



VIDEO SURVEILLANCE POLICY

DM Approval:

A handwritten signature in black ink, appearing to be "D. D. D.", written over a white background.

Effective Date: February 6, 2017

GENERAL INFORMATION

The Department of Education is responsible for ensuring student and staff safety and security in schools, as well as for the care and maintenance of school property.

The Department of Education is also responsible for ensuring the protection of student and staff privacy in accordance with the requirements of the *Access to Information and Protection of Privacy Act (ATIPP)*.

The *ATIPP* and the *Education Act* provide that a public body such as the Department of Education may collect, use and disclose personal information that is necessary for managing the Yukon education system, and must protect such information by making reasonable security arrangements against risks such as accidental loss and unauthorized access, use or disclosure of the information.

PURPOSE

The purpose of this policy is to provide direction that ensures the effective and appropriate use of video surveillance by the Department of Education while protecting the privacy rights and personal information of students, staff, and members of the public.

This policy does not apply to video surveillance on school busses or the use of video recording for educational purposes

DEFINITIONS

'*Video surveillance*' includes any form of visual and/or audio capture of activity in an area by camera on school grounds.

'*Personal Information*', as defined under the *ATIPP Act*, means recorded information about an identifiable individual including:

- the individual's name, address, or telephone number;

- the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- the individual's age, sex, sexual orientation, marital status, or family status;
- an identifying number, symbol, or other particular assigned to the individual;
- the individual's fingerprints, blood type, or inheritable characteristics;
- information about the individual's health care history, including a physical or mental disability;
- information about the individual's educational, financial, criminal, or employment history;
- anyone else's opinions about the individual; and the individual's personal views or opinions, except if they are about someone else.

'Record' includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other process or mechanism that produces records;

'Storage Device' means a videotape, computer disk or drive, CD-ROM, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

'Covert Surveillance' means surveillance conducted by means of hidden devices, without notice to the individuals being monitored.

'Investigative Use' means policing, including criminal intelligence operations, or an administrative investigation that leads or could lead to a penalty or sanction imposed by the body conducting the investigation.

'Building administrator' means the school principal or, in the case of non-school buildings, the Department of Education-appointed building supervisor.

POLICY STATEMENT

For the purposes of enhancing the safety of students, staff and others on school premises and deterring destructive acts, the Department of Education may authorize the use of video surveillance equipment on school property.

A privacy impact assessment must be completed before video surveillance equipment can be used on school property.

Placing video cameras in and around schools can act as an effective deterrent against unsafe and illegal activities while providing an objective source of information when such activities do occur.

Video surveillance may be used at times and places where vandalism, safety or security issues are likely to occur, and where conventional measures for achieving law enforcement or public safety objectives such as increased school staff supervision or security guard patrols are substantially less effective or not feasible and the benefits of surveillance substantially outweigh the reduction of privacy inherent in using a video surveillance system.

The Department of Education recognizes both its legal obligations to provide appropriate levels of supervision in the interests of student and staff safety, and the fact that students and staff have privacy rights that are reduced, but not eliminated, while at school.

Video surveillance must be carried out in a way that respects student and staff privacy rights. The Department of Education will not accept the improper use of video surveillance and will take appropriate action in any cases of wrongful use of this policy.

Approval of Surveillance Sites

Video surveillance may be used to monitor and/or record.

Excluding investigative use, the School Board or Council must approve any requests for permanent video surveillance camera installation and proposed locations before authorization by the building administrator **AND** the Assistant Deputy Minister of Public Schools may be granted.

If a School Board or Council recommends the installation of video surveillance cameras in a school facility or on school land, the School Board or Council will refer the matter to the building administrator, who will take the request to the Assistant Deputy Minister of Public Schools.

Delegation of Authority

A building administrator may delegate their authority under this policy by completing the form set out in Appendix 3 and filing it with the Assistant Deputy Minister of Public Schools. More than one person may be delegated by any building administrator

The Assistant Deputy Minister of Public Schools may designate employees or agents to install, maintain or handle video surveillance systems, and must keep a record of such designation.

Installation and Use

Only designated Department of Education employees or agents, or the building administrator or delegate, shall install or handle a video surveillance camera(s) or storage device(s).

Video surveillance must not be used in locations where private activities/functions are routinely carried out, and equipment must not monitor the inside of areas where

students, staff and members of the public have a higher expectation of privacy (including, but not limited to change rooms, washrooms, and classrooms).

Video surveillance will be installed in such a way that it only monitors those areas that have been identified as requiring video surveillance. Cameras will not be directed to look through the windows of adjacent buildings.

If the surveillance area of a camera can be adjusted remotely by an authorized operator, the camera's movement shall be restricted so that operators cannot adjust or manipulate them to overlook spaces that are outside of the intended area to be covered by the video surveillance system.

Consideration shall be given to the use of motion detectors to limit the time when the video surveillance cameras are in operation.

Maintenance and Calibration

Each building administrator is responsible for ensuring the proper implementation and control of any video surveillance system. The building administrator must involve designated Department of Education Information Technology Support Services employees or agents to repair, install or maintain these systems to the manufacturer's standards.

Each building administrator is responsible for ensuring that any video surveillance system is maintained and calibrated (including image refocusing and lens cleaning) to the manufacturer's standards at least once per year by designated Department of Education Information Technology Support Services employees or agents, and that a maintenance log is kept.

Any issues or concerns regarding the performance of such equipment are to be addressed immediately by the building administrator.

Notification of Use of Video Surveillance

The Department of Education will ensure that students, parents, staff and the public are notified annually that video surveillance is being used to monitor public areas and protect the well-being and security of individuals ensuring student and staff safety and security in schools, as well as for the care and maintenance of school property, and as a deterrent to vandalism, criminal acts or other illegal activities (see Appendix 1).

The Department of Education will further ensure that students, staff and members of the public have reasonable and adequate warning that surveillance is, or may be, in operation by using clearly written signs, prominently displayed at the perimeter of the video security surveillance area, identifying video surveillance equipment locations.

Notice must include contact information of the building administrator or designated employee or agent of the Department of Education who is responsible for answering questions about the surveillance system (see Appendix 2).

Investigative Use

The Assistant Deputy Minister of Public Schools may authorize video surveillance for a time-limited specific investigation into complaints of criminal conduct or student misconduct on the grounds that covert surveillance is essential to the success of the investigation and the need outweighs the privacy interest of the persons likely to be observed. Covert surveillance may not be authorized on an ongoing basis.

Temporary installations of video surveillance cameras for specific investigative purposes do not require the approval of the School Board or Council and are exempt from the notification requirements of this policy.

Real-Time Monitoring

Real-time monitoring may be implemented for the purposes of identifying problems that require immediate intervention, and for the safety of people on the premises during regular school hours. Real-time monitoring may also be used after hours and on weekends to monitor community use of schools. School Board or Council approval is required.

Real-time monitoring may also be permitted for other purposes such as for monitoring weather conditions for grounds maintenance purposes (e.g. ice and snow removal). Monitoring for purposes such as this will not require School Board or Council approval.

Video Surveillance Records

Video surveillance records will be in the custody of or under the control of the Department of Education.

Unless an investigation is underway, information obtained through video surveillance records will be deleted within 45 calendar days.

If decisions are made by the Department of Education based in whole or in part on information obtained through video surveillance, the information and video surveillance record(s) will be retained by the Department of Education for a minimum of one (1) year from the date the decision was made.

All information obtained through the use of video surveillance will be protected and handled in accordance with the requirements of the *ATIPP*.

Access and Review of Video Surveillance Records

Only the building administrator or designated Department of Education employee(s) shall have access to a video surveillance storage device. The storage device shall be password protected, encrypted and stored in a secure area.

Video surveillance records in the custody of or under the control of the department may never be sold, publicly viewed or distributed in any fashion except as provided for by the *ATIPP* or other legislation.

Information obtained through the use of video surveillance will only be reviewed when investigating an incident or a complaint.

When video surveillance records are reviewed (see Appendix 4):

- A log must be kept of any access of a video surveillance record and must include a record of the reason for the review of video surveillance information, as well as the persons conducting the review;
- The log must be kept on file by the building administrator, and a copy forwarded to the Assistant Deputy Minister of Public Schools.

Monitors used to review video surveillance recordings will not be located in a position that enables unauthorized viewing.

Recordings may only be reviewed by the building administrator, department staff who have direct involvement with the contents of the specific recording, parents and students (see below) or designated Department of Education employees or agents responsible for the technical operations of the system (for technical purposes only).

Parents and/or guardians may, if authorized by the building administrator, review a segment of a recording if the segment relates to a specific incident (e.g. accident or misconduct) involving their child/children, unless the review might violate the privacy of a third party. In that case, the review shall not take place unless authorized by the Assistant Deputy Minister of Public Schools.

Students may view a segment of a recording relating to themselves if they are capable of exercising their own access to information rights under the *ATIPP*. Student/parent viewing must be done in private and in the presence of the building administrator.

An individual whose personal information has been collected and recorded by a video surveillance system may request access to the information in accordance with the *ATIPP*.

Records may be disclosed to police to assist in police investigations as authorized by the *ATIPP*.

Retention and Disposal of Video Surveillance Recordings

Where an incident raises a prospect of a legal claim against the Government of Yukon or criminal charges for any party, relevant video surveillance recordings shall be sent to the Department of Justice upon authorization by the Assistant Deputy Minister of Public Schools.

The system will be configured to loop a minimum of seven calendar days and a maximum of 45 calendar days, thereby automatically erasing the previous period's video recording.

As required by the *ATIPP*, video recordings must be retained for one (1) year if the recording has been used in making a decision about an individual.

If the surveillance information in the custody of or under the control of the department has been used for law enforcement or school or public safety purposes the information must be retained for the longer of the following two times:

- I. For one (1) year from the date of viewing, or
- II. For one (1) year from the date of the final resolution of the incident.

Any information obtained through video surveillance that is retained by the Department of Education, will be handled in accordance with the requirements of the *Archives Act* and record schedules set under regulation.

Review of Policy

To ensure that this policy and procedures are being adhered to the Assistant Deputy Minister of Public Schools (or designate) shall conduct an initial review within one year of this policy going into effect.

Subsequent reviews shall be conducted every three years thereafter. The reviewers shall provide a report to the Deputy Minister on the use of video surveillance in the schools.

ROLES AND RESPONSIBILITIES

Building administrators are responsible for ensuring the proper maintenance and care of school property, including video surveillance systems, and the implementation of this policy at the school level.

The Assistant Deputy Minister of Public Schools is responsible for the implementation of this policy at the department level, ensuring the policy is reviewed, and tracking instances of review of video surveillance information.

All Department of Education staff are responsible for promoting health and safety in schools, and for ensuring the protection of student and staff privacy in accordance with the requirements of the *ATIPP*.

School Boards and Councils are responsible for recommending or approving the use of video surveillance at the school level.

APPLICATION

This policy applies to all staff, employees and students of the Department of Education as well as to members of the school community.

EXCEPTIONAL CIRCUMSTANCES

Upon approval of the Assistant Deputy Minister of Public Schools, in situations where the particular circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, some or all of the provisions of this policy may be waived based on the individual merits and justice of the situation. Such a decision would be considered for that specific case only and would not be precedent setting.

If this exceptional circumstances clause is utilized, the Assistant Deputy Minister of Public schools will, as soon as is reasonable, notify the Yukon Teachers Association, the Yukon Information and Privacy Commissioner, and any School Board or Council involved of the rationale for doing so.

EFFECTIVE DATE

This policy is effective February 6, 2017.

LEGISLATIVE AND POLICY REFERENCES

Education Act s.21, s.38, ss. 169(k)

Student Transportation Regulations (O.I.C. 1994/006) ss. 12(2)

Access to Information and Protection of Privacy Act s.29, s.33

HISTORY

Video Surveillance in Schools and on School Buses Policy, effective August 24, 2004; amended effective February 6, 2017.

APPENDIX 1: Annual Public Notification of Use of Video Surveillance

MEMO TO ALL STUDENTS, PARENTS AND GUARDIANS IN SCHOOL WITH VIDEO SURVEILLANCE

This building is equipped with a video surveillance system to provide protection for the well-being and security of individuals, and as a deterrent to vandalism, criminal acts or other illegal activities.

All information obtained by video surveillance is confidential and will only be transmitted to Education or police authorities when criminal or other illegal acts are suspected.

All recorded information will be destroyed within 30 days of being recorded unless they are used as part of an investigation.

Any personal information collected through the use of the Video Surveillance Cameras at this site is collected and managed under the authority of s. 29(c) of the *Access to Information and Protection of Privacy Act (ATIPP)* and s.6(1)(h) of the *Education Act*.

APPENDIX 2: Public Display of Notification of Use of Video Surveillance

Attention:

This area may be monitored by video surveillance cameras.

The personal information collected by the use of the Video Surveillance Cameras at this site is collected and managed under the authority of s.29(c) of the *Access to Information and Protection of Privacy Act (ATIPP)* and s.6(1)(h) of the *Education Act*.

Any information collected is for the purpose of providing protection for the well-being and security of individuals, and as a deterrent to vandalism, criminal acts or other illegal activities.

Any questions about this collection can be directed to the (list department) at (phone number), (School Board or Council address), (e-mail).

**APPENDIX 3: Delegation of Authority under Video
Surveillance Policy**

[Month] [Day], [Year]

TO: All Staff at _____
ADM of Public Schools

FROM: _____
Building Administrator

**RE: DELEGATION OF AUTHORITY UNDER VIDEO SURVEILLANCE
POLICY**

_____ is hereby authorized to act as a Building Administrator for the purposes of implementing the Department of Education Video Surveillance Policy from _____ to _____, _____ inclusive.

Building Administrator

APPENDIX 4: LOG OF AUTHORIZED ACCESS TO VIDEO SURVEILLANCE STORAGE DEVICE AND REVIEW OF VIDEO SURVEILLANCE RECORD

DATE & TIME: _____

LOCATION: _____

REVIEW PARTICIPANTS:

REASON FOR REVIEW:

CAMERA(S) REVIEWED:

VIDEO EXTRACT CREATED:

YES

NO

FURTHER ACTION:

Building Administrator