

Corporate Policy and Procedure



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Supersedes

TAB: CORPORATE ADMINISTRATION
SECTION: SECURITY
SUBJECT: MISSISSAUGA TRANSIT VIDEO/AUDIO SURVEILLANCE

POLICY STATEMENT

Video surveillance, when utilized with other security measures, is an effective means of ensuring the security and safety of buses operated by Mississauga Transit, the individuals who use them, the employees who operate them and the assets housed within them. Using a phased-in approach, Mississauga Transit buses will be equipped with automated on-board security video/audio surveillance systems.

PURPOSE

The need to ensure security and safety must be balanced with an individual's right to privacy. The purpose of this policy is to establish procedures which are intended to achieve this balance. Specifically, this policy addresses requirements and responsibilities with respect to:

- the installation and operation of video/audio surveillance systems on Mississauga Transit buses;
- the use of the information obtained through video/audio surveillance systems on Mississauga Transit buses; and
- custody, control, access to and retention of records created through video/audio surveillance systems on Mississauga Transit buses.

LEGISLATIVE AUTHORITY

This policy is written in compliance with City of Mississauga Transit By-law 425-03, as amended from time to time. Recommendations made by the Ontario Information and Privacy Commissioner with respect to video surveillance in mass transit systems and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as amended, were also taken into consideration in drafting this policy. Refer to Corporate Policy and Procedure – Freedom of

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Information and Protection of Privacy for general information regarding MFIPPA.

SCOPE

This policy applies to all video/audio surveillance systems installed on Mississauga Transit buses.

DEFINITIONS

For the purpose of this policy:

“Bus” means any vehicle that is either owned or used by the City for the express purpose of providing public transport service by Mississauga Transit.

“Director” means the director, Mississauga Transit Division, Transportation and Works Department, or their designate.

“Manager” means the manager, Corporate Security, Facilities and Property Management Division, Corporate Services Department or their designate.

“Video/Audio Surveillance System” or “System” means any system or device that enables continuous or periodic video or audio recording, observing or monitoring of the interior of Mississauga Transit buses and/or individuals boarding, travelling on, or alighting Mississauga Transit buses and includes the storage device used to store the recorded visual images.

ADMINISTRATION

This policy will be administered by Corporate Security, Facilities and Property Management Division, Corporate Services Department, in consultation with the Director, Mississauga Transit Division, Transportation and Works Department.

VIDEO SURVEILLANCE SYSTEMS

The use of a Video/Audio Surveillance System to enhance security, including specific camera positions, is determined on the basis of reasonable and justifiable grounds for the provision of employee and public safety and security. The System begins

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recording every time a bus is started and routinely captures video data while the bus is in operation. Audio data may be recorded in emergency situations only. However, the data cannot be watched in real time and is only accessed as outlined in this policy.

Information on the existence, operation and use of Video/Audio Surveillance Systems on Mississauga Transit will be made readily accessible to the public.

Camera Location

The City will take all reasonable steps to mitigate any adverse effects on personal privacy. Camera placement will be assessed and standardized by bus type (bus manufacturer and vehicle size).

All camera and sign locations for the System require the approval of the Director.

Signage

A sign providing notification of the collection of personal information will be installed in a visible location on buses which are subject to surveillance. The sign will advise all persons entering the bus that the interior of the vehicle is under video/audio surveillance, and will provide a contact for more information.

ACCOUNTABILITY

Corporate Security

Corporate Security, in consultation with the Director, is responsible for:

- maintaining and reviewing protocols for the installation, operation and use of the System used by Mississauga Transit and for the custody, control, access to and retention of the records created;
- ensuring that all proposed changes to the existing System and newly proposed Systems meet the requirements of this policy, as well as other City policies and by-laws, prior to implementation;

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- maintaining custody of all System records created. Records will be retained for the period specified in the City of Mississauga's Records Retention By-law;
- ensuring the security of any records, from creation through to final disposition;
- ensuring compliance with this policy;
- designating persons to operate the System and maintain a list of all persons designated; only those who have been designated may be permitted to operate the System;
- establishing an appropriate training program for the operation of the equipment, including responsibilities with respect to protection of privacy and confidentiality;
- ensuring those persons designated to operate the System have signed an agreement outlining their duties and including an undertaking of confidentiality;
- authorizing access to System records in accordance with the Access section of this policy.

Departmental Directors

All departmental directors are accountable for:

- ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions; and
- ensuring compliance with this policy.

Managers/Supervisors

Managers/supervisors with staff who are responsible for the installation, operation and use of the System and/or the custody, control, access to or retention of System records are accountable for:

- ensuring staff in their respective work units are aware of this policy and any related protocols, as well as any subsequent revisions;
- ensuring applicable staff are trained on this policy and any related protocols, as well as any subsequent revisions, with respect to their specific job function; and
- ensuring staff comply with this policy and follow any related protocols.

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Employees

Applicable employees are responsible for:

- reviewing this policy and/or attending training related to this policy, as required;
- complying with this policy in performing their duties and functions related to the operation of the System;
- refraining from accessing or using the information contained in the System, its components, files, or databases for personal reasons, or destroying, erasing or altering any record without proper authorization; and
- protecting the privacy of individuals with respect to personal information under MFIPPA.

USE OF INFORMATION COLLECTED

The information collected through video/audio surveillance is used only:

- to provide law enforcement agencies with evidence related to an incident under investigation;
- to investigate a critical bodily injury as defined by, and reported to, the Ministry of Labour;
- to respond to a request for information under MFIPPA;
- to aid in the investigation of an insurance claim filed against the City; and
- as required by law.

Recorded data will be stored in a secure manner on the bus, where it will remain for a maximum of 24 vehicle operating hours, and will then be recorded over and destroyed.

If, when accessing recorded data, a City of Mississauga employee is found to be engaging in inappropriate behaviour, the employee's behaviour will be addressed by management as a performance issue in the workplace.

ACCESS TO SYSTEM RECORDS

Access Restrictions

In accordance with MFIPPA, access to the records created by the

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System is restricted. Access is limited to:

- individuals responsible for the operation or administration of the System;
- individuals who have a legitimate need to access the information for one of the purposes listed in the “Use of Information Collected” section of this policy; and
- individuals whose request for access under MFIPPA, as amended, has been granted.

When used in this policy, “access” means any of the following:

- Corporate Security staff may provide a summary of the information collected;
- the recorded information may be viewed in the presence of authorized Corporate Security staff; or
- if required, a copy of the record may be provided.

Access Procedures

Only those having a legitimate need to view the record will be given access. Anyone who is authorized to have access to any record created through the Video/Audio Surveillance System will be required to sign a written agreement regarding his or her duties, obligations, and responsibilities with respect to the confidentiality, use and disclosure of the record.

An access request form containing the following mandatory information must be completed and signed by anyone requesting access to System records:

- the date and time at which the access was allowed;
- the identification of the party who was allowed access to the record;
- the reason for allowing access;
- the extent of the information to which access was given; and
- provisions for the destruction of the record.

Requests by law enforcement authorities and City employees must be completed and submitted to the Manager. Formal

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requests from the public to access the System under MFIPPA will be directed to the Access and Privacy Officer, Office of the City Clerk, Corporate Services Department.

RECORDS MANAGEMENT

Recorded data will be stored in a secure manner on the bus, where it will remain for a maximum of 24 vehicle operating hours, and will then be recorded over and destroyed.

A record will be created from the information collected only when requested under the “Use of Information Collected” section of this policy. Images that have been removed from the System’s recording device and securely stored by the City for investigation will be in accordance with the City’s Record’s Retention By-law.

UNAUTHORIZED DISCLOSURE

Any City of Mississauga employee having knowledge of unauthorized access to or disclosure of a record must immediately inform the Access and Privacy Officer.

COMPLIANCE

Failure to comply with this policy, including any unauthorized access to or disclosure of information, is cause for disciplinary action up to and including termination of employment.

REFERENCE:

GC-06-02-2010 – 2010 09 29

LAST REVIEW DATE:

CONTACT:

For more information related to bus Video/Audio Surveillance Systems, contact Corporate Security, Facilities and Property Management Division, Corporate Services Department.

For more information related to the *Municipal Freedom of Information and Protection of Privacy Act*, contact the Office of the City Clerk, Corporate Services Department.