

LONDON DOWNTOWN CLOSED CIRCUIT TELEVISION (CCTV) PROGRAM
CODE OF PRACTICE
CITY OF LONDON, ONTARIO

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Revised December 13, 2004

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1. Introduction

The Corporation of the City of London is committed to the improvement of community safety, crime prevention, and the desirability of the city as a place for shopping, business and leisure. A downtown closed circuit television system has been implemented to help promote a safer environment in the City of London.

The Code of Practice establishes procedures for users of the London Downtown Closed Circuit Television (CCTV) Program, which records images from areas to which the public has access from certain fixed locations in the downtown area of the City.

Copies of the Code of Practice are available at various locations including the City Clerk's office at City Hall, The London Police Station and on the City of London internet site.

2. Defining the Responsible Persons

The City Clerk, Kevin Bain, of The Corporation of the City of London is the Head under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and is legally responsible for disclosure of information from the London Downtown CCTV Program. The Advisory Committee, as described in Section 6, oversees and monitors the ongoing management of the Program. Management Support & Audit Services, Chief Administrator's Office, is responsible for conducting audits of the Program.

3. Purpose and Principles of Monitoring

The key purpose of the London Downtown CCTV Program is to promote public safety in the downtown of the City of London.

The goals of the London Downtown CCTV Program are:

- to contribute to the safe environment of the downtown;
- to assist as one of the components of downtown revitalization; and,
- to improve the ability of the London Police and community to respond to crime and anti-social behavior occurring in London's downtown.

The objectives of the London Downtown CCTV Program are:

- to deter crime and anti-social behavior;
- to improve police reaction to crime through enhanced monitoring and detection of crimes;
- to increase the perception of safety; and,
- to use camera recording as evidence to identify suspects involved in criminal activities.

The monitoring procedures are performed according to the following principles:

- a) London Downtown CCTV monitoring shall be conducted in a manner consistent with all applicable statutes.
- b) London Downtown CCTV monitoring shall be conducted in a professional, ethical and legal manner.

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- c) Monitoring operators shall be appropriately trained and supervised in the responsible use of the cameras and recording equipment.
- d) Information obtained through video monitoring shall be used for security and law enforcement purposes or under the provisions of MFIPPA and released according to the standards set by MFIPPA. The recording shall be operated in a manner that provides continuity and security of the recorded information. All information is retained for approximately a 72 hour period unless a record has been requisitioned for use.
- e) Camera locations and operation shall not provide visual access, not available to the general public, of residential areas.
- f) The monitored areas shall have signs advising the public of the monitoring and recording.
- g) The use of London Downtown CCTV cameras shall not reduce The London Police presence in the monitored locations.
- h) Monitoring operators shall not monitor individuals in any manner which would constitute a violation of the *Human Rights Code*.

4. The Municipal Freedom of Information and Protection of Privacy Act

This Code of Practice has been drafted to conform with practices outlined by the Information and Privacy Commissioner of Ontario (“IPC”) in a document entitled “Video Surveillance: The Privacy Implications”, attached hereto as “Appendix A”. The IPC has indicated that after careful consideration, an institution may decide to use video surveillance for purposes in accordance with MFIPPA. Section 2 of MFIPPA defines “videotapes” in the term “record” and also provides a definition of “personal information” which describes it as recorded information about an identifiable individual.

5. Changes to this Code of Practice

Changes to the Code of Practice will be necessary from time to time as the City of London obtains experience with respect to London Downtown CCTV Program. The Code of Practice will be revised with the approval of the Municipal Council on a regular basis in order to take account of developments in the interpretation of the provisions of the data protection legislation, developments in the technology involved in the recording of images and developments in the use of such technologies.

6. Advisory Committee

The Advisory Committee shall consist of the following partner representatives as outlined in the Committee’s Terms of Reference, attached hereto as “Appendix B”:

- a) a representative from the City Clerk’s Office to advise the committee regarding compliance with MFIPPA and act as Chair of the Committee;
- b) the Manager of Corporate Security – manages the operation of the London Downtown CCTV Program;
- c) representatives from the business community – represent the business community in the downtown where the cameras are located;

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- d) one representative from London Police Services – represents law enforcement in the community and assists the Committee in measuring the success of this Program; and,
- e) other staff as required - providing technical, legal, communication and administrative assistance to the Committee.

Task Teams may be formed with other members at the call of the Chair. Such task teams shall update the Chair of any status reports in advance of the regularly scheduled meeting.

Members who agree to serve on the London Downtown CCTV Program Advisory Committee are required to sign an oath of confidentiality.

7. Management of the System

The Manager of Corporate Security of the City of London oversees the management of the operation of the London Downtown CCTV Program and ensures the day to day compliance with the requirements of the Code of Practice.

The responsibilities of the City Clerk's representative include responsibilities under MFIPPA concerning:

- a) maintaining the security of information collected by system;
- b) controlling the storage and release of information recorded by the system;
- c) ensuring that those involved in operating the system do so in accordance with MFIPPA and the Code of Practice; and,
- d) liaising with The London Police and other agencies and persons concerning the proper maintenance of information under MFIPPA.

8. Public Information and Input

The Corporation of the City of London is committed to operating the London Downtown CCTV Program in accordance with the principles in MFIPPA.

Camera Location

Cameras shall be located to monitor only areas to which the public have access. The view of the cameras is restricted to prohibit the viewing of private dwelling spaces. All operators have been made aware of the purpose(s) for which the cameras have been established and are prohibited from using the cameras for any other purpose. If cameras are adjustable by the operators, these adjustments are restricted so that operators cannot adjust or manipulate them to overlook spaces to which the public do not have access (e.g. private residences).

Signs

Signs shall be placed in the field of view of the cameras so that the public are aware that they are entering a zone which is covered by CCTV surveillance equipment. The signs shall be clearly visible to members of the public and located at every major intersection adjacent to the cameras.

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The signs shall contain the following information:

“You have entered an area that may be monitored by Closed Circuit Video Cameras. This program is a community initiative to reduce crime within the Downtown Area of the City of London.

Legal Authority for collection of information is Section 29(1) (g) of the Ontario Municipal Freedom of Information and Protection of Privacy Act.

If you have any questions or concerns about this program, please contact the Manager of Corporate Security, 663 Bathurst Street, London or call 661-2459.”

Brochures and Website Information

Brochures are available to inform the public about the London Downtown CCTV Program. Information about the program is also available on the City’s web page and through regular media releases issued by Corporate Communications and reviewed by the Manager of Corporate Security. Police Services may also release information from the London Downtown CCTV Program through its Media Relations Officer, and depending upon the urgency of the release, may inform the Director of Corporate Communications, the Manager of Corporate Security, and the City Clerk’s representative after the release.

Public Input Process

Any individual who wishes to speak to the City about the London Downtown CCTV program, either to provide comment or to make a complaint, should contact the Manager of Corporate Security (as noted on the signage).

Complaints may include, but are not limited to the following:

- a) the operation of the program;
- b) the treatment of an individual;
- c) the interpretation of this Code of Practice; and,
- d) the administration of the CCTV Program.

A record of the number and types of complaints or enquiries shall be maintained by the Manager of Corporate Security. A report on the number and types shall be submitted to the Advisory Committee in order to assess the use of the system. The Advisory Committee is responsible for undertaking regular reviews of the documented procedures to ensure compliance with the provisions of the Code. A report on the reviews will be submitted to the Community and Protective Services Committee in order to ensure compliance with legal obligations and the provisions of the Code of Practice. Complaints, which cannot be resolved at an administrative level, will be forwarded to the Community and Protective Services Committee for resolution.

9. Areas Covered by the London Downtown CCTV Program

A map showing the areas covered by the London Downtown CCTV Program is attached hereto as “Appendix C”.

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The system has not been designed to cover residential areas however some cameras have residential accommodation in close proximity. Measures are required to ensure that cameras do not view into private dwellings, by way of operational procedures or technical methods.

10. Evaluation and Monitoring of the London Downtown CCTV Program

Annual Evaluation Report

An annual report shall be produced, which evaluates the effectiveness of the London Downtown CCTV Program. The annual report will be assessed for compliance with the stated purpose of the program. The annual report shall be submitted to the Community and Protective Services Committee.

The Advisory Committee assists with the annual evaluation of the program using the program evaluation model provided to Council to measure the success of the program, attached hereto as "Appendix D".

The annual evaluation report shall include:

- a) an assessment of the impact on crime reduction;
- b) an assessment of neighbouring areas within CCTV;
- c) requests for opinions and views from the public; and
- d) the administration of the system and its policies and procedures.

The evaluation report is prepared by the Manager of Corporate Security in conjunction with the respective General Manager. A copy of the report shall be reviewed by the Advisory Committee to ensure all matters/issues have been identified.

The Manager of Corporate Security, in conjunction with the Advisory Committee, continuously monitors the operation of the Program and the adherence to the Code of Practice.

Audits

The auditing of the London Downtown CCTV Program is the responsibility of Management Support and Audit Services ("MS&AS") of the City of London. Audits will be performed by members of MS&AS. A minimum two (2) representatives will perform each audit and will review a copy of the video camera information on site. Representatives who perform the audit must not be the same representatives who form the members of the Advisory Committee. The audit team is required to sign an oath of confidentiality attached hereto as "Appendix "G". Audits are performed twice per year.

The audit consists of:

- ensuring that adequate camera monitoring staff were present at the time of the audit;
- a review of a random selection of recorded information at various locations to ensure the camera monitors have complied with the Code of Practice for camera use and have not monitored individuals in any manner that would constitute a violation of the Human Rights Code:
 - The audit team provides the Camera Monitor with a list of times and locations within the 72 hour recording period to review; and,

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- The Camera Monitor copies this information and releases it to the Audit Team after making an entry in the Camera Monitoring Logbook; and,
- a review of the Camera Monitoring Logbook to ensure the reported incidents were properly recorded and that only authorized staff had access to the Security Office and to ensure the recorded information had been released according to the Code of Practice requirements for release of information.

At the conclusion of the audit, a member of the audit team returns the copied incidents to the City Hall Security Office for storage for the prescribed period. The audit team shall complete and sign the audit report within 30 days of the date of the review and provides an audit report first to the Manager of Corporate Security and to the Chair of the Advisory Committee. The Chair will in turn provide a copy to each member of the Advisory Committee. The Manager of Corporate Security must respond to the audit report in writing to the Chair of The Advisory Committee within 30 days of receiving the report. The Chair will in turn provide a copy of the response to the Advisory Committee and the audit team. The audit report and the response are included in the annual report for the program.

The audits constitute a record under MFIPPA and therefore are retained by the Corporation for a one year retention period as noted in the City's amended Retention Bylaw, attached hereto as "Appendix E".

(The audit checklist and audit procedures and notes can be found in the attached "Appendix F".)

11. Operators

The successful operation of the London Downtown CCTV Program relies on operators being well disciplined, having integrity and dedication and maintaining the confidentiality that is required for the operation of the CCTV cameras in accordance with MFIPPA.

A thorough vetting of candidates who operate the CCTV cameras takes place. A training manual prepared by the Manager of Corporate Security, should be followed by all camera operators.

Privacy issues form a regular part of operator training. All Commissionaires who operate the cameras are required to sign an agreement of confidentiality and a commitment to adhere to this Code of Practice.

Those persons involved in the management, supervision, and audit of the London Downtown CCTV Program are required to pay particular attention to privacy issues in managing and operating the program.

The London Downtown CCTV Program is operated in a manner which is sensitive to the privacy of those people living and working in the area.

12. Control and Operation of the Cameras

The City Hall Security Office is located on the main floor at City Hall. The camera locations are continually monitored by way of a pre-programmed cycle that provides the most effective coverage of the monitored area.

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One operator will be present in the monitoring room whenever staff is available. Operators of the cameras act with the utmost integrity and only authorized operators are permitted to use the equipment.

The camera operator is not permitted to use the pan, tilt and zoom features to view residential areas or to monitor individuals in any manner that would constitute a violation of the Prohibited Grounds of the Human Rights Code (e.g., *ability (physical, mental, developmental, sensory), age, sex, sexual orientation, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, family or marital status*).

Camera operators are aware that recordings are subject to audit procedures and they may be required to justify their actions.

Actions of the Camera Operator When Observing Suspicious Activity

- The camera operator, upon observing suspicious activity may isolate the camera and use the pan, tilt and zoom features to determine if a police response is required.
- When a camera operator has determined that a police response is required, the camera monitor should use the camera features to identify the involved parties for evidentiary purposes.
- The camera operator will notify the London Police Service Communications Centre immediately upon observing an incident that requires the dispatch of patrol officers.
- The camera operator will maintain the focus of the camera on the incident and/or the immediate area if required until the incident has concluded.
- The camera operator will make a manual entry in the Camera Monitoring Logbook indicating weather conditions, date, time, incident type, start time and end time of the incident.

Actions of the London Police Service Communications Centre

- The London Police Service Communications Centre assesses an incident to ensure an appropriate response.
- The London Police Service Communications Centre may notify the camera monitor upon becoming aware of an incident in a monitored area to assist in response and subsequent investigation.
 - Once notified by the London Police Service of an incident, the camera operator maintains the focus of the camera on the incident and/or the immediate area if required until the incident has concluded.
 - The camera operator should make an effort to use the camera features to identify the involved parties for evidentiary purposes.

It should be noted that a monitor and control pad is also located in the London Police Service Communications Centre. This monitor does not receive information until the camera monitor activates it. The London Police Service Communications Centre may at their discretion assume control of monitoring an incident at any time at the London Police Station and will notify the Camera Monitoring Staff at the City Hall Security Office at the completion of their monitoring.

The media may also be notified by the London Police where it is assessed by them that the public's assistance is needed in order to assist in the identification of victim, witness or

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perpetrator in relation to a criminal incident. As part of that assessment, the wishes of the victim of an incident should be taken into account.

13. Access to the City Hall Security Office

Access to the City Hall Security Office, procedure attached hereto as “Appendix G”, is only permitted for lawful, proper and sufficient reasons and must be authorized by the Manager on duty. Records are kept of all access by recording the name of the individual concerned and the time of arrival and departure.

14. Use and Storage of Information

Ownership of the recorded material, in whatever medium, remains with The Corporation of the City of London. The transfer of the custody of the information from The London Police to the City is outlined in the Data Sharing Agreement with The London Police, attached hereto as “Appendix H”.

Agreements with service providers or other parties shall explicitly, state that records dealt with or created during the working relationship and under the institutions control and are subject to the Act.

Recorded material is only used for the purposes defined by this Code of Practice and in accordance with MFIPPA. The viewing of live information on a CCTV monitor is not considered use of recorded information. However, if this information is accessed by downloading it onto a compact disk or accessed at the end of the 72 hour retention time period, then the recorded information is considered used and must be retained for one year as per the City’s Retention By-law attached hereto as “Appendix E”.

Any CD’s that have been retained within the City and the retention period expires; the City Clerk’s office will destroy the CD by cutting it in half.

The use of recorded information is allowed only in accordance with law.

Any records and copies for audit or otherwise will remain on City Hall premises at all times. This is in keeping with IPC’s best practices.

15. Access to Recorded Information

Access to recorded information is only permitted in accordance with this Code of Practice and MFIPPA. Material may not under any circumstances be sold or used for commercial purposes or for the provision of entertainment.

Access to recorded information should be restricted to those responsible for the administration of the London Downtown CCTV Program and to:

- a) law enforcement agencies where the images recorded would assist in a specific investigation; and,
- b) the people whose images have been recorded and retained who make a request under MFIPPA.

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Where a request is granted according pursuant to MFIPPA, the images of individuals may be disguised or blurred. If the City does not have the facilities to carry out that type of editing, an editing company may be hired to carry out that editing.

Individuals who make a request under MFIPPA for images from the London Downtown CCTV Program are provided with information which describes the types of images which are recorded and retained, the purposes for which those images are recorded and retained, and information about the disclosure policy in relation to those images. This should be provided at the time that the standard freedom of information request form is provided to an individual. All requests will be dealt with by the Head or his/her designate.

All camera operators have been made aware to be aware of individuals' rights under MFIPPA.

If there has been an inadvertent disclosure of personal information, the Manager of Corporate Security will advise the Freedom of Information Co-ordinator. If the identity of the individual is known, every effort will be made to contact the individual to advise him/her of the inadvertent disclosure.

16. Dealing with Incidents

Police Officers comply with this Code of Practice when entering the City Hall Security Office and when requesting stored information or in any other matter under the jurisdiction of this Code of Practice.

The camera operators are notified by a police officer(s) upon receipt of a Report of an Incident after the Fact occurring within 72 hours in one of the camera surveillance areas. The camera staff will then complete a digital recording request form.

The camera operator must notify and obtain approval from the Manager of Corporate Security to disclose CCTV camera computer images.

All communication between the London Police and the City Hall Security Office is logged in the City Hall Security Office Camera Monitoring Book as follows:

- a) the date and time at which access was allowed or the date on which disclosure was made;
- b) the identification of the party who was allowed access or to whom disclosure was made;
- c) the reason for allowing access or disclosure; and,
- d) the extent of the information to which access was allowed or which was disclosed.

At the end of each month a "Monthly Occurrence Report" is filled out and logged by the Manager of Corporate Security. This includes all of the incidents that have been highlighted in the Camera Monitoring Log Book.

Digital Recording Development and Seizure

The camera operator reviews the computer images of the incident area and immediate surrounding area to ascertain if particulars of the incident were captured by the London Downtown CCTV cameras.

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When a digital recording is required to be developed and seized, the requesting officer completes a Digital Recording Request Form and delivers same in person to the on duty camera monitor, to obtain a digital recording.

The on duty camera operator creates the digital recording on CD and makes an entry in the Camera Monitoring Log Book indicating that:

- a) the tape has been created, sealed and presented to the requesting officer;
- b) the name of the office requesting the seizure;
- c) the incident number and date and time; and,
- d) name of camera monitor requesting the tape be made by Technology Services.

Digital recording seals are kept in the City Hall Security Office and are affixed by the camera monitor at the time a digital recording is developed and seized by the Police Officer.

If the digital recording is being used as evidence, the officer shall indicate on the top left corner of the Crown Brief that there is recorded evidence and shall include a brief description of the evidence contained on the recording in the synopsis. The officer shall also dictate a "Miscellaneous Property Detail" and forward the tape to Property to be held as evidence for court purposes.

When the digital recording is no longer required, it is to be returned to the camera operator by the requesting officer for storage retention by City Hall for one (1) year. The date and time of return and signature of the camera operator receiving the video tape are entered in the Camera Monitor Log Book.

It is the responsibility of the Manager of Corporate Security to advise the court on the technical aspect of the London Downtown CCTV Program, if required.

Violations of the Code/MFIPPA

Any violations of this code are also considered a violation under MFIPPA and will be subject to the consequences found under the Act.