

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 525

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#### **SUBJECT: VIDEO SURVEILLANCE**

Legal References: *Education Act: Part XIII Behaviour, Discipline and Safety; Guideline - Ontario Schools Code of Conduct; Freedom of Information and Protection of Privacy Act; Municipal Freedom of Information and Protection of Privacy Act; Guidelines for Using Video Security Surveillance Cameras in Public Places*

Related References: *Administrative Procedure 103 Management of Personal Information - Student; AP 351 Code of Conduct; AP 352 Promoting Positive Student Behaviour; AP 357 Violence-Free Schools; AP 589 Transportation*

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#### **1. Surveillance Systems and Safety**

- 1.1 Video security surveillance systems are one resource used by Avon Maitland District School Board at selected schools or work sites and on buses within the board's jurisdiction to promote the safety of students, staff and community members.
- 1.2 Video surveillance involves the collection, retention, use and disclosure of personal information. Under the authority of the Director of Education, designated Avon Maitland District School Board on-site personnel (principal or designate) will maintain control of and responsibility for the video surveillance system at all times.

#### **2. Considerations Prior to Using a Video Surveillance System**

- 2.1 Before deciding to use video surveillance in schools or worksites, the administration will consider the following:
  - 2.1.1 A video surveillance system should be considered only after other measures of deterrence or detection have been considered and rejected as unworkable. Video surveillance should be used only once it has been determined that conventional methods of maintaining a safe and secure environment (i.e. patrols, hall monitors) have been proven not to provide the level of safety that is required.
  - 2.1.2 Verifiable and specific incidents of vandalism or safety concerns must exist prior to the installation of video surveillance equipment.
  - 2.1.3 Consultations will be conducted with all relevant stakeholders, including but not limited to, staff of the school, the school council and the superintendent responsible for safe schools, as to the necessity of the proposed video security surveillance program.
  - 2.1.4 Any agreements between the board and service providers shall state that the records dealt with or created while delivering a video surveillance program are under the board's control and subject to the *Acts* noted as references above.
  - 2.1.5 The recorded information will be utilized only to assist the investigation of a reported incident.

- 2.2 Before deciding to use video surveillance on school buses, the administration will consider the following:
- 2.2.1 A video surveillance system should be considered only after other measures of deterrence or detection have been considered and rejected as unworkable. Video surveillance should be used only once it has been determined that conventional methods of maintaining a safe and secure environment have been proven not to provide the level of safety that is required.
  - 2.2.2 Any agreements between the board and service providers shall state that the records dealt with or created while delivering a video surveillance program are under the board's control and subject to the *Acts* noted as references above. Service providers and employees of service providers are required to review and comply with these procedures and the *Acts* in performing any duties and functions related to the operation of the surveillance system used on transportation vehicles. Further, the agreement between the board and service providers shall outline the use, collection, security, retention and disposition of all recorded information in accordance with this procedure.

### 3. Notification of the Installation of Video Surveillance Equipment

- 3.1 Once approval for the video surveillance program has been granted, the principal will communicate and consult with the Facilities Administrator/Transportation Manager responsible for surveillance equipment, to begin the installation process.
- 3.2 The superintendent responsible for safe schools will notify the Freedom of Information Coordinator of the installation of video surveillance equipment.
- 3.3 Before video surveillance takes effect in any building or bus, the following notification procedures will be carried out:
  - 3.3.1 Administrative Procedure 330 Permissions and Media Relations letters will be sent home each fall notifying parents/guardians/adults students of the possibility of use of the video surveillance program.
  - 3.3.2 Explanatory notification will be included in the annual student handbook.
  - 3.3.3 Sample text:

The school board uses surveillance equipment within school facilities and school buses to:

    - a) enhance the safety of students and staff;
    - b) protect school property against theft or vandalism; and/or
    - c) aid in the identification of intruders and of persons who endanger the health, well-being or safety of school community members.

Information collected is collected by the School under the authority of the Education Act in accordance with the Municipal Freedom of Information and Protection of Privacy Act. For information, please contact the school principal.
  - 3.3.4 Signs will be prominently displayed at all entrances, accessible exterior walls or fencing and/or the interior of buildings and on buses having video security surveillance systems. This signage will provide students, staff and the public reasonable and adequate warning that video surveillance is in effect. The signs will be in compliance with the notification requirements of section 29(2) of the *Municipal Freedom of Information and Protection of Privacy Act*, which includes informing individuals of the legal authority for the collection of personal information; the principle purposes(s) for which the personal information is intended to be used, and to whom questions about this collection can be directed.

**Main entrances shall be:**

**“THE USE OF VIDEO SURVEILLANCE IS IN EFFECT”**

The personal information is collected under the authority of the *Education Act* and will be used to reduce/prevent property vandalism, theft and violence and to ensure the safety of students. Questions about this collection should be directed to the principal of the school

**Entrances other than the main entrance, fence signage and buses signage shall be:**

**“THE USE OF VIDEO SURVEILLANCE MAY BE IN EFFECT**

Questions regarding this practice should be directed to the principal of the school

- 3.4 Avon Maitland District School Board will provide information to the public on the rationale for the video surveillance program, its objectives, and procedures that have been put in place. This procedure will be posted on the board's website.
- 3.5 Reception equipment may be in operation on a temporary basis or rotated between vehicles or sites without prior notice to students and/or staff.

**4. Design, Installation and Operation of Video Surveillance Equipment**

In designing, installing and operating a video security surveillance system, the district and schools will consider the following:

- 4.1 Reception equipment will be installed only in identified public areas where video surveillance is necessary to ensure the safety of staff, students and school property. 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/maintenance.
- 4.2 The equipment will monitor only those spaces that have been identified as requiring video surveillance.
- 4.3 Equipment will not be installed in areas where the students, staff and the public have a higher expectation of privacy (e.g. change rooms and washrooms).
- 4.4 Reception equipment will be accessible only by authorized personnel (the principal or designate). Video monitors will not be in a position that enables public viewing.
- 4.5 The school principal is responsible for ensuring that all surveillance equipment is maintained and serviced regularly. Any issues or concerns regarding the performance of such equipment should be reported to the Facilities Department as soon as possible through the Maintenance request system.

**5. Disclosure, Retention, Security and Disposal of Video Surveillance Records**

- 5.1 Any information obtained by way of video surveillance systems may only be viewed and subsequently used only for the purpose of ensuring the on-going safety of students, promoting a safe environment, controlling vandalism and theft of school property.

- 5.2 All recorded images are the property of the school board and are used, disclosed, retrained, secured and disposed of in accordance with this procedure.
- 5.3 Circumstances that warrant a review shall be limited to instances where an incident has been reported or observed or to investigate a potential crime.
- 5.4 The school principal shall be responsible to manage, supervise, and audit the use and security of cameras, monitors, tapes, computers used to store images, computer CDs and/or DVDs or all other video records related to the site.
- 5.5 Access to the storage devices should be limited to authorized personnel.
- 5.6 Video security surveillance systems create a record by recording personal information and to protect that information the following processes will be followed:
  - 5.6.1 All video files or other storage devices that are not in use will be stored in a locked and secure location.
  - 5.6.2 Any video files or storage device that has been accessed or viewed by authorized personnel will be dated and time stamped. Logs will be kept within the Video Surveillance binder of all instances of access to, and use of, recorded material. [Form 525A Video Surveillance: Instance of Access and Viewing of Recorded Material Log] Only the principal and a delegated alternate (designated by name and position e.g. vice-principal or another principal) may review the information. Circumstances which would warrant review will be limited to an incident that has been reported or observed. The principal shall delegate "real time" viewing of monitors to a very limited number of individuals.
  - 5.6.3 The retention period for information that has **not been viewed** for law enforcement, school or public safety purposes shall be 30 calendar days. Recorded information that has not been used in this fashion is to be routinely erased every 30 days in a manner in which it cannot be reconstructed or retrieved.
  - 5.6.4 The retention period for information that **has been viewed and used** for law enforcement or student safety purposes will be 1 year from the date of viewing or one year from the date of resolution of the incident. If personal information is used for this purpose, section 5(1) of Ontario Regulation 460 under the *Municipal Freedom of Information and Protection of Privacy Act* requires the recorded information to be retained for one year. Video files that have been viewed will be burned to DVD, appropriately labeled and stored in a secure location.
  - 5.6.5 The schools will store and retain video files required for evidentiary purposes until the law enforcement authorities request them. A storage device release form (Form 525B Video Surveillance Recorded Material Release Form) will be completed before any storage device is disclosed to appropriate authorities. The form will indicate who took the device, under what authority, when this occurred, and if it will be returned or destroyed after use. Form 525B will be kept in the Video Surveillance Binder. This activity will be subject to audit. No third party other than law enforcement has the authority to request or receive any storage device.
  - 5.6.6 Once the one-year retention of previously viewed media files (*those media files listed on Form 525A*) has ended, those media files must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include shredding, burning or magnetically erasing the personal information. *Form 525C Video Surveillance: Storage Device Disposal Record* is to be completed and maintained in the Video Surveillance Binder.

- 5.6.7 Vendors and/or service providers of Avon Maitland District School Board's video surveillance equipment shall not have access to recorded information without special permission.

## **6. Access to Personal Information**

- 6.1 An individual whose personal information has been collected by a video surveillance system has the right of access to his or her personal information under section 36 of the Municipal Freedom of Information and Protection of Privacy Act, unless an exemption applies under Section 38 of said Act. Access to an individual's own personal information in these circumstances may depend upon whether any exempt information can be reasonably severed from the record. (i.e. other individuals in the video would have to be severed from the record). Access to an individual's personal information in whole or in part may be refused where disclosure would constitute an unjustified invasion of another individual's privacy.
- 6.2 Parents, guardians, or employees requesting to view a segment of a video record involving their child(ren) or themselves may do so under the Municipal Freedom of Information and Protection of Privacy Act. However, the confidentiality of others must be considered and if the record cannot be severed; access will not be granted.
- 6.3 Principals should consult with their superintendent and/or Freedom of Information Coordinator regarding requests for access.
- 6.4 Any inadvertent disclosures of personal information shall be reported immediately to the Director of Education or designate.

## **7. Covert Surveillance**

- 7.1 Covert surveillance occurs when surveillance devices are used without notification to the individuals.
- 7.2 Covert surveillance shall be used only in specific limited circumstances as an investigative tool related to criminal or illegal activity.
- 7.3 Covert surveillance will be used only with the approval of the superintendent. Documented rationale for the use of covert surveillance must be retained by the school principal.

## **8. Training**

Where applicable and appropriate, this administrative procedure will be incorporated into training and orientation programs for the board. Training programs addressing staff obligations under the *Act* shall be conducted as necessary.

## **9. Auditing and Evaluating the Use of a Video Surveillance System**

- 9.1 The use of video surveillance equipment will be subject to regular audits. The audit will address compliance with this administrative procedure. The Director of Education or designate will endeavour to address immediately any deficiencies or concerns identified by the audit.
- 9.2 Staff members and service providers should be aware that their activities are subject to audit and that they may be called upon to justify their surveillance interest in any given individual.