

TABLE OF CONTENTS

1	INTRODUCTION & GLOSSARY.....	3
2	DEFINING THE RESPONSIBLE PERSONS.....	5
2.1	CITY CLERK	5
2.2	STEERING COMMITTEE	5
2.3	MANAGEMENT OF THE PROGRAM.....	5
2.3.1	<i>Manager of the Program</i>	5
2.3.2	<i>MFIPPA Coordinator</i>	5
2.4	INTERNAL AUDIT & CONTINUOUS IMPROVEMENT	6
3	GOALS/OBJECTIVES & PRINCIPLES OF MONITORING.....	6
3.1	GOALS & OBJECTIVES.....	6
3.2	PRINCIPLES OF MONITORING PROCEDURE.....	6
4	MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.....	7
5	CHANGES TO THE CODE OF PRACTICE.....	7
6	STEERING COMMITTEE	7
7	PUBLIC INFORMATION AND INPUT.....	8
7.1	CAMERA LOCATION	8
7.2	SIGNS	8
7.3	BROCHURES AND WEBSITE INFORMATION	8
7.4	PUBLIC INPUT PROCESS.....	9
8	AREAS COVERED BY THE PROGRAM.....	9
9	EVALUATION AND MONITORING OF THE PROGRAM	9
9.1	ANNUAL REPORT	9
9.2	AUDITS.....	10
10	CAMERA OPERATORS.....	11
11	CONTROL AND OPERATION OF THE CAMERAS	11
11.1	ACTIONS OF THE CAMERA OPERATOR WHEN OBSERVING SUSPICIOUS ACTIVITY	12
11.2	ACTIONS OF THE THUNDER BAY POLICE DEPARTMENT	12
12	ACCESS TO THE SECURITY OFFICE	12
13	USE AND STORAGE OF INFORMATION.....	12
14	ACCESS TO RECORDED INFORMATION.....	13
15	DEALING WITH INCIDENTS.....	14
15.1	APPROVAL AND LOG BOOK.....	14
15.2	DIGITAL RECORDING DEVELOPMENT	14
16	VIOLATIONS OF THE CODE OF PRACTICE/MFIPPA.....	15

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

16.1	GENERAL	15
16.2	DEALING WITH A VIOLATION OF MFIPPA	15
17	APPENDICES	16
	APPENDIX A: GUIDELINES FOR USING VIDEO SURVEILLANCE CAMERAS IN PUBLIC PLACES (NOT APPENDED – AVAILABLE ON IPC WEBSITE).....	16
	APPENDIX B: TERMS OF REFERENCE FOR THE STEERING COMMITTEE	17
	APPENDIX C: CAMERA LOCATIONS.....	21
	APPENDIX D: ANNUAL REPORT	22
	APPENDIX E: PROCEDURE FOR THE AUDIT	24
	APPENDIX F: SECURITY OFFICE PROTOCOL	29
	OATH OF CONFIDENTIALITY.....	30

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

1 Introduction & Glossary

1.1 Introduction

The City is committed to the improvement of community safety and the desirability of the downtown core areas as places for shopping, business and leisure. A downtown closed circuit television system, also known as “Eye on the Street”, has been implemented to assist with these goals.

The Program involves the recording of images from downtown areas to which the public has access. The recording is done from cameras at fixed locations, and the images are viewed “live” by persons (known as “Camera Operators”) at a central location (known as the “Security Office”).

The City manages the Program, but it is delivered by a contracted person (the “Service Provider”). The Service Provider is selected through a competitive process establishing a contract for a set term. Although the identity of the Service Provider may change, the governance of the Program will continue to be subject to the terms and conditions of this Code of Practice.

This Code of Practice establishes procedures for users of the City’s CCTV monitoring system. It will help to ensure a balance between protection of privacy and the fulfillment of the goals noted above.

A hard copy of this Code of Practice may be obtained from City Hall. Electronic copies (excepting Appendix “A”) are made available on the City’s website, www.thunderbay.ca. Appendix “A” is a publication of Ontario’s Information and Privacy Commissioner, and is available in pdf format on that agency’s website, at www.ipc.on.ca.

1.2 Glossary:

This Code of Practice uses several abbreviations, acronyms and defined terms. This glossary provides a resource to the reader in this regard.

“BIA” is an acronym for “Business Improvement Area”, a term found in the *Municipal Act, 2001*, R.S.O. 2001, c. 25, as amended. A BIA is an incorporated body whose members promote business within the geographic boundaries it is established within.

“CCTV” is an acronym for the title “closed circuit television”. Within the Program, CCTV cameras send signals to television monitors located in the Security Office. The CCTV cameras record information continually, and the record is stored on hard computer drives unless/until downloaded to a portable medium (CD, DVD).

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

“CCTV equipment” means any and all equipment required and/or used for the operation of the Program.

“CCTV monitoring” refers to the operation of all of the CCTV cameras and/or television monitors.

“Camera Monitoring Logbook” is a physical or electronic record maintained in the Security Office in which the Camera Operators make notations as required by this Code of Practice.

“Camera Operators” are persons who physically view the landscape being recorded by the CCTV cameras making up the Program, who control the positioning of the views being recorded by the CCTV cameras, and who have various obligations and duties as detailed in this Code of Practice.

The “City” is The Corporation of the City of Thunder Bay, a duly incorporated Ontario municipal corporation.

“Committee” means the Steering Committee, defined below.

“Contract” means the agreement between the City and the Service Provider.

The “IPC” is the Information and Privacy Commissioner of Ontario, as contemplated by the MFIPPA.

“Manager” means the person within the City’s employ who is assigned the task of managing the Program. The Manager is the person who holds the title “General Manager of the Infrastructure & Operations Department” of the City. The term includes his or her designate.

“MFIPPA” is an acronym for the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

“MFIPPA Coordinator” means the person within the employ of the City who is assigned as a resource person with respect to MFIPPA procedures and advice.

“Program” means the City’s CCTV system also known as “Eye on the Street”.

“Retention By-law” means the City’s by-law governing retention and destruction of corporate records and/or any approved City policies governing same.

“Security Office” is the room within which the scenes being recorded by the CCTV cameras can be viewed by Camera Operators.

“Service Provider” means the person contracted by the City to operate the CCTV equipment and assist with delivery of the Program.

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

“Steering Committee” (also referred to as “Committee”) means the group of persons addressed in Section 6 of this Code of Practice.

2 Defining the Responsible Persons

2.1 City Clerk

As the Head under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), the City Clerk is legally responsible for disclosure of information from the Program. The City employs an “MFIPPA Coordinator”, who has been assigned certain responsibilities by the Clerk with respect to the Program.

2.2 Steering Committee

The Steering Committee described in Section 6 supervises and reviews the operation of the Program. The Steering Committee shall regularly consult with the MFIPPA Coordinator concerning the Program, this Code of Practice and disclosure under MFIPPA.

2.3 Management of the Program

2.3.1 Manager of the Program

The Manager is responsible for ensuring day to day compliance with the requirements of this Code of Practice, fielding inquiries from the public and undertaking an annual evaluation and report in collaboration with the Steering Committee, to be submitted to City Council.

The Manager shall consult with and take advice from the MFIPPA Coordinator with respect to:

- a. maintaining the security of information collected by the Program;
- b. controlling the storage and release of information recorded by the Program;
- c. holding the Service Provider and others involved in operating the system to strict compliance with this Code of Practice; and;
- d. liaising with the Thunder Bay Police and other agencies and persons concerning the implications of MFIPPA and other related privacy legislation on the proper operation of the Program.

2.3.2 MFIPPA Coordinator

The MFIPPA Coordinator will provide assistance and advice from time to time, as set out in this Code of Practice.

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

2.4 Internal Audit & Continuous Improvement

The City's internal auditor, in the Internal Audit & Continuous Improvement Division of the Finance & Corporate Services Department is responsible for conducting quarterly audits of the Program to be submitted to the Manager and the Steering Committee.

3 Goals/Objectives & Principles of Monitoring

The purpose of the Program is to promote community safety in the downtown areas of Thunder Bay.

3.1 Goals & Objectives

The goals and objectives of the Program are:

- To foster and help maintain a safe environment in the downtown core areas;
- To act as one component of downtown revitalization and increase pedestrian traffic;
- To deter violence, unlawful activity and other anti-social behaviour;
- To provide information to the Thunder Bay Police Service to assist it with its response to unlawful activity and anti-social behaviour;
- To discourage incidents of vandalism in order to reduce the number of insurance claims and/or repair costs associated with them; and
- To monitor, prevent, and respond to any crime displacement to surrounding areas not monitored by the cameras.

3.2 Principles of Monitoring Procedure

The monitoring procedures are performed by the Camera Operators according to the following principles:

- a) CCTV monitoring is conducted in a manner consistent with law;
- b) CCTV monitoring is conducted in a professional and ethical manner;
- c) Camera Operators are appropriately trained and supervised in the responsible use of the cameras and recording equipment;
- d) information obtained through CCTV monitoring is used exclusively for security and law enforcement purposes and only released in strict accordance with the MFIPPA;
- e) the records are handled in a manner that provides continuity and security of the recorded information;
- f) CCTV camera locations and operation do not provide visual access, which would not otherwise be available to the general public, to residential areas;
- g) the monitored areas are appropriately signed advising the community of monitoring and recording; and
- h) Camera Operators will not view or record individuals in any manner which would constitute a violation of the *Human Rights Code*.

*Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay*

4 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 “Guideline for Using Video Surveillance Cameras in Public Places” (attached 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” as recorded information about an identifiable individual.

5 Changes to the Code of Practice

Changes to this Code of Practice will be necessary from time to time as the City obtains experience with respect to the Program. This Code of Practice will be revised as required 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 Steering Committee

The Steering Committee consists of the following partner representatives as outlined in the Committee’s Terms of Reference, attached as Appendix B.

- a. the Manager;
- b. two appointees of the Manager; and
- c. one representative from each of the Business Improvement Areas (“BIAs”), to represent the business community in the downtown areas where the CCTVs are located.

(In addition, one appointee of the Chief of Thunder Bay Police and one representative of the Service Provider sit in an advisory capacity on the Committee.)

Members, other than members of the Thunder Bay Police, who agree to serve on the Steering Committee are required to sign an oath of confidentiality and are not permitted to participate directly in the Audit Program. (Members of the Thunder Bay Police take a statutory oath which covers the circumstances that the oath of confidentiality would have covered.)

The Manager shall request the presence at Steering Committee meetings, of other members of City Administration, as required by the meeting agenda from time to time. For example, it

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

may be prudent or necessary to invite the MFIPPA Coordinator to attend Steering Committee meetings from time to time. Persons invited in this capacity attend in an advisory capacity and do not vote on matters before the Steering Committee.

7 Public Information and Input

The City is committed to operating the Program in accordance with the principles in MFIPPA.

7.1 Camera Location

CCTV cameras will be located in such a way that they only monitor those spaces to which the public has access. The view of each CCTV camera will be restricted so that Camera Operators cannot position the CCTV camera to overlook private residential areas that are not otherwise available for general public viewing. All Camera Operators will be appropriately trained, and will be made aware of the purpose(s) for which the CCTV cameras have been established. Camera Operators will be advised that they are prohibited from using the CCTV cameras for any other purpose.

7.2 Signs

Signs will be placed at the perimeters of the video surveillance areas, to advise members of the public that they are entering an area which is covered by CCTV surveillance equipment. The signs will be clearly visible to members of the public, and will contain the City & partner logos, and the following information:

Eye on the Street Video Surveillance Area

The Eye on the Street Partnership is a community public safety initiative. Monitoring is for safety and security purposes only.

Legal Authority for the collection of information is the Municipal Freedom of Information and Protection of Privacy Act (Ontario Legislation). For information, contact Clerk Dispatcher at 625-2195. P.O. Box 800, Thunder Bay, ON, P7C 5K4

7.3 Brochures and Website Information

Brochures will be available to inform the public about the Program. Information about the Program will also be available on the City's web page and through regular media releases issued by Corporate Communications and reviewed by the Manager.

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

7.4 Public Input Process

Any individual who wishes to speak to the City about the Program, either to provide comment or to make a complaint, should contact the person indicated on the signage, or the Chair of the Steering Committee, in writing.

Complaints, comments, suggestions, inquiries or other input may involve any of the following:

- the operation of the Program;
- the treatment of an individual;
- the interpretation of this Code of Practice; or
- the administration of the Program.

A record of the number and types of complaints or inquiries will be maintained by the Manager. A report on those numbers and types will be collected by the Steering Committee in order to assess public reaction to and opinion of the use of the Program. The Steering Committee is responsible for undertaking regular reviews of the documented procedures to ensure that the provisions of this Code of Practice are being complied with. A report on those reviews will be provided to City Council in order that compliance with legal obligations and provisions with this Code of Practice can be monitored. Complaints which cannot be resolved at an administrative level will, should the complainant so desire, be forwarded to City Council for resolution.

8 Areas Covered by the Program

A listing of CCTV camera locations is attached as Appendix C.

While the Program has not been designed to cover residential areas, some CCTV cameras have residential accommodation in close proximity. Measures will be taken to ensure that CCTV equipment can not view into private dwellings to a degree greater than a passerby on the municipal right of way could view.

9 Evaluation and Monitoring of the Program

The Steering Committee is responsible for the proper annual evaluation of the Program and its administration, to coincide with the annual report to City Council.

9.1 Annual Report

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

An annual report submitted to City Council and made available to the public will be produced by the Steering Committee. The report will evaluate the effectiveness of the Program. Effectiveness will be assessed against the stated purpose, goals, objectives and principles of the Program. The report will include information outlined in Appendix D and assessments of the quarterly audits submitted by the Internal Audit & Continuous Improvement Division of the Finance & Corporate Services Department of the City.

9.2 Audits

The auditing of the Program is the responsibility of the Internal Audit & Continuous Improvement Division of the Finance & Corporate Services Department of the City. The City's Internal Auditor is responsible for assigning any assistance he or she may require. A minimum of two (2) representatives will perform each audit at the Security Office. Persons who perform the audit must not sit on the Steering Committee. Members of the audit team will be required to individually sign an oath of confidentiality. An audit of the Program is performed quarterly, and the results submitted to the Manager, for presentation to the Steering Committee.

The auditing rules are:

- No one may be present in the Security Office without the presence of at least one service provider.
- The audit involves a review of a random selection of recorded information from various locations for the purpose of ascertaining whether the Service Provider has complied with the Code of Practice for camera use and has not monitored (or has not allowed to be monitored) individuals in any manner that would constitute a violation of the Human Rights Code or MFIPPA. The audit team will provide the Service Provider with a list of four times and locations within one 7-day recording period, that it wishes to review. The Service Provider will make arrangements for the records to be viewed by the Audit Team within the Security Office. If required, the Service Provider will copy the requested information, and will release it to the Audit Team after making an entry in the Camera Monitoring Logbook. The recorded information cannot leave the Security Office, but must be viewed on site.
- A review of the Camera Monitoring Logbook will also be conducted for the following purposes: (a) to check whether any reported incidents were properly recorded; (b) to confirm that only authorized staff have had access to the Security Office; and (c) to confirm that recorded information has been released in strict accordance with the Code of Practice requirements for release of information.
- The audit will also include a review of the information request forms filed by any persons or agencies under MFIPPA.

At the conclusion of the audit, a member of the Audit Team will provide an audit report to the Manager for presentation to the Steering Committee and inclusion in the annual report. The

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

audits constitute a record under MFIPPA and therefore are retained by the City for the time period as prescribed in the Retention Bylaw.

Audit Procedures can be found in Appendix E.

10 Camera Operators

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

A thorough vetting of potential Service Providers will take place prior to one being contracted to deliver the Program. The successful Service Provider must ensure that candidates for the position of Camera Operator are full trained and capable, to the satisfaction of the Manager, of operation of the CCTV equipment in accordance with all technical requirements, as well as this Code of Practice.

Privacy issues must form a regular part of Camera Operator training. The Service Provider will not hire or use any Camera Operator unless and until he or she has signed 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 Program are all required to pay particular attention to privacy issues in managing and operating the Program.

The Program's CCTV equipment must be operated in a manner that is sensitive to the privacy of those people living and working in the area.

11 Control and Operation of the Cameras

The camera locations are continually monitored by way of a pre-programmed cycle that provides the most effective coverage of the monitored area. Viewing screens are in the Security Office.

One camera operator will be present within the Security Office based on hours as agreed to between the service provider and the Manager. Camera Operators must act with the utmost integrity and only authorized Camera Operators are permitted to use the CCTV equipment.

The CCTV equipment is installed and set up to prevent any Camera Operator from using the pan, tilt and zoom features to view residential areas or to monitor individuals in any manner that would constitute a violation of Provincial legislation. Camera Operators' job requirements will provide that they must not use the cameras to collect information not permitted under MFIPPA. Similarly, Camera Operators' job requirements will provide that they must not use the cameras to discriminate against individuals based on the prohibited

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

grounds under the Ontario Human Rights Code. (These prohibited grounds include: 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 made aware that recordings are subject to audit procedures and they may be required to justify their actions. Disciplinary proceedings will follow any misuse of authority by any Camera Operator.

11.1 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 whether a police response is required.
- When a Camera Operator believes that a police response is required, the Camera Operator should use whatever camera features are available to attempt to record the identity of the involved parties for evidentiary purposes.
- The Camera Operator will notify the Thunder Bay Police utilizing the 9-1-1 system immediately upon observing an incident that he or she believes requires the dispatch of patrol officer. At the same time, the Camera Operator will activate the output signal to the designated monitor at the Thunder Bay Police Department.
- 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.

11.2 Actions of the Thunder Bay Police Department

- The participation and actions of the Thunder Bay Police Department are governed by policies of the Thunder Bay Police.

12 Access to the Security Office

The procedure for accessing the Security Office is attached as Appendix F.

Access to the Security Office is only permitted for lawful, proper and sufficient reasons and must be authorized by the Manager or, where a matter is referred to Thunder Bay Police, the on-duty Watch Commander. Records are kept of all access, including: recording the name of the individual concerned and the time of arrival and departure.

13 Use and Storage of Information

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

Ownership of the recorded material, in whatever medium, remains with the City except in accordance with Part 15.2 of this Code.

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 is not considered use of recorded information. However, if this information is accessed by downloading it onto a compact disk or other medium accessed at the end of the retention time period, then the recorded information is considered used and must be retained for the period prescribed in the Retention By-law.

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

14 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 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.

Where a request is granted pursuant to MFIPPA, it may be necessary pursuant to that legislation to ensure that the images of some individuals are 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. If such editing facilities are not available or are prohibitively expensive, the request will be denied.

Individuals who make a request under MFIPPA for images from the 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 City's standard freedom of information request form is provided to an individual. All requests will be dealt with by the MFIPPA Coordinator.

All Camera Operators will be trained and aware of individuals' rights under MFIPPA.

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

15 Dealing with Incidents

Police Officers must agree to comply with this Code of Practice before being permitted access to the Security Office, before requesting stored information, or before undertaking any activities in any other matter under the jurisdiction of this Code of Practice and not otherwise under the jurisdiction of the Thunder Bay Police. A memorandum of understanding between the City and the Thunder Bay Police in general terms, in this regard, will meet the requirements of this section. In the absence of any such memorandum of understanding, police officers will need to individually undertake to comply.

15.1 Approval and Log Book

Police officers may, from time to time, request records from the Service Provider. The request may involve an incident after the fact occurring within a 7-day period in one of the camera surveillance areas.

When disclosure requests are made during the City's regular office hours, the Service Provider must immediately notify the Manager of all disclosure requests of CCTV computer images to the Thunder Bay Police. Otherwise, the Service Provider must notify the Manager on the next business day occurring after the request.

All communication between the Thunder Bay Police and the Security Office is logged in the Camera Monitoring Log 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.

15.2 Digital Recording Development

The Camera Operator reviews the computer images of the incident area and immediate surrounding and ascertains if particulars of the incident were captured by the CCTVs.

When a digital recording is required to be developed for the police, the requesting officer makes the request of the Service Provider.

The Service Provider develops the digital recording.

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

Every time that a record is created at the request of the Thunder Bay Police, the Service Provider shall make 2 recordings. One is provided to the Thunder Bay Police and the other is sealed, together with an affidavit (in a form prescribed by the City) with respect to the circumstances of its creation, and kept by the City for evidence continuity purposes. The seal shall not be broken except upon request of the Thunder Bay Police for evidentiary or other judicial purposes.

When the recording has been made and provided to the officer, the Service Provider must obtain a receipt containing the following information:

- a) the name and signature of the requesting officer;
- b) the incident number and the date and time;
- c) the date of the record creation;
- d) the name of person who created the record;
- e) the date of the record delivery; and
- f) a space in which to record the date the record is returned.

The Service Provider shall, upon reasonable request of the Thunder Bay Police, swear an affidavit with respect to the circumstances surrounding the creation of the record.

Digital recording seals are kept in the Security Office and are affixed by the Service Provider at the time a digital recording is developed.

When the digital recording is no longer required, it is to be considered a record of the Thunder Bay Police and retained or destroyed in accordance with the Thunder Bay Police records management program. The Thunder Bay Police shall notify the City when the record has been destroyed. At that time, the second, sealed copy of the record retained by the City shall also be destroyed.

16 Violations of the Code of Practice/MFIPPA

16.1 General

Any violation of this Code of Practice is also considered a violation under MFIPPA and there are consequences associated with violations of that statute.

16.2 Dealing with a Violation of MFIPPA

Any person who suspects that MFIPPA has been violated shall report the suspicion to the Manager. The Manager shall investigate the alleged violation and determine, in consultation with the MFIPPA Coordinator, whether or not a violation occurred.

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

Where a breach has occurred, the Manager shall determine the scope of the breach and take all appropriate steps to contain the damage caused by the violation. (For example, where personal information has been inappropriately disclosed, retrieval of the information should be attempted.)

Upon reaching a conclusion that a violation has indeed occurred, the Manager shall immediately inform the MFIPPA Coordinator and the IPC. Where an individual's personal information and/or personal privacy is concerned, the Manager shall also immediately advise that person of the circumstances.

Independently of any action taken by the IPC, the Manager shall conduct an internal investigation into the matter, report to the Steering Committee and to the City Clerk (as Head under MFIPPA) all findings, and quickly implement any recommendations that he or she, the Steering Committee and/or the City Clerk determine are reasonable. The objectives of the internal investigation shall include: a review of the circumstances surrounding the event, the adequacy of existing policies and procedures in protecting personal privacy and/or personal information, and preventative measures (such as additional or enhanced training and/or policy or procedural amendments) to avoid recurrence.

Any corporate-wide implications should be reported to the City Clerk. For example, where a facsimile transmission has been mis-directed, corporate policies may also warrant review by others, independent of this Code of Practice.

17 Appendices

APPENDIX A: Guidelines for Using Video Surveillance Cameras in Public Places (Not appended – available on IPC Website)

Information & Privacy Commissioner (“IPC”) Guidelines are available on the website of the Office of the Information and Privacy Commissioner of Ontario at www.ipc.on.ca .

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

APPENDIX B: Terms of Reference for the Steering Committee

TERMS OF REFERENCE

Purpose of the Program

The purpose of the Program is to promote community safety in the downtown areas of Thunder Bay.

Goals/Objectives of the Program

The goals of the program are:

- To foster and help maintain a safe environment in the downtown core areas;
- To act as one component of downtown revitalization and increase pedestrian traffic;
- To deter violence, unlawful activity and other anti-social behaviour;
- To provide information to the Thunder Bay Police Service to assist it with its response to unlawful activity and anti-social behaviour;
- To discourage incidents of vandalism in order to reduce the number of insurance claims and/or repair costs associated with them; and
- To monitor, prevent, and respond to any crime displacement to surrounding areas not monitored by the cameras.

Mandate of the Steering Committee

The mandate of the Steering Committee is to oversee and monitor the ongoing management of the Program by:

1. Consulting regularly with the Council concerning the Program, the Code of Practice and disclosure under the MFIPPA;
2. Supervising and reviewing the operation of the Program, which includes approving the direction and timelines of the Program;
3. Determining and overseeing the costs of this Program;
4. Approving the camera locations, including adding or eliminating camera locations in future years;
5. Overseeing all research and technical analysis of this Program;
6. Undertaking regular reviews of the documented procedures to ensure that the provisions of the Code of Practice are being complied with;
7. Recommending to Council from time to time any required revisions to the Code of Practice, 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;
8. Reviewing the results of the annual Evaluation of the Program and the results of the quarterly audits;

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

9. Undertaking research, including, where appropriate, public opinion surveys, in order to compile reports on the Program;
10. Developing an annual report which evaluates the effectiveness of the Program and;
11. Undertaking public presentations of the findings of the Program to Council.

Steering Committee Membership and Rationale

The Steering Committee shall consist of the following partner representatives:

1. The Manager;
2. Two persons appointed by the Manager; and
3. One representative from each of the BIAs representing the business communities in the downtown areas where the cameras are located.

One representative of the Service Provider shall attend any Steering Committee meeting, at the request of the Steering Committee, to act as a resource person. He or she shall not be a voting member of the Steering Committee.

One representative from Thunder Bay Police, appointed by the Chief of Police, may attend any Steering Committee meeting, in response to a request of the Steering Committee and at the direction of the Chief of Police, to act in an advisory capacity. He or she shall not be a voting member of the Steering Committee.

Members who agree to serve on the Steering Committee will be required to sign an oath of confidentiality and will not participate directly in the Program's audit.

Meetings

The Committee will meet regularly, at such place and time as is specified in notice to all Committee members to be provided not less than one week prior to the proposed meeting. Frequency of meetings shall be at the discretion of the Committee, however, a minimum of two (2) meetings shall be held annually.

Specific Roles and Responsibilities

The Chair of the Steering Committee shall be appointed by the Committee from amongst the Committee members. The following duties shall be carried out by the Service Provider and by members of the Steering Committee.

The Service Provider Representative:

- Attends any meeting of the Steering Committee which he or she has been requested to attend, and responds to questions or concerns about day-to-day operations
- Manages the Program on a day-to day basis, including:

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

- Monitors to ensure, to the best of his/her ability, that there is always at least one Camera Operator present within the Security Office throughout operating hours
- Ensures that all Camera Operators who have access to the Security Office, are appropriately trained, and have signed an agreement of confidentiality and a commitment to adhere to this Code of Practice
- Supervises & trains Camera Operators
- Manages documentation of all incidents related to the Program
- Monitors installation to ensure, to the best of his/her ability, that the view of the cameras has been restricted so that they cannot overlook private dwelling spaces
- Maintains the security of information collected by the system
- Ensures appropriate access to the Security Office

The Manager:

- Participates as a member of the Steering Committee and carries out the associated duties noted in the Code of Practice
- Oversees the management of the Program and monitors the Service Provider;
- Liaises with the Police and other agencies and persons concerning the proper operation of the Program
- Receives, documents and responds to public comments and complaints about the Program
- Develops, in consultation with the City's Corporate Communications Office, and reviews, any and all media releases;
- Ensures appropriate access to the Security Office
- Conducts annual an evaluation of the Program which will consider:
 - a) An assessment of the impact, if any, on crime statistics
 - b) An assessment of neighbouring areas not covered by the Program
 - c) A review of the costs associated with the maintenance of the Program
 - d) The administration of the Program and its policies and procedures
 - e) Recommendations arising out of Audits
- Develops an annual report, which evaluates the effectiveness of the system, for presentation to Council

Appointees of the Manager:

- Participate as members of the Steering Committee and carry out the associated duties noted in the Code of Practice
- Assists the Manager with his or her duties noted above

Thunder Bay Police Representative (Chief of Police Appointee):

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

- Attends any meeting of the Steering Committee which he or she has been requested to attend, and responds to questions or concerns with respect to police participation, experiences and/or liaison
- Continually monitors the success of the Program to meet the requirements
 - Provides the Manager with required statistics
 - Liaises with the Steering Committee with respect to the Steering Committee's research
- Liaises with the Thunder Bay Police on all aspects of the Program

Representatives from the Business Improvement Areas (BIAs)

- Participate as members of the Steering Committee and carry out the associated duties set out in the Code of Practice
- Represent the views of BIA membership to the Committee
- Provide data and statistics from the BIA perspective, as required

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

APPENDIX C: Camera Locations

Based on criteria approved by the City, the following locations have cameras installed:

- corner of Victoria Avenue and May Street
- corner of Victoria Avenue and Archibald Street
- on Brodie Street near the parking lot of the Brodie Street Bus Terminal
- corner of Donald Street and Syndicate Avenue
- Brodie Street north of Donald Street
- corner of Red River Road and Cumberland Street
- corner of Red River Road and Court Street
- corner of 215 Red River Road
- corner of Simpson Street and Victoria Avenue
- corner of Simpson Street and Rowand Street
- at the Water Street Bus Terminal (3)

*Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay*

APPENDIX D: Annual Report

CAMERA ACTIVITY

Camera	Recent Year	1 Year Prior	2 Years Prior
1 – Archibald/Victoria			
2-			
...			
Total			

CATEGORIES OF ACTIVITY

	Recent Year	1 Year Prior	2 Years Prior
Assaults			
Theft			
Property Damage (incl Vehicle)			
Suspicious Activity			
Drug/ Alcohol			
Total			

RESULTS ATTRIBUTED TO CAMERA OPERATORS:

Date	Recent Year	1 Year Prior	2 Years Prior
Medical Intervention			
Police defused			
Arrests			
Gone on Arrival			
Other incl. no response, cancelled			
Total			

***Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay***

APPENDIX E: Procedure for the Audit

This Appendix has been developed to enhance the description for Audits in the Code of Practice.

Audits are to be performed quarterly by the Internal Audit & Continuous Improvement Division of the Finance & Corporate Services Department of the City.

Each audit must be performed by a minimum of two persons. The persons assigned to complete the audit are jointly responsible for completing the audit checklist and preparing the Audit Report. Each assigned person must sign the report.

The Audit Checklist is a tool to be used when conducting each quarterly audit and it should be attached as the appendix to the Audit Report. It can be completed by hand.

The Audit Report is the formal report of issues and findings, which is based upon the results of the Audit Checklist.

The audit team contacts the Manager to initiate the audit. The Manager is informed that the audit team will be requesting recorded information, access to the Camera Monitoring Logbook, and access to the information request forms as outlined in the Audit Checklist.

The completed Audit Report is to be forwarded to the Manager and subsequently to the Steering Committee for inclusion in the annual report to Council for this Program. The auditors must be given the opportunity to respond to the Audit Report in the report to Council.

DATE OF AUDIT: _____

NAMES OF AUDIT TEAM MEMBERS PERFORMING THIS AUDIT:

Name(s) of Camera Operators present at the time of the audit:

Review of Recorded Information

Audit activity: The audit team will:

1. Determine four time periods from four locations within the 7-day period to be reviewed (the retention period for information is 7-days)

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

2. Provide the Camera Operator with the dates and times of the four periods and requests that these be recorded onto an appropriate medium.
3. Review the recordings for assurance that the Camera Operators 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.

Observations:

Date of 7-day Recording Period: _____

Time Period #1:	Date/Time:	Location:	Compliance with Code	
	_____	_____	Yes	No

Notes: _____

Time Period #2:	Date/Time:	Location:	Compliance with Code	
	_____	_____	Yes	No

Notes: _____

Time Period #3:	Date/Time:	Location:	Compliance with Code	
	_____	_____	Yes	No

Notes: _____

Time Period #4:	Date/Time:	Location:	Compliance with Code	
	_____	_____	Yes	No

Notes: _____

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

Camera Monitoring Logbook

Audit Activity: The audit team will obtain and review entries in the Camera Monitoring Logbook from the date of the last audit for assurance that:

- Reported incidents were properly recorded
- Only authorized staff had access to the Security Office
- Recorded information was released only in strict accordance with to the Code of Practice requirements for the release of information

Observations:

Were all the log books since the last audit available for review?	Yes / No
Compare different entries. Are all entries complete?	Yes / No
Is the information captured noted in a consistent format?	Yes / No
Were entries made in the logbook for instances when cameras were not operating or required repair or cleaning?	Yes / No
Were logbook records complete for incidents of suspicious activity where the camera was isolated and the pan, tilt and zoom features were used?	Yes / No
Were entries made in the logbook when information request forms were received? Entries should include: date and time of request; person making the request; date and time of requested information; and reason for request.	Yes / No
Were records complete for Police requests for recorded information ‘after the fact.’? Records must include: date and time of access or date on which disclosure was made; identification of requesting party; the reason for access or disclosure; and the extent of information to which access was allowed or disclosed.	Yes / No
Were records complete for other instances when information was recorded (i.e. for audit purposes, for equipment testing)?	Yes / No

Notes: _____

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

Audit Log Log Book # _____ Start Date: _____ End Date: _____

Five Instances of Access to the Security Room

	Date	Time	Notes	Recorded Correctly?	
1)	_____	_____	_____	Yes	No
2)	_____	_____	_____	Yes	No
3)	_____	_____	_____	Yes	No
4)	_____	_____	_____	Yes	No
5)	_____	_____	_____	Yes	No

Five Records of Incidents

	Date	Time	Notes	Recorded Correctly?	
1)	_____	_____	_____	Yes	No
2)	_____	_____	_____	Yes	No
3)	_____	_____	_____	Yes	No
4)	_____	_____	_____	Yes	No
5)	_____	_____	_____	Yes	No

Five Instances of Disclosure

	Date	Time	Notes	Recorded Correctly?	
1)	_____	_____	_____	Yes	No
2)	_____	_____	_____	Yes	No
3)	_____	_____	_____	Yes	No
4)	_____	_____	_____	Yes	No
5)	_____	_____	_____	Yes	No

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

Five Instances of Recorded Data

Date	Time	Notes	Recorded Correctly?	
			Yes	No
1) _____	_____	_____	Yes	No
2) _____	_____	_____	Yes	No
3) _____	_____	_____	Yes	No
4) _____	_____	_____	Yes	No
5) _____	_____	_____	Yes	No

Review of Information Request Forms under MFIPPA

Audit Activity: The audit team will review a sample of information request forms since the time of the last audit and determine if they satisfy the requirements of MFIPPA.

Observations:

As confirmed through discussion with the MIFPPA Coordinator, were all of the information request forms since the time of the last audit made available to the audit team? Yes / No

Were information request forms completely filled out such that all requirements for MFIPPA would be satisfied? Essential items are: date of request; name of requestor; date and time of information requested; and reason for request. Yes / No

Were information request forms forwarded to the MFIPPA Coordinator promptly? Yes / No

Were information request forms referenced to the police log control sheets? Yes / No

Notes: _____

Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay

APPENDIX F: Security Office Protocol

GENERAL INFORMATION

- Access to the Security Office will be controlled by the Service Provider in strict compliance with the Code of Practice.
- At any one time, a minimum of two (2) members of the team authorized to conduct the Program audit, will be permitted to access the Security Office.
- Any person permitted to access the Security Office must have taken the Oath of Confidentiality.

RESPONSIBILITIES

Service Provider

- Prepare and confirm a duty roster for Camera Operators based on hours agreed to between the service provider and the Manager.
- Provide access to the Security Office only to persons identified in the Contract or persons with authorization
- Determine whether or not immediate access, without written documentation, should be granted to Police Officer(s) depending upon the nature and severity of the incident
- Use the Digital Recorder to access the information requested by the Police Officer
- Notify the Manager that access has been provided

Camera Operators

- Provide no access to the Security Office without instruction or authorization by the Service Provider or the Manager
- Monitor the cameras during designated shifts
 - Record access to the Security Office in the Camera Monitoring Logbook, noting who accessed, the reason for access and time of access.

Manager

- Post signage advising “Authorized personnel Only”
- Ensure limited access (i.e. security card or code) to the Security Office for the permitted persons
- Refer to the MFIPPA Coordinator all requests that he or she receives for access to the CCTV information
- Obtain and approve written requests to access the Security Office, CCTV equipment and/or information. e.g. from the Thunder Bay Police, Technology Services.

MFIPPA Coordinator

- Provide decisions for formal requests to access CCTV information pursuant to MFIPPA

*Code of Practice
For the Operation of a Closed Circuit
Television System for Downtown
Surveillance in Thunder Bay*

THE CORPORATION OF THE CITY OF THUNDER BAY

OATH OF CONFIDENTIALITY

I _____ do swear that I will observe and comply with the laws of Canada and Ontario and except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties with the Eye on the Street Program.

Sworn/affirmed before me at the
City of Thunder Bay, Ontario

This ____ day of _____ A.D. 20__

Signature

Commissioner for taking Oaths