alleged breach of this Policy.

6. Surveillance Equipment/Records

6.1 Types of Recording Devices:

NTC may use a Digital Video Recorder system (DVR) or Network Video Recorder system (NVR) and may implement technology replacements and/or upgrades, as required.

6.2 Record Identification

All Surveillance Records will be clearly identified (labelled) as to the date and location of origin including being labelled or titled with a unique, sequential number or other verifiable symbol. On a vehicle or in a facility with a DVR that stores

recordings/information directly on a hard drive, the computer time and date stamp will be understood to be this identification.
Each user or facility, as applicable, will maintain records of activities related to recording devices and records according to the Region's Records Retention By-law. The activities include information regarding the use, maintenance, access and storage of recorded material.

6.3 Remote Access

NTC may use remote access to retrieve, view, operate, maintain or audit all or part of the Surveillance System.
Where the Surveillance System does not provide appropriate electronic recording of user activities, physical logbooks will be maintained by staff who are responsible for the operations of the system to record all activities related to Surveillance System devices and records. The activities include all information regarding the use, maintenance and storage of records; and all instances of access to, and use of, recorded material. All entries will include name of authorized agent, date, time and activity. The logbook or electronic alternative must remain in a safe and secure location.

7. Auditing

7.1 NTC will undertake an internal audit every two years to ensure adherence to this Policy. Auditing may include verification that reported incidents were properly recorded; procedures on security; established roles and responsibilities; maintenance, storage, retention and disposal of equipment and recorded information have been followed; and requests for information have been tracked and responded to accordingly.
Any deficiencies, concerns and/or recommendations identified will be resolved.

7.2 General Manager or designate will conduct a bi-annual review of user access to ensure only authorized users have access to view Surveillance Recordings.

8. Access to Surveillance Recordings

8.1 Access

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Access to Surveillance Recordings will be restricted to authorized agents specified in Schedule B, to comply with the roles and responsibilities as outlined in Schedule A of this Policy.

8.2 Storage

All storage devices that are not in use must be stored securely in a locked receptacle located in an access-controlled area.

8.3 Viewing Surveillance Recordings

Only authorized personnel or agents listed in Schedule B are permitted to view and retrieve Surveillance Recordings in accordance with the purposes outlined in this policy. Surveillance Recordings will be viewed in a controlled area. Every reasonable attempt will be made to ensure that recordings are not viewable or can be heard by other individuals. Surveillance Recordings or Surveillance Records used for employment-related matters are to be for the purposes in accordance with the Collective Bargaining Agreement.

8.4 Freedom of Information Requests

A person requesting access to a Surveillance Record shall follow the requirements of the Niagara Region in submitting a Freedom of Information (FOI) request (available at Freedom of Information Requests - Niagara Region, Ontario (https://niagararegion.ca/government/foi/request.aspx) or by contacting the Regional Clerk/Access and Privacy Office).

NTC will only disclose Surveillance Records in accordance with MFIPPA and as required to comply with any warrant, summons, court order or other legal process that requires disclosure of surveillance images or information, subject to consultation with the Regional Solicitor and Access and Privacy Office.

8.5 Surveillance Records – Law Enforcement, Security, Safety and Evidentiary Purposes

Requests, including law enforcement agencies or regulatory agencies, will be in writing and must identify the legal authority under which the agency is requesting disclosure unless the agency requests immediate access for reasons including imminent danger, hot

pursuit or serious threat to public and/or worker health and safety. In this case, provided the images and information are logged for tracking purposes, the information may be disclosed by the General Manager or designate without a written request. The General Manager or designate may consult, if required, with the Region's Access and Privacy Office or Legal Services, prior to releasing Surveillance Records.

For each Surveillance Record NTC will record the following information:

a) The date and time of the original, recorded incident including the designated name/number of the applicable hardware, vehicle, property, requester, type of incident and associated tracking numbers.
b) The name of the Administrator creating the record.
c) The time and date the record was sealed.
d) The time and date the sealed record was provided to the requester.
e) The name and signature of an authorized person representing the requester.

NTC will maintain a copy of all Surveillance Records, in accordance with the requirements of this Policy.

8.6 Custody, Control, Retention and Disposal of Video Records/Recordings

NTC retains custody and control of all original Surveillance Recordings. Surveillance Records are subject to the access and privacy requirements of MFIPPA and this policy. Access or use of information from the Surveillance System for personal reasons is strictly prohibited.
With the exception for records retained for labour relations, law enforcement or security investigations or for litigation or evidentiary purposes, the NTC video recordings are deleted as follows:

8.6.1 For records collected from a video recording system on a bus- after 7 days
8.6.2 For records collected from a video recording system on a paratransit vehicle- after 7 days
8.6.3 For records collected from a video recording system at transit system terminals and facilities- after 30 days

NTC will take all reasonable efforts to ensure the security of records in its control/custody and ensure their safe and secure disposal. Old storage devices will be disposed in accordance with applicable technology asset disposal processes ensuring personal information is erased prior to disposal and cannot be retrieved or reconstructed. Disposal methods may include, but are not limited to: shredding, burning, melting, overwriting, de-magnetizing, or erasing depending on the type of storage device.

8.7 Unauthorized Access and/or Disclosure (Privacy Breach)

An NTC Employee or contractor who becomes aware of any unauthorized disclosure of a Surveillance Record in contravention of this Policy and/or a potential privacy breach will immediately notify the General Manager through their respective Manager or Deputy General Manager.

Upon confirmation of the existence of a privacy breach, the General Manager will notify the Access and Privacy Office and Legal Services Risk Manager for implementation of the appropriate processes.

The Deputy General Manager will inform the General Manager of events that have led up to the privacy breach. The employee or contractor will work with the Deputy General Manager or designate to take all reasonable actions to recover the record and limit the record's disclosure.

NTC will notify, where possible, affected parties whose Personal Information was inappropriately disclosed. The General Manager, in consultation with the Deputy General Manager or designate will investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

A breach of this Policy by an employee of NTC may result in discipline, up to and including dismissal. A breach of this Policy by a third party with responsibilities under this Policy will result in the appropriate and applicable accountability measures.

8.8 Public Inquires about the Policy

An employee receiving an inquiry from the public regarding this Policy will direct the person to Freedom of Information Requests - Niagara Region, Ontario (https://niagararegion.ca/government/foi/request.aspx) for information and to provide feedback.

An employee receiving an inquiry from the public regarding any privacy breaches and/or complaints will direct the individual to the NTC's customer experience department at Contact Us - Niagara Region Transit (nrtransit.ca). (https://nrtransit.ca/about-nrt/contact-us/)

9. Definitions

"Authorized Personnel" means staff and staff of contracted service providers designated by the General Manager, directed to gain access to Digital Recording Camera Devices and to undertake one or more of the following functions: to retrieve, download, view, secure, copy and distribute Digital Recordings.

"Digital Recording Surveillance System" means audio/visual surveillance equipment capable of recording images and sound in a digital format used on vehicles or at facilities.

"Digital Recording(s)" means the data (audio and video) created and stored as a result of the use of the Digital Recording Surveillance System.

"MFIPPA" means Municipal Freedom of Information and Protection of Privacy Act.

“Surveillance Recordings” means information, including audio and video, recorded by the surveillance system and stored on a digital video recorder (DVR) or other storage device

“Surveillance Records” Copies of Surveillance Recordings, created for the purpose of:

a) Complying with any warrant, summons, court order or other legal process that requires disclosure of Surveillance Recordings;
b) Complying with Freedom of Information requests and MFIPPA;
c) Supporting investigations of legal claims and proceedings;
d) Supporting investigations into Operational Matters.

10. References and Related Documents

Municipal Act, 2001, SO 2001, c. 25
MFIPPA

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Region's Records Retention By-law, 63-2013.
Ontario Information Privacy Commissioner Privacy Investigative Report MC07-68, Privacy and Video Surveillance in Mass Transit Systems, March 3, 2008.
Guidelines for the Use of Video Surveillance, October 2015, Information and Privacy Commission of Ontario

11. **Related Policies**

Not applicable

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12. Document Control

Not applicable

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

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SCHEDULE A- SURVEILLANCE SYSTEM ROLES AND RESPONSIBILITIES

General Manager:

The General Manager may delegate responsibilities under this Policy.

a) Review the Policy every two years and forward to the NTC Board recommendations for update, if any.
b) Establish and update any procedures necessary to implement this policy.
c) Receive and review status updates and audit results and implement the recommendations accordingly.
d) In consultation with the appropriate staff, develop training for NTC and contract staff regarding obligations and compliance with the MFIPPA and this Policy.
e) Designate appropriate staff to view Surveillance Recordings and produce Surveillance Records.

Deputy General Manager, Fleet & Facilities

a) Ensure assigned staff comply with this Policy as it relates to privacy, storage, dissemination, training, and documentation for disclosure of information.
b) Approve the locations on vehicles and facilities for installation of the Surveillance System in accordance with this Policy.
c) Life-cycle management of the authorized video surveillance systems including the specifications, equipment standards, installation, maintenance, replacement, disposal and signage for all NTC vehicles and sites.
d) Ensure that Surveillance System equipment on NTC vehicles is maintained in a state of good repair.
e) Delegate day-to-day maintenance of the Surveillance System on NTC Vehicles to designated staff, as appropriate.

Deputy General Managers of Customer Experience, Operations, and Planning & Performance

a) Ensure assigned staff comply with this Policy as it relates to privacy, storage, dissemination, training, and documentation for disclosure of information.

b) Report any Surveillance System defects to Transit Systems Specialist or IT Specialist, as applicable.
c) Document required information when accessing Surveillance Recordings.
d) Ensure no personal information obtained from Surveillance Recordings are disclosed to anyone without the approval of the applicable Manager.

Transit Systems Specialist

a) Manage daily operation requirements for the fleet Surveillance System.
b) Consult with the Regional Clerk and/or Legal Services, for any issues related to MFIPPA requests.
c) In consultation with the appropriate staff, coordinate technical requirements and activities related to design, functionality, installation, and upgrades to the Surveillance System.
d) Establish an appropriate employee on and off-boarding process to ensure activation and deactivation of access to the Surveillance System.
e) Ensure records of activities related to accessing Surveillance Recordings are maintained as outlined in this Policy.
f) Ensure completion of a semi-annual review of user access to ensure only authorized users have access to view Surveillance Recordings.

IT Specialist

a) Manage daily operational requirements for the facilities Surveillance System.
b) Consult with the Regional Clerk and/or Legal Services, for any issues related to MFIPPA requests.
c) In consultation with the appropriate staff, coordinate technical requirements and activities related to design, functionality, installation, and upgrades to the Surveillance System.
d) Establish an appropriate employee on and off-boarding process to ensure activation and deactivation of access to the Surveillance System.
e) Ensure completion of a semi-annual review of user access to ensure only authorized users have access to view Surveillance Recordings.
f) Ensure records of activities related to accessing Surveillance Recordings are maintained as outlined in this Policy.

g) Service and support of the computer and Windows operating system used for the Surveillance System.
h) Service and support of the NTC network such as to facilitate remote access, except where the network is a component of the Surveillance System.

Managers, Operations

a) Report any Surveillance System defects to Transit Systems Specialist or IT specialist, as applicable.
b) Document required information when accessing Surveillance Recordings.
c) Ensure no personal information obtained from Surveillance Recordings are disclosed to anyone without the approval of the applicable Manager.

Administrator

a) Monitor and track FOI requests and copies of Surveillance Records according to MFIPPA, this Policy, and corporate records management requirements.
b) Oversee all documentation required and generated to implement this Policy.

Manager, Human Resources

a) Provide guidance on use of Surveillance Recordings in investigations where employee information has been captured.

Access and Privacy Office, Clerks

a) Respond to requests for disclosure under MFIPPA or applicable routine disclosure procedures.
b) Respond to requests from the public and employees about the collection, use, and disclosure of personal information captured by a digital recording surveillance system.
c) Coordinate with NTC to ensure compliance to MFIPPA and statutory obligations.
d) Respond to any inadvertent disclosures of personal information or any privacy complaints made to the Region or NTC, or Information and Privacy Commissioner (IPC)/Ontario and comply with Orders issued.

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Employees of NTC and Contracted Service Providers

a) Prohibited to disclose, access or use information recorded by the Surveillance System, its components, files, or database for personal reasons.
b) Prohibited to disclose, dispose, destroy, erase or alter any record without proper authorization from the Deputy General Manager, Planning & Performance, and without following the terms and conditions contained in this Policy.
c) Report any suspected privacy breach or problems with the digital recording surveillance system to their manager or deputy general manager, as appropriate.

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SCHEDULE "B" - DESIGNATED PERSONNEL

For the purpose of this policy, the personnel designated as authorized agents shall be as follows and includes any successor positions and other NTC employees or agents authorized under privacy legislation.

Approve the release of information for law enforcement or legal proceedings

- General Manager, NTC or designate
- Regional Solicitor

Approved to view information

- General Manager, NTC or designate
- Manager, Human Resources or designate
- Union President or designate
- Regional Solicitor or legal counsel
- Municipal Freedom of Information and Protection of Privacy Coordinator
- Risk Manager and Claims Examiners
- Manager of Contracted Service Provider and/or Shared Services Provider or designate

Approved to retrieve and view information

- Deputy General Manager, Operations, NTC
- Deputy General Manager, Fleet & Facilities, NTC
- Deputy General Manager, Planning & Performance, NTC
- Deputy General Manager, Customer Experience, NTC
- Transit Systems Specialist
- IT Specialist
- Manager, Customer Experience, NTC
- Manager, Operations, NTC
- Manager or Supervisor, Specialized Services, NTC
- Administrative Assistant to the General Manager, NTC or designate

Approved to create surveillance records

- Transit Systems Specialist and IT Specialist