



Administrative Procedure 7085

Video Surveillance

Board Governance Policy Cross Reference: [1](#), [13](#), [14](#), [15](#)

Administrative Procedures Cross Reference:

[Records Management](#)

[Records Retention and Disposition](#)

Form Cross Reference:

Legal/Regulatory Reference:

[The Freedom of Information and Protection of Privacy Act \(FIPPA\)](#) C.C.S.M. c.F175

[Retention and Disposition of School Division/District Records](#)

[The Personal Health Information Act](#)

Date Adopted: May 2003

Amended: May 2019

The Brandon School Division recognizes it has an obligation to protect the safety and security of students, employees, visitors and its property and to maintain order in its schools, while at the same time balancing and respecting the personal privacy of its students, employees and visitors.

In carrying out its obligations, video surveillance is a tool which the Division may use as a means of protecting its students, employees, visitors and property from activities which are criminal in nature or contrary to the rules and policies of the Division which govern safety and security.

The Division recognizes that its duty of care to its students is paramount to all other duties imposed on the Division, and that the psychological benefit to students from feeling safe and protected while in the Division's care generally outweighs the psychological effect of being surveilled by plain view video surveillance.

Part One – Plain View Video Surveillance

A request to implement plain view video surveillance shall be made by a School Leader by forwarding a copy of the request to the Assistant Superintendent. If the Assistant Superintendent is satisfied that the request is in the proper form and follows the procedural guidelines set out by the Division, the Assistant Superintendent shall forward a copy of the request to the Secretary-Treasurer.

Personal information may be collected by or for the Division for the purposes set out in subsection 36(1) of The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175.

Upon receipt of the request from the Assistant Superintendent, the Secretary-Treasurer shall determine whether the circumstances warrant and justify the use of plain view video surveillance. In making his or her determination the Secretary-Treasurer shall consider all of the following criteria:

- Are there reasonable and probable grounds to believe that plain view video surveillance would be beneficial to the safety and/or security of the students, employees, visitors and to protect the property of the Division?
- Is video surveillance demonstrably necessary in relation to a perceived need, whether that need be its ability to audit, monitor or evaluate the safety and/or security of its students, employees, and visitors or to protect and maintain the property of the Division?
- Would such video surveillance assist in the furtherance of the policies, procedures, goals and obligations of the Division and be effective in meeting the perceived need set out in the paragraph above?
- Is there a less privacy-invasive way of achieving the same end which is within the budget and resource base and obligations of the Division?
- Is the proposed location(s) for the video cameras a place where the persons affected would not have a reasonable expectation of privacy?
- Is the loss of privacy proportional to the benefit gained?

Where the Secretary-Treasurer is satisfied that the above criteria are met, he or she may authorize the use of plain view video surveillance and may impose upon such authorization whatever reasonable conditions he or she feels the circumstances warrant.

Where the use of plain view video surveillance has been approved to be used in any school, signs shall be placed in a visible area in all entrances to the school advising that the school is subject to video surveillance.

When collecting personal information directly from the individual whom the information is about, the Division shall inform the individual of:

- The purpose for which the information is collected;
- The legal authority for the collection; and
- The title, business address and telephone number of an officer or employee of the Board who can answer the individual's questions about the collection. (Section 37(2) of The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175.

Part Two – Covert Video Surveillance

Where anyone suspects that a person is or has been committing or might be about to commit a criminal offence that person may make a complaint to one of the following:

- the School Leader; or
- the Director of Facilities and Transportation.

The complaint shall then be forwarded to either the Assistant Superintendent or the Secretary-Treasurer, and the Assistant Superintendent or the Secretary-Treasurer, as the case may be, shall seek the assistance of the appropriate law enforcement authorities and, where necessary, co-operate with law enforcement authorities.

Should the law enforcement authorities be unresponsive to the complaint at hand, the Assistant Superintendent or the Secretary-Treasurer, as the case may be, in consultation with other members of the Senior Administration or such of them as are designated by the Superintendent/CEO may determine whether the circumstances warrant and justify a recommendation of the use of covert video surveillance for purposes set out in subsection 36(1) of The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175.

In making their recommendation, Senior Administration shall consider, in addition to the criteria set out in Part One, the following:

- Is the complaint from a reliable source and are there reasonable and probable grounds to believe that a criminal offence is taking place or is about to take place?
- Is there a reasonable likelihood that such video surveillance will be effective in the identification of a person who is committing or who is about to commit a criminal offence?
- Would such video surveillance assist in the protection of the property or other interests of the Division or would such video surveillance assist in the protection of its students, staff or visitors?
- Is the suspected offence of such a serious nature that the need for video surveillance overrides the need for personal privacy?

Where the Senior Administration is satisfied that the criteria set out in this administrative procedure are met, they shall present the request for covert video surveillance along with a report addressing the above criteria to the Superintendent/CEO. The Superintendent/CEO shall consider the report of Senior Administration along with all relevant statute law and existing policy and procedure objectives of the Division to determine whether an extreme circumstance exists which would justify the use of covert video surveillance. The Superintendent/CEO may impose, upon the authorization of covert video surveillance, any conditions which the Superintendent/CEO decides the circumstances warrant so as to insure that such surveillance is the least intrusive as is reasonably possible in the circumstances.

Installation and Implementation of Video Surveillance

The actual installation and implementation of video surveillance shall be conducted in accordance with the following principles:

- The placement of the cameras shall be such to minimize intrusion into the privacy of individuals who may be viewed by the cameras.
- The minimum number of cameras necessary to survey the area shall be used.
- Where possible, cameras will only operate at such times where they are necessary in achieving the Division's goals.
- Only that videotaped evidence which is necessary to identify the offender(s) and, where applicable, provide evidence for discipline or prosecution shall be retained and all other videotaped evidence shall be destroyed.
- The videotaped evidence shall only be made available to those individuals or organizations who have a legitimate right to access the evidence.
- Covert cameras will be left in place for only the period of time necessary to identify the offender(s) and obtain sufficient evidence for discipline or prosecution.

Where circumstances permit, individuals who are not the intended targets of the video surveillance shall be notified of the use of the video surveillance in advance of, or during the surveillance period by the Secretary-Treasurer and/or School Leader, as directed by the Superintendent/CEO.

Following the completion of any covert surveillance period, the Secretary-Treasurer and/or School Leader may, at the direction of the Superintendent/CEO, disclose that video surveillance was implemented, as well as the location and the time periods of the video surveillance.

Individuals involved in the covert surveillance operation or who are aware of the covert surveillance operation shall protect the confidentiality of the operation and the information obtained as a result of the operation.

Personal Information may be collected by covert video surveillance for purposes set out in subsection 36(1) of The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175 and additionally as authorized by the Superintendent/CEO. Circumstances include where there are reasonable and probable grounds that criminal activity is taking place or in such other extreme cases. Video surveillance will not be used to monitor, audit or evaluate the job performance of employees of the Division.

Use of Surveillance Footage

The Division may only use video surveillance footage:

- for the purpose for which the information was collected or compiled;
- for a purpose which is consistent with the purpose for which the information was collected or compiled if the use or disclosure has a reasonable and direct connection to that purpose and is necessary for performing the statutory duties of, or for operating an authorized program or carrying out an activity of, the Division;
- if the subject whose image the video surveillance footage has captured consents to its use; or
- for a purpose for which the video surveillance footage may be disclosed by the Division under sections 44, 47 or 48 or for a use approved under The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175.

Retention of Surveillance Footage

Surveillance footage shall be retained for a maximum of 2 years so that the individual who is the subject of the surveillance has a reasonable opportunity to obtain access to it.

In determining what is a reasonable period of time the following factors shall be taken into consideration:

- the existing administrative procedure of the Division entitled "Records Retention and Disposition"; and
- the existing guidelines established by Manitoba Education Guidelines on the Retention and Disposition of School Division/District Records.

In the case of plain view surveillance, video images may be stored as digital images which will be overwritten as a result of the technical capability of the equipment used. Notwithstanding the foregoing, the digital images shall not be overwritten until two weeks has elapsed from the date when they were first recorded.

If there has been a request for access to video surveillance footage made in prescribed form in accordance with The Freedom of Information and Protection of Privacy Act (FIPPA), C.C.S.M. c.F175, that footage shall be retained until such time as a final determination has been made as to the validity of the applicant's request.

The Secretary-Treasurer of the Division shall make such arrangements to protect the video surveillance footage by making reasonable security arrangements against such risks as unauthorized access, use, disclosure or destruction.

Video surveillance footage will be maintained in a clean, dry, secured location.

Video surveillance footage will be serviced by knowledgeable staff and will not be made available to the public except under access conditions determined by provincial legislation and Division Policies.

Destruction of Surveillance Footage

Provided that the time period for the retention of video surveillance footage has elapsed, the Division may destroy such footage.

Electronic records should be destroyed by deleting them from desktop computers, laptops and servers.

A log of records destroyed that meets the requirements of Section 17 of The Personal Health Information Act (PHIA) must be kept for the destruction of records that contain personal health information. For all other records, school division/district policies and procedures should specify that a log of records destroyed be maintained. The log should include a description of the records, the date range and amount of records, and the date, method and person responsible for destruction (see Retention and Disposition of School Division/District Records).

The Division shall not destroy any video surveillance footage with the intent to evade a request for access under The Freedom of Information and Protection of Privacy Act (FIPPA), *C.C.S.M. c.F175*.