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POLICY ON VIDEO SURVEILLANCE

1. Introduction

The Lester B. Pearson School Board and its schools strive to maintain safe and secure learning environments for students, staff and community members involved in school programs.

Video security surveillance systems complement other means being used to promote and foster a safe and secure learning environment. It is acceptable to employ video security surveillance systems at board schools and facilities when alternative solutions less prejudicial to privacy have been considered and have proved difficult to implement or ineffective.

Video surveillance must comply with the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information¹ because such surveillance activities involve the collection, retention, use, disclosure and disposal of personal information. This *Policy** outlines the procedure intended to maintain control of and responsibility for the *Video Surveillance System**. The rules for the use of surveillance cameras and recording devices in public places by public bodies must be followed².

¹ R.S.Q., c. A-2.1; hereinafter called "The Access Act"

¹ Commission d'Accès à l'Information, June 2004;

* Asterisks indicate that a definition for a specific word or expression appears in Addendum "A"

2. General

Video Surveillance Systems are resources used by the board at selected schools and sites to:

- promote the safety of pupils, staff, and community members;
- protect school property against theft or vandalism;
- aid in the identification of intruders and of persons breaking the law.

In the event of a reported or observed incident, the review of *recorded information** may be used to assist in the investigation of the incident.

This policy is not intended to deal with or apply to:

- instances where school staff videotape a specific event (such as a school fair, or graduation ceremony);
- isolated instances where a classroom is videotaped for educational or research purposes (for example, where a student teacher is required to record his or her lesson as part of an assignment for a work placement).

Video Surveillance Systems are in use in the Board's Transportation network through the use of "Silent Witness Black Boxes" which are equipped with hidden video cameras. The surveillance systems are the property of and under the management of the Carriers, who are governed by their contract with the Board. The Board's Transportation Service, in consultation with schools and carriers, determines when and where the taping occurs. The use of the cameras in buses is to be used to:

- promote the safety of pupils while on buses
- protect carriers' property against vandalism

3. Collection of Nominative Information Using a Video Surveillance System

Video Surveillance Systems by their very nature collect *nominative information** about identifiable individuals. The school board has determined that it has the authority to collect this nominative information in accordance with the Access Act. In accordance with laws and regulations, no person shall collect personal information on behalf of the board unless the collection is:

- expressly authorized in accordance with this policy;
- used for the purposes of law enforcement;
- necessary for the proper administration of school board facilities or activities.

4. Implementation of a Video Surveillance System

In designing, installing and operating a Video Surveillance System, the school board, as part of its general, overall responsibility for Video Surveillance Systems, will consider the following:

- (a) *Reception equipment** such as video cameras, or audio or other devices should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity. The equipment will operate up to 24 hours/seven days a week, within the limitations of system capabilities (e.g. digital, tape), power disruptions and serviceability or maintenance.
- (b) The equipment should be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance. Cameras should not be directed to look through the windows of adjacent buildings or (as much as possible) onto adjacent property.
- (c) If cameras are adjustable by operators, this should be restricted, if possible, so that operators cannot adjust or manipulate them to include spaces that are not intended to be covered by the video surveillance program.
- (d) Equipment shall never monitor the inside of areas where the students, staff, and the public have a higher expectation of privacy including but not limited to change rooms and washrooms.

- (e) Clearly written signs prominently displaced at the entrances, exterior walls, and the interior of buildings in which a Video Surveillance System has been installed, shall provide students, staff, and the public reasonable and adequate warning that video surveillance is in effect. Signage shall inform individuals of the legal authority for the collection of nominative information, the principal purposes for which the nominative information is intended to be used, and the title, business address and telephone number of someone who can answer questions about the collection. As a minimum, there should be a sign in place that notifies individuals of the recording, and informs them that they may contact the school office with any questions. Principals and Centre Directors will be the contact person for schools and Equipment Managers will be the contact persons for non-school facilities (Addendum "B").
- (f) The board shall endeavour to be as open as possible about the video security surveillance program in operation and, upon request, will make available to the public, information on the rationale for the Video Surveillance System and its objectives, as well as the policies and regulations that have been put in place.
- (g) The reception equipment shall be in a strictly controlled access area. Video monitors shall not be placed in a position that enables public viewing. Only personnel authorized in writing by the Principal/Centre Director of the school or the Equipment Manager of the facility, shall be permitted access to such controlled access area and the recording equipment.
- (h) The annual preventative maintenance program for reception and recording equipment will include image refocusing and lens cleaning while ensuring that the equipment is operating properly and in accordance with the manufacturers specifications. Board staff will endeavour to promptly follow-up issues or concerns regarding the performance of equipment.

The Sector Director and Director of Equipment Services will ensure that every Video Surveillance Systems is inspected regularly as part of the maintenance program.

5. Access, Use, Disclosure, Retention, Security and Disposal of Records

Any information obtained through the use of Video Security Surveillance systems may only be used for the purpose set out in the Policy and for the goals noted below, namely:

- to promote the safety of pupils, staff, and community members;
- to protect school property against theft or vandalism;
- to aid in the identification of intruders and of persons breaking the law.

The information collected should not be retained or used for any other purposes or goals. Since video security surveillance systems create a *record** by recording nominative information, each school/facility having such a system must implement the following procedures:

- (a) Video Surveillance Systems shall not be used for monitoring staff performance.
- (b) *Storage devices** that are not in use must be stored securely in a locked receptacle located in a controlled-access area. Each storage device that has been used should be dated and labelled. For this purpose, an In-use/Used Storage Device Register shall be maintained (Addendum "C").
- (c) In each school/centre only the Principal/Centre Director and a designate (designated in writing by name and position) may review the information.
- (d) Only these authorized personnel shall have access to the storage device. In order to enable a proper audit trail, there must always be two authorized individuals, working together, in all instances of access to, and use of, recorded material. This access must be recorded in an Access To and Viewing of Recorded Material Log (Addendum "D").
- (e) Circumstances which would warrant review will normally be limited to an incident that has been reported/observed or to investigate a potential crime. Real-time viewing of monitors may be delegated by the Principal/Centre Director to a very limited number of individuals.

- (f) The retention period for recorded information, whether or not it has been viewed, shall be twenty-eight (28) calendar days. This timeframe is based on experience, risk assessment, privacy considerations and equipment capabilities. Recorded information is then to be routinely erased in a manner in which it cannot be reconstructed or retrieved.
- (g) Notwithstanding section (f) above the board will store and retain beyond the above mentioned 28 days the recorded information necessary for evidentiary purposes according to standard procedures until law enforcement authorities require them. The General Counsel will be responsible for the storage. A Recorded Information Release Form (Addendum F) will be completed before any recorded information is disclosed to the authorities. This form will indicate who took the recorded information, under what authority, the date on which this occurred, and whether it will be returned or destroyed after use. This activity will be subject to audit.
- (h) Old storage devices must be securely disposed of in such a way that the nominative information cannot be reconstructed or retrieved. Disposal methods could include shredding, burning or magnetically erasing the nominative information. Before disposal is completed, a Storage Device Disposal Record shall be prepared (Addendum "E").
- (i) Any student, staff member or member of the public who has been recorded by a Video Surveillance System has a right of access to his or her nominative information (Addendum "F").

6. Training

This policy will be incorporated into training and orientation programs where appropriate and applicable.

7. Auditing and Evaluating the Use of a Video Surveillance System

The school board will ensure that the use and security of equipment used in each Video Surveillance System is subject to regular audit. The audit, at school board expense, will address the board's operational compliance with this policy. An external body may be retained in order to perform the audit. The board will endeavour to address any deficiencies or concerns identified by the audit as soon as possible.

8. Responsibilities

8.1 School Board: The school board is responsible for:

- (a) Implementing and monitoring this policy.
- (b) Installing a Video Surveillance System in any of its facilities, whether or not the school or centre has requested it.
- (c) Assuming the financial responsibility for the capital costs in those case where the school board chooses to install a Video Surveillance System. (The school or centre is responsible for the costs if it chooses to install a Video Surveillance System.)
- (d) Inserting a clause in all of its transportation contracts requiring that every transportation contractor equip every full size (large) bus with the capability to record activity on its buses. (This policy specifically endorses this contractual arrangement and supports the continuation of the practise of monitoring, via video surveillance, behaviour on its transportation system.)
- (e) Allowing school board facilities without Governing Boards to install Video Surveillance capability provided the manager responsible for the facility, and his/her supervisor, agree, in writing that a Video Surveillance System would be warranted. (All aspects of the implementation not related to Governing Boards should be in compliance with this policy.)

8.2 General Counsel: The General Counsel is responsible for:

- (a) **Providing** legal advice related to the board's obligation under this policy;
- (b) Reviewing Governing Board resolutions approving the installation of a Video Surveillance System;
- (c) Overseeing, at school board expense, an audit of the information in these systems.

- 8.3 Sector Director: The Sector Director is responsible for:
- (a) Ensuring the application of this policy throughout his or her sector.
- 8.4 Principal/Centre Director: The Principal/Centre director is responsible for:
- (a) Preparing a report concerning risks and dangers presented by a situation regarding public order and the security of persons, places and/or property. (The report shall also include the designation of the places targeted for Video Surveillance and their relation to the risk and real dangers identified in the report.)
 - (b) Presenting the report mentioned in (a) above to the Governing Board;
 - (c) Consulting fully with the Governing Board before the implementation of a Video Surveillance System;
 - (d) Ensuring the proper use of a Video Surveillance System in accordance with school board policy;
 - (e) Maintaining the confidentiality and security of the information;
 - (f) Ensuring that access to the information is restricted to the principal and an individual designated, in writing, by the Principal/Centre Director.
 - (g) Maintaining confidential; files of forms as per Addenda C, D, E, and F for a period of at least seven years.
- 8.5 Governing Board: The Governing Board is responsible for:
- (a) Receiving and reviewing the report prepared by the Principal/Centre Director concerning the implementation of a Video Surveillance System;
 - (b) Adopting by resolution the plan for the installation of a Video Surveillance System if the school/centre wishes to have such a system;

- (c) Overseeing the proper use of a Video Surveillance System in accordance with school board policy
- (d) Reviewing, for all installed video systems, on at least an annual basis, in conjunction with the Principal/Centre Director, the decision regarding the implementation of a Video Surveillance System;
- (e) Reviewing the necessity of maintaining a Video Surveillance System in place and if applicable the number of hours of recording per day and the recording periods during the week or the year taking into consideration the following factors:
 - whether the initial grounds still exist;
 - whether the expected results been achieved;
 - whether the conditions of use are adequate and adapted to the situation;
 - whether the type of cameras used and their number are appropriate;
 - whether more appropriate alternatives compatible with existing rights to privacy can be envisioned.

ADDENDUM “A”

Definitions

- I *Nominative information* is defined in section 54 of The Access Act as being (1) information concerning a natural person which allows the person to be identified. Therefore, a simple image on a Video Surveillance System that is clear enough to identify a person, or the activities in which he or she is engaged in, is nominative information.
- II *Policy* means the board’s Policy on Video Surveillance.
- III *Reception equipment* means any equipment or device used to receive or record the nominative 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.
- IV *Record* means any information, however recorded, whether in printed form, on film by electronic means or otherwise, and includes a photograph, a film, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record; recorded information has the same meaning.³
- V *Storage device* means a videotape, computer disk or drive, CD Rom, computer chip or other device used to store the recorded data or visual, audio or other images captured by a Video Surveillance System.
- VI *Video Surveillance System* means a video security surveillance system used by the board, and includes a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals in school buildings and on school premises. The expression includes an audio device, thermal imaging technology, or any other component associated with recording the image of an individual.

³ Section 1 of the Act states: « This Act applies whether the documents are recorded in writing or print, on sound tape or film, in computerized form, or otherwise.

ADDENDUM "B" (Section 4e)

Signage for the Entrance, Exterior Walls, and Interior of Buildings

The Lester B. Pearson School Board has installed a Video Surveillance system in this building. This system is being used to deter theft and vandalism and, in the event of an incident, to aid in the investigation of that incident. For further information about this system and its use you may contact the office of the Legal Counsel at 1925 Brookdale, Dorval, Quebec, or at 514-422-3000. The contact person for this building is the Principal, <Principal's Name> and he/she can be reached at <School/Centre Telephone Number>.

ADDENDUM "C" (Section 5b)

In-Use/Used Storage Device Register School/Centre

Device Number	Date	Current Location	Current Use

ADDENDUM "D" (Section 5c)

Access to and Viewing of Recorded Materials Log

Device Number	Date	Name of Viewer	Supervisor	Reason for Viewing

ADDENDUM "E" (Section 5h)

Storage Device Disposal Record

Device Number	Date	Destruction Method	Principal	Sector Director	Person Responsible for Destruction

ADDENDUM "F" (Section 5g & 5i)

Recorded Information Release Form

Date	
School/Centre	
Principal	
Device Number	
Date of Recording	
Information Released to	
Organization	
Reason for Information Release	
Expected Date of Information Return	
Information Disposal Method	
Information Disposal Date	
Signature of Individual Receiving Information	
Signature of LBPSB Legal Counsel	