

SURVEILLANCE

Background

The District recognizes that surveillance and particularly video surveillance is a complex issue that attempts to balance the rights to physical security and protection of property against the privacy rights of individuals. The intent of this Administrative Procedure is to ensure that the need to deploy surveillance is compelling and that any resulting effects of privacy rights are minimized.

For reasons of enhancing the safety of students and others on school premises and deterring destructive acts, the District authorizes the use of surveillance equipment on District property where circumstances have shown that it is necessary for these purposes and where benefit outweighs its impact on the privacy of those observed.

The District recognizes both its legal obligation to provide appropriate levels of supervision in the interests of safety and the fact that staff and students have privacy rights that are reduced but not eliminated while on District property. Thus surveillance, like other forms of supervision, must be carried out in a way that respects privacy rights.

The *Freedom of Information and Protection of Privacy Act* for BC governs the use of video surveillance. It is intended that this Administrative Procedure will meet both the requirements and the spirit of this legislation as well as any interpretations and recommendations made by the BC Privacy Commissions from time to time.

This Administrative Procedure does not apply to non-school buildings owned or operated by the District.

A record is recognized to be subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Procedures

1. Use

- 1.1 Recording devices (including video cameras) may be used to monitor and/or record.
- 1.2 Camera/Recorder locations must be authorized by the building administrator (Principal or building supervisor), in consultation with District staff whom are authorized officers of the District. Any change in camera location or recorder must be authorized in the same manner.

- 1.3 Before surveillance is introduced at a new site, a report must be provided to the Superintendent or designate describing the circumstances that indicate the necessity of having surveillance at that site, including a discussion of less invasive alternatives. As well consultation with staff and parents as appropriate is to occur. Video surveillance shall be used as a last resort.
- 1.4 The periods of time of surveillance of public areas is to be minimized.
- 1.5 Public notification signs, clearly written and prominently displayed, must be in place in areas that are subject to surveillance. Notice must include contact information of the building administrator or designated staff person who is responsible for answering questions about the surveillance system. Any exception to this, such as for a time-limited specific investigation into criminal conduct, must be authorized by the Superintendent or designate 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.
- 1.6 Surveillance is not to be ordinarily used in locations where appropriate confidential or private activities/functions are routinely carried out (e.g. bathrooms, private conference/meeting rooms). Any exception to this must be authorized by the Superintendent or designate on the grounds that no other supervision option is feasible and that the need is pressing and outweighs the privacy interest of the student or other person likely to be observed. Surveillance of such locations may not be authorized on an ongoing basis.

2. Surveillance Records

Recording devices will be installed only by a designated employee or agent of the District. Only designated employees or agents and the building administrator shall have access to these recording devices. Recording devices shall be stored securely in an area to which students and the public do not normally have access.

Recordings may never be sold, publicly viewed or distributed in any other fashion except as provided for by this Administrative Procedure and appropriate legislation.

3. Viewing of Recordings

- 3.1 Playback devices used to view or listen to are not to be located in a position that enables public viewing. Recordings may only be viewed by the building administrator or individual authorizing camera installation, by parents and students (clause 3.2 below), or by District staff with a direct involvement with the recorded contents of the specific recordings, or employees or agents responsible for the technical operations of the system (for technical purposes only.) If an employee or student is facing any disciplinary action, he may authorize his union representation or other advocate to also view the recording.

3.2 Parents or guardians requesting to view a segment of recording that includes their child/children may do so. Students may view segments of a recording related to themselves if they are capable of exercising their own access to information rights under the *Freedom of Information and Protection of Privacy Act*. Student/parent/guardian reviewing must be done in the presence of an administrator. A student, parent or guardian has the right to request an advocate to be present. Reviewing may be refused or limited where viewing would be an unreasonable invasion of a third party's personal privacy, would give rise to a concern for a third party's safety, or on any other ground recognized in the *Freedom of Information and Protection of Privacy Act*.

4. Retention of Recordings

- 4.1 Where an incident raises a prospect of a legal claim against the District, the recording, or a copy of it, shall be sent to the District's insurers.
- 4.2 Recordings shall be erased within one month unless they are being retained at the request of the building administrator, District officer, employee, parent or student for documentation related to a specific incident, or are being transferred to the District's insurers.
- 4.3 Recordings retained under clause 4.2 shall be erased as soon as the incident in question has been resolved, except that if the recording has been used in the making of a decision about an individual, the recording must be kept for a minimum of one year as required by the *Freedom of Information and Protection of Privacy Act* unless earlier erasure is authorized by or on behalf of the individual.

5. Review

- 5.1 Each building administrator is responsible for the proper implementation and control of the surveillance system.
- 5.2 Surveillance is to be carried out in accordance with this Administrative Procedure. The District will not accept the improper use of video surveillance and will take appropriate action in any cases of wrongful use of this Administrative Procedure.

Reference: Sections 20, 22, 65, 74.01, 85 School Act
Freedom of Information and Protection of Privacy Act
School Regulation 265/89

SD No. 40 (New Westminster)

Adopted: May 30, 2017

Modification to this document is not permitted without prior written consent from SD No. 40 (New Westminster)