

The Corporation of the Township of North Huron

By-law No. 35-2025

Being a by-law to adopt a Video Surveillance Policy for the Corporation of the Township of North Huron

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Printing Date: May 21, 2025

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**The Corporation of the Township of North Huron**

**By-law No. 35-2025**

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**Being a by-law to adopt a Video Surveillance Policy for the Corporation of the Township of North Huron**

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WHEREAS Section 5(3) of the Municipal Act, S.O. 2001, c.25, as amended, provides that municipal power shall be exercised by by-law;

AND WHEREAS the Council of the Corporation of the Township of North Huron is desirous of adopting Video Surveillance Policy;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. That the Video Surveillance Policy adopted by the Council of the Township of North Huron by resolution M107/12 on February 21, 2012 be hereby repealed.
2. That the Video Surveillance Policy attached hereto as Schedule "A" is hereby adopted and shall form part of this by-law.
3. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 20<sup>th</sup> day of May, 2025.

Read a third time and passed this 20<sup>th</sup> day of May, 2025.

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Paul Heffer, Reeve

CORPORATE SEAL

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Carson Lamb, Clerk

# **Township of North Huron**

## **Video Surveillance Policy**



## 1. Policy Statement

- 1.1. The Corporation of the Township of North Huron is committed to public safety, crime prevention and stewardship of publicly owned assets. Where warranted, the Township may use Video Surveillance Systems in Township owned or operated buildings and open spaces to deter and detect crime and antisocial behaviour such as theft, vandalism and unauthorized entry. The Township shall maintain ownership, Custody, Control and responsibility of and for its Video Surveillance Systems at all times.

## 2. Purpose

- 2.1. The purpose of this Policy is to ensure that a Video Surveillance System is used only for the administration of the Township's lawful duties/activities and conducted in a manner that is in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Township's Records Management and Retention Policy, other relevant legislation and any other corporate policy or code.
- 2.2. This Policy will provide guidance designed to assist employees in the management of Records that may be created using a Video Surveillance System in a manner that complies with MFIPPA, the Township's Records Management and Retention Policy, other relevant legislation and any other corporate policy or code.
- 2.3. This Policy does not apply to covert surveillance used for law enforcement purposes. In those circumstances, either a statutory authority exists and/or authority for the surveillance is lawfully obtained through a search warrant.

## 3. Scope

- 3.1. This policy applies to Video Surveillance Systems used in connection with municipal highways, property and facilities. This policy does not apply to any form of surveillance by law enforcement or to convert surveillance for any other legal purposes.
- 3.2. This policy does not apply to video or audio recording or livestreaming of Township Council or Committee meetings.
- 3.3. This policy applies to all Records created, received, maintained, or under the Custody and/or Control of the Township.
- 3.4. This policy applies to all Employees, volunteers, members of Council, agents and any Service Providers who have access to, create and/or use Records in the course of their duties.
- 3.5. This policy may be amended, from time to time, by the Clerk of the Township as required to comply with changes to legislative requirements and industry best practices.

## 4. Definitions

- 4.1. **Consistent Purpose(s)** - means Personal Information collected by the Township used for the purpose of which it was collected or similar consistent purposes when carrying out municipal business. The individual to whom the information relates might reasonably expect the use/disclosure of their Personal Information for those consistent purposes.

- 4.2. **Clerk** – the Director of Legislative Services/Clerk or designate of the Township of North Huron, duly appointed by by-law. The Clerk for the Township of North Huron is the Head under MFIPPA and is legally responsible for the disclosure of information from the Video Surveillance System.
- 4.3. **Control** (of a Record) - the power or authority to make decisions about the use or disclosure of a Record.
- 4.4. **Custody** (of a Record) - the keeping, care, watch, preservation or security of a Record for a legitimate business purpose. While physical possession of a Record may not always constitute custody, it is the best evidence of custody.
- 4.5. **Data** – distinct pieces of digital information. Data is usually formatted in a specific way and can exist in a variety of forms, such as numbers, text, etc.
- 4.6. **Department Head** – a member of the Township’s Senior Management Team and the administrative head of a department.
- 4.7. **Destruction/Destroy** – the process of eliminating or deleting Data, documents, and Records so that the video recording no longer exists. Destruction is a form of Record disposition.
- 4.8. **Digital Video Recording Equipment** - any type of video recording and Reception Equipment used as part of the Video Surveillance System.
- 4.9. **Freedom of Information Process (FOI)** - a formal request for access to Records made under the Municipal Freedom of Information and Privacy Act (MFIPPA).
- 4.10. **Employee** - a person employed by the Corporation of the Township of North Huron.
- 4.11. **Information and Privacy Commissioner (IPC)** - the Information and Privacy Commissioner of Ontario. The IPC receives appeals for decisions made by the Heads of institutions, issues binding orders, conducts privacy investigations, and has certain powers relating to the protection of personal privacy as set out in MFIPPA.
- 4.12. **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** - legislation that governs access to and the privacy of municipal Records.
- 4.13. **Personal Information** - defined in Section 2 of MFIPPA and means recorded information about an identifiable individual including:
- a) Information relating to the race, national or ethnic origin, color, religion, age, sex, sexual orientation, or marital or family status of the individual;
  - b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to the financial transactions in which the individual has been involved;
  - c) Any identifying number, symbol, or other particular assigned to the individual;
  - d) The address, telephone number, fingerprints or blood type of the individual;
  - e) The personal opinions or views of the individual except if they relate to another individual;
  - f) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
  - g) The views or opinions of another individual about the individual, and

- h) The individual's name if it appears with other Personal Information relating to the individual or where the disclosure of the name would reveal other Personal Information about the individual.
- 4.14. **Privacy Breach** - an incident involving unauthorized disclosure of Personal Information, including it being stolen, lost or accessed by unauthorized persons.
- 4.15. **Reception Equipment** - the equipment or device used to receive or record the Personal Information collected through a Video Surveillance System, including a camera or video monitor or any other video, audio, physical or other mechanical, electronic or digital device.
- 4.16. **Record(s)** - any information, however recorded, whether in printed form, on film, by electronic means or otherwise and includes: a photograph, a film, a microfilm, a machine-readable Record, and any other Record that is capable of being produced from a machine-readable Record.
- 4.17. **Retention** – the act of continued possession, maintenance, use of preservation.
- 4.18. **Retention Period** – the period of time during which Records must be kept by the Township before they may be disposed of.
- 4.19. **Service Provider(s)** - a service provider, company, consultant or other contractor engaged by the Township with respect to the Video Surveillance System(s).
- 4.20. **Storage Device** - a videotape, computer disk or drive, CD ROM, computer chip or other device used to store recorded Data or visual, audio or other images captured by a Video Surveillance System.
- 4.21. **Township** - The Corporation of the Township of North Huron.
- 4.22. **Video Surveillance System** - a video, 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 public spaces and on all Township properties in all Township facilities. For the purpose of this policy, the system includes Digital Video Recording Equipment and Reception Equipment. This system does not include the video or audio recording of public or private meetings of Council or Township administration.

## 5. Policy Guidelines

### 5.1. Responsibilities

- 5.1.1. Clerk, or designate, is responsible for the overall Corporate Video Security Surveillance System, including:
- Developing, implementing and administering this policy and all procedures and forms related to the administration of this policy.
  - Maintaining a record of locations of equipment including maintaining maps and plans of all installations.
  - Maintaining a record of the time when video surveillance will be in effect.

- d) Arranging for the posting of the required notification (Section 5.4 of this Policy).

5.1.2. Department Heads are responsible for:

- a) The implementation of this Policy and procedures and contribute to the development of information reports.
- b) Educating an Employee with authorized access to any Digital Video Recording Equipment or Reception Equipment on its use in accordance with this policy.
- c) Managing authorized Video Surveillance Systems and signage including posting required notices/signage, assigning an Employee responsible for the day-to-day operation of the system located in their facility.

5.1.3. Employees and Service Providers are responsible for:

- a) Familiarizing themselves and complying with this policy and MFIPPA as they relate to the operation of the Video Surveillance System.
- b) Ensuring that all official Records in their Custody and/or Control are protected from inadvertent destruction, damage or unauthorized access.
- c) Reporting to the Clerk or to their Department Head all Privacy Breaches, breaches of this Policy or the Records Management and Retention Policy (i.e. damage, theft, misuse, unauthorized access, privacy complaints or unauthorized disposition of Records).
- d) In the case of a contract with a Service Provider, acknowledging that failure to comply with this Policy or the provisions of MFIPPA is considered a breach of contract leading to penalties for the Service Provider.
- e) In the case of a contract with a Service Provider, signing a written agreement regarding their duties under this Policy and MFIPPA, including an undertaking of confidentiality.

## 5.2. Considerations

5.2.1. Prior to the installation of Digital Video Recording Equipment for the purpose of surveillance, the following must be considered:

- a) The use of each video surveillance device should be justified on the basis of verifiable, specific reports or incidents or crime or significant safety concerns or for crime prevention. Video surveillance equipment should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity.
- b) An assessment of the effects that the proposed Video Surveillance System may have on personal privacy should be conducted in an attempt to mitigate any adverse effects. Privacy intrusion should be minimized to that which is absolutely necessary to achieve its required, lawful goals.
- c) A requirement that any agreement between the Township and Service Providers state that the Records dealt with or created while delivering a Video Surveillance System are under the Township's control and subject to MFIPPA.
- d) A requirement that Employees and Service Providers review and comply with this Policy and MFIPPA in performing their duties and functions related to the operation of the Video Surveillance System.

## 5.3. Installation and Placement

5.3.1. Video surveillance equipment will only be installed in public areas where surveillance is deemed necessary to ensure the ongoing safety of a public area or a Township facility, the individuals who use them, and the assets that are housed in them.

5.3.2. Video surveillance equipment will be installed to monitor only the areas requiring video surveillance and will not be directed to look onto adjacent

properties. Where this is not possible, stakeholder consultation will take place in advance of video surveillance equipment placement. All locations will be authorized by the Clerk.

5.3.3. Video surveillance equipment should never monitor the inside of areas where the public and employees have an expectation of privacy, such as change rooms or washrooms. Individual use of video or still photo equipment, including the video/digital cell phone is also prohibited in these areas.

5.3.4. Video surveillance equipment will operate up to twenty-four (24) hours a day, seven (7) days a week within the system's capabilities.

5.3.5. Reception Equipment (video monitor screens) will be located in a strictly controlled access area. Only authorized and designated personnel will have access to the area and the equipment. Monitors will not be allowed in any area that allows for public viewing.

5.3.6. Adjustment of video surveillance equipment position should be restricted, if possible, to ensure only designated areas are monitored.

5.3.7. Video surveillance should be restricted to periods where there is demonstrably a higher likelihood of crime, inappropriate behavior and or high-risk activity being committed and detected in the area under surveillance

#### **5.4. Notification**

5.4.1. The Township shall ensure that the public is notified of the existence of Digital Video Recording Equipment by clearly written signs predominantly displayed at the entrances, or exterior walls, or interior buildings or perimeter of the video surveillance area;

5.4.2. Signs shall be of consistent size and format;

5.4.3. Signage must satisfy the notification requirements under section 29(2) of MFIPPA, which include:

- a) informing individuals of the legal authority for the collection of Personal Information;
- b) the principal purpose(s) for which the Personal Information is intended to be used; and
- c) the title, business address and telephone number of someone who can answer questions about the collection of Personal Information.

5.4.4. The following is suggested wording for use in building signage, based on minimum requirement of the IPC:

“This Area is Monitored by Video Surveillance Cameras. Please direct inquiries regarding the collection of Personal Information to the Township of North Huron, 274 Josephine Street, Wingham. (519) 357-3550”

#### **5.5. Access, Use and Disclosure**

5.5.1. Ownership of any video recorded by the Video Surveillance System, in whatever medium, shall remain with the Township. The Township will maintain ownership over, Custody and/or Control of and responsibility for the Video Surveillance System at all times:



- a) The transfer of Custody of Data or video recorded by the Video Surveillance System from the Township to law enforcement will be done in accordance with a Data Sharing Agreement which may be entered into, amended or cancelled from time to time.
- b) A “Request for Information - Law Enforcement Investigation” that does not have a Data Sharing Agreement in place, must be received by the Township prior to commencing any search for video surveillance;
- c) Information collected by way of the Video Surveillance Systems may only be used for the purposes noted in this policy (Consistent Purpose) to protect the public and property, to deter criminal activity and vandalism, and for Data analytics and service enhancements. Information should not be retained or used for any other purpose.
- d) Information collected by way of the Video Surveillance Systems may only be used for:
  - i. Enhancing the safety and security of persons or property;
  - ii. Preventing unauthorized entry or activities on Township property;
  - iii. Investigating incidents involving suspected health and safety violations/concerns, security and property damage, illegal activity, violation of Violence and Harassment in the Workplace Policy, or involving a potential or actual insurance-related claim;
  - iv. Managing corporate risk;
  - v. Preserving evidence as required to protect the Township’s legal rights;
  - vi. Responding to a request for information under MFIPPA;
  - vii. Aiding law enforcement agencies with a matter under investigation; and
  - viii. Responding to a Court Order.
- e) All tapes or other Storage Devices that are not in use will be stored in a secure, locked location in a controlled access area. Each Storage Device will be dated and labeled.
- f) Access to the Storage Device will be limited to authorized, designated personnel only.
- g) The Personal Information recorded by video surveillance is subject to MFIPPA. An individual whose Personal Information has been collected by a Video Surveillance System has a right of access under Section 36 of MFIPPA. Access will depend on whether an exemption applies and if except, then information can reasonably be severed from the Record.
- h) Only the North Huron Chief Administrative Officer, Directors, the Clerk, hired legal counsel, or a delegate, may review the information. The video recording will be viewed only when an incident has been recorded or observed, or to investigate a potential crime.

## **5.6. Retention**

- 5.6.1. The Township will retain the Record only for the period of time outlined in this Policy:

- a) The Retention Period for information that has not been viewed for law enforcement or public safety purposes shall be fourteen (14) days. Once the Retention Period is met, all recordings will be disposed of. The viewing of live video is not considered the use of the video recording.
- b) When a video recording has been released for law enforcement or public safety purposes, the video recording will be considered used and will be retained for a period of one (1) year from the date of resolution of the incident.
- c) Any video surveillance Storage Devices will be disposed of by the Clerk securely and in such a manner that the Personal Information cannot be reconstructed or retrieved, either physically Destroyed, burned, magnetically erased or copied over. The Township may use self-erasing, resetting systems which are pre-set to a designated time period.

#### **5.7. Complaints & Access to Personal Information**

5.7.1. Complaints relating to the Video Surveillance System should be made in accordance with the Township's Complaint Handling Policy, which may be amended from time to time.

5.7.2. Any individual whose Personal Information has been recorded by video surveillance has a right of access to their information:

- a) Access may be granted in whole or in part to the individual unless an exemption applies under MFIPPA. A FOI application for access under MFIPPA must be made to the Clerk. The Clerk may refuse access where disclosure would constitute an unjustified invasion of another individual's privacy. Access to an individual's own Personal Information may also depend on whether any exempt information can be severed from the Record. Where access is granted, the image(s) of other individual(s) may be disguised or blurred prior to release. If the Township does not have the resources to carry out the required editing of the video recording, a Service Provider may be hired.
- b) The Clerk will rule on all possible frivolous or vexatious requests under the provisions of MFIPPA through the FOI process.
- c) In the event of a Privacy Breach, or a breach of this Policy and/or MFIPPA:
  - i. Employees shall immediately report the incident to their Director and attempt to retrieve the Personal Information that's been inappropriately disclosed.
  - ii. The Director shall immediately notify the Clerk who will commence a formal internal investigation; and
  - iii. The Clerk shall notify the IPC and engage the Township's Privacy and Protection of Personal Information Policy.