

Ontario privacy watchdog issues video surveillance guidelines for schools

Recently, some school boards have considered implementing video surveillance to control problems of violence and vandalism in schools. This trend has raised concerns about balancing the right to privacy with the need to ensure safety and security on school property. These concerns have now been addressed by Ontario's Information and Privacy Commissioner who, in December 2003, issued *Guidelines for Using Video Surveillance Cameras in Schools*. While acknowledging that, relative to public places, there is a diminished expectation of privacy in the supervised settings of schools, the Commissioner wants to ensure that any video surveillance system is subject to stringent privacy protection controls.

Municipal school boards are subject to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, while provincially operated schools are governed by the *Freedom of Information and Protection of Privacy Act (FIPPA)*. These statutes provide the backdrop for the Guidelines. The Guidelines are meant to apply to permanent surveillance operations - not to recordings of special events or to covert surveillance. The following is a brief description of the main points of the Guidelines, which can be viewed in their entirety at <http://www.ipc.on.ca/docs/vidsch-e.pdf>.

AUTHORITY TO COLLECT

Videotaped surveillance is a "collection" of personal information under the *MFIPPA* and the *FIPPA*; and collection is authorized on only three grounds:

- the collection is expressly authorized by statute;
- it is used for the purposes of law enforcement; or
- it is necessary to the proper administration of a lawfully authorized activity.

In order to ensure that there is proper authority for the surveillance program, the Guidelines recommend that school boards consider a number of issues, including whether

- there are less intrusive means to ensure safety and security;
- there is a history of incidents in the school being monitored; and
- video surveillance would be effective in preventing future incidents.

Broadly stated, boards should ask themselves whether video surveillance is *necessary* to protect students and staff, or to prevent destructive acts, such as vandalism.

VIDEO SURVEILLANCE POLICY AND PROCEDURES

A written policy should be developed if video surveillance is implemented. The policy should include the following elements:

- the objectives of the video surveillance program;
- the persons authorized to operate the system;
- the locations of the video surveillance and the times at which it will take place;
- restriction of access to the information collected to specified persons - only those who "need to know" - and circumstances;
- restriction of use of the information to the purposes for which it was collected - staff and student safety and the prevention of criminal activity;
- retention periods for information that has not been used for law enforcement or school safety purposes;
- retention periods for information that has been used for law enforcement or school safety purposes (this is one year under the *MFIPPA*, but may be reduced by a formal resolution of the school board); and
- procedures for students and staff to access their own personal information - a right guaranteed under both the *MFIPPA* and the *FIPPA*, subject to certain exemptions.

VIDEO SURVEILLANCE SYSTEM DESIGN

Generally, measures should be taken in the design and installation of video surveillance systems to ensure minimal privacy intrusion. These include

- placing cameras only in those areas where video surveillance is necessary and viable to accomplish its purposes;
- ensuring cameras cannot be used to monitor areas other than those intended to be monitored under the program;
- ensuring that video surveillance cameras are not placed in areas such as change rooms and washrooms;
- ensuring that video monitors are not operated in areas that would allow public viewing; and
- providing clear notification, by means of prominent signs, that an area is under video surveillance.

Note that the last measure, notification, is a statutory requirement under the *MFIPPA* and the *FIPPA* when personal information is collected.

Please contact [Lynn Harnden](#) at (613) 940-2731 if you wish to discuss the Guidelines or their implications for actual or planned video surveillance systems within your school board.

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