Town of SALISBURY	**POLICY**	**Department:** Administration
	USE & RETENTION OF VIDEO SURVEILLANCE	
Effective Date: February 13, 2024		**Last Reviewed Date:** January 11, 2024

1. PURPOSE STATEMENT

The purpose of this policy is to guide the collection, use, retention, and sharing of recorded information collected through video surveillance technology under the jurisdiction and/or ownership of the Town.

Pursuant to Section 48.1(1) of the Act, this Policy shall also serve as the information practice(s) to ensure compliance with the *Act* to protect personal information, make reasonable arrangements against unauthorized uses, and outline the access, disclosure, and disposal of records.

2. APPLICATION

Where and when warranted, the Town may use video surveillance systems at/on municipally owned assets, buildings, or spaces in order to deter and detect crime, amongst other purposes. Pursuant to Section 37(2) of the *Right to Information and Protection of Privacy Act, SNB 2009, c R-10.6* ("the Act"), this Policy applies to records and personal information that the public body has authority to collect.

3. DEFINITIONS

- **"Act"** means the *Right to Information and Protection of Privacy Act, SNB 2009, c R-10.6* ("the Act");
- **"Authorized Representative"** means authorized members of the Town of Salisbury staff who are designated to have access to records collected under this policy, as stipulated in Section 8 of this Policy;
- **"Video Surveillance System"** means a system, such as CCTV, that may record and/or monitor locations and is/are used by the Town for the purposes as authorized and set-out in this Policy;
- **"Public Body"** means a public body as defined in the *Act*, including the Town;

- **“Records”** means the definition of record as per the Act, and for the purposes of this Policy, includes files recorded, photographic evidence, and any record stored in any manner by the Town pursuant to this Policy;
- **“Monitoring”** means the review of footage that was collected pursuant to this Policy and is being reviewed within the regulated retention schedule but is not exported as a record beyond the standard storage tool for the footage.

4. VIDEO SURVEILLANCE

It is a policy that video surveillance may be used by the Town for any of the following purposes:

- Enhancing the protection and safety of employees and the general public;
- Deterring incidents of crime;
- Safety concerns;
- Reducing, deterring, and investigation incidents of vandalism or criminal activity;
- Protecting property and assets;
- Ensuring efficient municipal operations, such as winter maintenance and snow clearing.

The monitoring of video surveillance shall be performed only by authorized individuals, in accordance to this Policy, and pursuant to the following principles:

- All monitoring and surveillance shall be conducted in accordance with all applicable law;
- Video surveillance shall be conducted in a professional, ethical, and legal manner;
- The video surveillance shall only be monitored by the Town if the recording(s) is/are on municipal property, or, in a public space that the public body has erected signage advising the public of potential monitoring or recording;
- Records obtained through said surveillance shall only be released pursuant to standards set out by the *Act* and other applicable legislation.

Under no circumstances shall video surveillance be employed in areas where residents, employees, or stakeholders may expect a reasonable expectation of privacy (including but not limited to: offices, change rooms, washrooms, etc.).

5. PHOTOGRAPHIC EVIDENCE

The Town may also collect photographic evidence for different purposes in alignment with the principles of this Policy. This may include for the following purposes:

- Photographs that may be used for purposes related to by-law enforcement investigations;

- Photographs that support building a case on infraction issues (including, but not limited to: building permit contraventions, dangerous/unsightly premises, etc.);
- Photographs pertaining to accidents or damage involving or affecting municipal assets;
- Photographs of damage and/or potential damage that may lead to potential claims involving the municipality.

The Town shall use discretion while taking photos for the purposes of photographic evidence.

Photographic evidence may be retained for periods beyond the standard retention period for video surveillance, given their intended and specific purpose, at the discretion of the Town.

6. RECORDS & RETENTION

Records collected from video surveillance shall only be used for the following purposes:

- detecting, deterring, and investigating unlawful activity, which includes possible contraventions of any federal or provincial law or municipal by-laws;
- investigating and resolving personal injury, damage to assets, and other legal claims; or
- investigating and resolving public complaints received by the Town or matters that may give rise to a customer complaint being received by the Tow.

In the event of records from surveillance being released, whether for the purposes of the *Act* or pursuant to this Policy, a log shall be maintained for all requests and records, including the following information:

- Name of the requestor;
- Date, time range, and location of the request;
- Date of the request;
- File/case number, if/where applicable;
- Name of the agency, if applicable.

Video surveillance records shall be routinely erased every 30 days, unless the surveillance system's retention schedule is, by default, less than 30 days, with the exception as set our herein including but not limited to for the purposes of criminal investigations.

The formal monitoring and review of surveillance video records may take place if there is reasonable cause to believe that a crime or an act of anti-social behavior has been or is in the process of being committed.

In the event that any record is released by the Town, the record shall become the property of the requestor. In the event that the Town releases record(s) pursuant to this Policy for the purposes of law enforcement (e.g.: RCMP investigation), it shall maintain the record for a period of at least two (2) years, beyond the standard retention schedule.

Requests can be made for records under the following circumstances:

- RCMP, Department of Justice and Public Safety or equivalent: Request to any authorized individual of the Town, under this Policy;
- General Public: Requests for records retained under this Policy must be requested through the Town's standard Right to Information process, available on the Town's website: salisburynb.ca.

The Town shall maintain all records and footage in secure cloud-based locations that can only be accessed by the Authorized Representatives, pursuant to this Policy.

7. PROTECTION OF PRIVACY

Pursuant to Section 46 and/or 46(1) of the *Act*, when the public body is using video surveillance, it shall notify the public by way of signage. This shall be considered, for the purposes of administering this policy, disclosure and consent to the information being collected.

In the instance of video recordings, whether or not used for the purposes of surveillance (e.g.: Town Council Meetings), all members of the public shall be notified of any recording and its intended use. Under no circumstances shall any recording outside of the control and authority of the Town be permitted without mutual consent (e.g.: no devices shall be left unattended for recording purposes outside of the control of the Town).

As a general principle, the Town shall consider whether or not, in an instance of video surveillance pursuant to this policy, the general public would have a reasonable expectation of privacy. If this is the case, the Town shall refrain from any invasion of it, unless reasonably required and justified.

Pursuant to Section 37(3) of the Act, the Town shall only collet as much personal information as is reasonably necessary to accomplish the purpose for which it is collected in order to promote the protection of privacy (e.g.: reasonable efforts shall be made to ensure that recordings in public spaces do not also violate privacy by showcasing backyards, private residence windows, etc.).

8. RESPONSIBILITIES

The Clerk of the Town is designated under Section 48.1(4) of the Act for the purposes of administering this policy and the associated records, pursuant to the Act.

The Chief Administrative Officer, in consultation with authorized representatives, is responsible for authorizing and justifying the use of video surveillance in an instance where additional surveillance is considered to be collected and monitored.

Authorized employees are responsible for ensuring compliance under this Policy and related legislation. For the purposes of this Policy, authorized employees consist of the Chief Administrative Officer, the Manager of Infrastructure & Public Works, the Clerk/Treasurer, or their designate(s) as appointed by the Chief Administrative Officer.

Salisbury Town Council is responsible for ensuring the Town manages risk and ensures compliance with the relevant legislation and their amendments by updating and ratifying modifications to this Policy and municipal practices as deemed necessary.