

POLICY MANUAL	Section No. : OP-21
	Effective Date : January 16, 2017
	Review Date(s):
	Revision Date(s): January 18, 2021; September 15, 2025
SECTION : Operational	
SUBJECT : Video Surveillance	Page 1 of 8

Purpose

To establish guidelines and procedures for using a video surveillance system on any property owned or operated by the Welland Public Library Board as deemed necessary by the CEO or designates.

Scope

Appropriate use of circulation records and customer information is governed by the Welland Public Library's *OP-02 Patron Records Policy* in accordance with the provisions of the *Public Libraries Act, R.S.O. 1990 (PLA)* and the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 (MFIPPA)*.

This policy was developed in close consultation with the *Guidelines for the Use of Video Surveillance* issued by the Information and Privacy Commissioner of Ontario in October 2015.

This policy provides a set of guiding principles for Library staff who are responsible for administering the video surveillance system, promoting the safety of patrons, staff and the community, and protecting any property owned or operated by the Welland Public Library Board against theft, vandalism, or any other illegal activities.

Policy Guidelines

Personal Information and Lawful Collection

The Library has determined that it has the authority to collect Personal Information on any property owned or operated by the Welland Public Library Board in accordance with section 28(2) of *MFIPPA* - "No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity".

The Library shall not use or disclose Personal Information collected by its video surveillance system except for a purpose for which the information may be used or disclosed under section 31, 32, 33, and 42 of *MFIPPA* (Appendix A).

Anyone who has been recorded by Library's surveillance system has a general right of access to his or her personal information under section 36 of *MFIPPA* (Appendix B).

One exemption that may apply is defined under section 38 of *MFIPPA* (Appendix C)

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Installation

A video surveillance system will be installed only in identified public areas where video surveillance is a necessary and viable detection or deterrence solution. This could include any Welland Public Library Branch location (including the Bookmobile), provided that permission is obtained from the partner/owner of the facility.

Areas where the general public has high expectation of privacy, such as change rooms and public washrooms, will not be monitored. Non-public areas, such as restricted staff work areas and office will not be monitored. If reception equipment is adjustable, this adjustment should be restricted and monitored, so that reception equipment cannot be manipulated to monitor areas that are not intended to be monitored by the video surveillance system.

Signs with a clear, language-neutral graphical depiction of the use of video surveillance must be prominently displayed at entrances, exterior walls, and/or the interior of buildings where a video surveillance system is installed. Signage must satisfy the notification requirement under section

29(2) of MFIPPA, which include:

- a) the legal authority for the collection;
- b) the principal purpose or purposes for which the personal information is intended to be used; and
- c) the title, business address and business telephone number of a public official who can answer the individual's questions about the collection

The notification requirement under section 29(2) of MFIPPA can be further satisfied through information pamphlets, website, and other alternative forms.

Operation

Video surveillance system will operate up to 24 hours a day and seven days a week, within the limitations of system capabilities, power disruptions, serviceability, and regular maintenance.

Only the CEO and designates may review video surveillance records. Circumstances which would warrant review will normally be limited to an incident observed, or to the occurrence of a potential crime.

Real-time viewing of video surveillance may be granted by the CEO or designates to a limited number of staff or security personnel.

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All video records should be stored securely in the Library's online database in a limited access-controlled location. The video records that have not been viewed for law enforcement, Library or public safety purposes shall be kept for a maximum of 30 days and then disposed of thereafter if not required for a permitted use listed below:

- a) To assess the effectiveness of safety and security measures taken at a particular facility.
- b) To investigate an incident involving the safety or security of individuals, employees, facilities or assets.
- c) To provide law enforcement agencies with evidence related to an incident under investigation.
- d) To provide evidence as required to protect the Library's legal rights.
- e) To respond to a request for information under MFIPPA.
- f) To investigate a critical bodily injury, as defined by and reported to, the Ministry of Labour.
- g) To investigate an incident or allegation of serious employee misconduct.
- h) To aid in the investigation of a potential or active insurance claim.
- i) To aid the in the investigation of acts of vandalism or suspicious activity at the Library.
- j) Training, or
- k) For a consistent purpose or as required by law.

When video records have been viewed for law enforcement, library or public safety purposes, the retention period should be one year from the date of view. When authorized by the CEO or designates, the Library may disclose recorded information to appropriate law enforcement authority. A release form (Appendix D) indicating who received the copy, under what authorities, when this occurred, and who authorized it must be completed before a copy of video records is released.

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Appendix A

Use and Disclosure of Personal Information

Use of personal information

31. An institution shall not use personal information in its custody or under its control except,
- (a) if the person to whom the information relates has identified that information in particular and consented to its use;
 - (b) for the purpose for which it was obtained or compiled or for a consistent purpose; or
 - (c) for a purpose for which the information may be disclosed to the institution under section 32 or under section 42 of the *Freedom of Information and Protection of Privacy Act*. R.S.O. 1990, c. M.56, s. 31.

Where disclosure is permitted

32. An institution shall not disclose personal information in its custody or under its control except,
- (a) in accordance with Part I;
 - (b) if the person to whom the information relates has identified that information in particular and consented to its disclosure;
 - (c) for the purpose for which it was obtained or compiled or for a consistent purpose;
 - (d) if the disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and if the disclosure is necessary and proper in the discharge of the institution's functions;
 - (e) for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty;
 - (f) if disclosure is by a law enforcement institution,
 - i. to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or
 - ii. to another law enforcement agency in Canada;
 - (g) if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - (h) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification is mailed to the last known address of the individual to whom the information relates;

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- (i) in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased;
- (j) to the Minister;
- (k) to the Information and Privacy Commissioner;
- (l) to the Government of Canada or the Government of Ontario in order to facilitate the auditing of shared cost programs. R.S.O. 1990, c. M.56, s. 32; 2006, c. 19, Sched. N, s. 3 (5); 2006, c. 34, Sched. C, s. 15.

Consistent purpose

33. The purpose of a use or disclosure of personal information that has been collected directly from the individual to whom the information relates is a consistent purpose under clauses 31 (b) and 32 (c) only if the individual might reasonably have expected such a use or disclosure. R.S.O. 1990, c. M.56, s. 33.

Burden of proof

42. If a head refuses access to a record or a part of a record, the burden of proof that the record or the part falls within one of the specified exemptions in this Act lies upon the head. R.S.O. 1990, c. M.56, s. 42.

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Appendix B

Right of access to personal information

36. (1) Every individual has a right of access to,
- (a) any personal information about the individual contained in a personal information bank in the custody or under the control of an institution; and
 - (b) any other personal information about the individual in the custody or under the control of an institution with respect to which the individual is able to provide sufficiently specific information to render it reasonably retrievable by the institution.

Right of correction

36. (2) Every individual who is given access under subsection (1) to personal information is entitled to,
- (a) request correction of the personal information if the individual believes there is an error or omission;
 - (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
 - (c) require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or statement of disagreement. R.S.O. 1990, c. M.56, s. 36.

Appendix C

Exemptions

38. A head may refuse to disclose to the individual to whom the information relates personal information,
- (a) if section 6, 7, 8, 8.1, 8.2, 9, 10, 11, 12, 13 or 15 would apply to the disclosure of that personal information;
 - (b) if the disclosure would constitute an unjustified invasion of another individual's personal privacy;
 - (c) that is evaluative or opinion material compiled solely for the purpose of determining suitability, eligibility or qualifications for the awarding of contracts and other benefits by an institution if the disclosure would reveal the identity of a source who furnished information to the institution in circumstances where it may reasonably have been assumed that the identity of the source would be held in confidence;

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- i. if the information is supplied explicitly or implicitly in confidence and is evaluative or opinion material compiled solely for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
- (d) that is medical information if the disclosure could reasonably be expected to prejudice the mental or physical health of the individual; or
- (e) that is a research or statistical record. R.S.O. 1990, c. M.56, s. 38; 2001, c. 28, s. 23 (4); 2002, c. 2, ss. 16 (4), 19 (11); 2002, c. 18, Sched. K, s. 21; 2005, c. 28, Sched. J. s. 1.

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Appendix D

Surveillance Release Form

Video Date	Video Time	Video Surveillance #	File #								
Name of Library and Location: ☐ Main Branch ☐ DT Branch ☐ SM Branch											
Information on Individual Receiving Surveillance Video (Please print and complete all areas as applicable): <table> <tr> <td>Name:</td> <td>Badge/ID #:</td> </tr> <tr> <td>Position:</td> <td>Agency:</td> </tr> <tr> <td>Phone #:</td> <td>Library card #:</td> </tr> <tr> <td>Warrant #:</td> <td>Warrant issued by:</td> </tr> </table>				Name:	Badge/ID #:	Position:	Agency:	Phone #:	Library card #:	Warrant #:	Warrant issued by:
Name:	Badge/ID #:										
Position:	Agency:										
Phone #:	Library card #:										
Warrant #:	Warrant issued by:										
Purpose or Reason for Release: 											
Acknowledgement of Receipt: I acknowledge receipt of a digital copy of Welland Public Library surveillance video recording listed above. <table> <tr> <td>Signature:</td> <td>Date:</td> </tr> </table>				Signature:	Date:						
Signature:	Date:										
Name and Position of WPL Authorized Releasing Surveillance Video (Please Print): <table> <tr> <td>Signature:</td> <td>Date:</td> </tr> </table>				Signature:	Date:						
Signature:	Date:										
WPL Use Only This file is destroyed on _____ by _____											