

Ontario Federal Schools Surveillance Protocol

Protocol
SO-06-01

Authority Statement

This document outlines the Ontario Federal Schools Surveillance Protocol for all Ontario Federal Schools under the delegated authority of the Director of Ontario Federal Schools, in accordance with the *Indigenous Services Act*.

Community Values and Educational Philosophy Statement

Our educational philosophy is developed in respect of Haudenosaunee values, principles, and cultural foundations. Our goal is to establish and foster peace, balance, and collaboration through our community teachings. Members of our school communities have opportunity to build, maintain, and restore relationships, and reflect on and accept responsibility with Ga'nigohi:yo / Ka'nikonhrí:yo / Good Mind including dignity, integrity, and respect.

1.0 Rationale

1.1 Six Nations Federal Schools has a responsibility to protect and safeguard the well-being of students, staff, volunteers and community members while at school, work or while engaged in school related activities. The Six Nations Federal Schools has a legal obligation to provide appropriate levels of protections in the interests of safety. Therefore, it is the protocol of the Six Nations Federal Schools to support the use of surveillance equipment such as video cameras, smoke detectors, vape detectors and motion detectors. Surveillance promotes a safe and secure environment while upholding the essential and legislated rights to privacy of individuals. It also safeguards against asset loss or destruction such as vandalism, theft, damage, and loss of property. Surveillance is a means by which the Six Nations Federal Schools will enhance efforts to ensure a safe and secure learning environment as well as enhance business operating efficiencies for administrative purposes.

2.0 Application and Scope

2.1 The installation and maintenance of surveillance equipment and the use of recorded data is in accordance with governing Acts.

2.2 Students have privacy rights, that are limited, while they are under the supervision of the school authority.

2.3 Six Nations Federal Schools authorizes the use and control of surveillance equipment on Six Nations Federal Schools' property, both exterior and interior, where circumstances have shown that it is necessary and the benefits outweigh the impact on the privacy of those observed.

2.4 All recorded surveillance images are the property of the Six Nations Federal Schools. Video surveillance will be used to accomplish three important goals in the Six Nations Federal Schools:

2.4.1 To enhance the safety of students, staff and all school community members. Attempts by unauthorized personnel or other individuals to record any aspect of the school or school operations is strictly prohibited unless prior authorization has been granted.

2.4.2 To protect Six Nations Federal Schools' property against theft and vandalism.

2.4.3 To assist in the identification of those involved in criminal activity such as, but not limited to, intruders, trespassers, vandals, and thieves.

2.5 Vape detectors will be used to accomplish two important goals in the Six Nations Federal Schools:

2.5.1 To establish and maintain a safe and healthy environment for student, staff and visitor.





2.5.2 To eliminate the use of vape products and tobacco products by students, especially at school.

3.0 Design, Installation and Operation of Video Security Surveillance Equipment

3.1 The video surveillance equipment shall be installed and maintained by the Six Nations Federal Schools' Information Technology (IT) Department staff. The Six Nations Federal Schools' Information Technology (IT) Department staff will work in conjunction with a contractor specifically hired for installation, maintenance and other support when necessary, to ensure that the system is in working order.

3.2 Video surveillance equipment shall only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity (entrances, exits, general purpose areas, corridors, receiving areas, parking lots and exterior building perimeter). The equipment will operate up to 24 hours/seven days a week, within the limitations of system capabilities (e.g. digital tape), power disruptions and serviceability/maintenance.

3.3 Video surveillance equipment will be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance. Cameras shall not be directed to locations where there is an increased expectation of privacy such as offices, classrooms, washrooms and changing areas.

3.4 Equipment will not monitor inside areas where the students, staff, and the public have a higher expectation of privacy (e.g. change rooms and washrooms).

3.5 Operators are not to adjust or manipulate video surveillance equipment to overlook spaces that are not intended to be covered by the video surveillance program.

3.6 Notification of the use of a video surveillance system will be prominently displayed at various locations in and around the schools such as entrances, exterior walls, and/or the interior of buildings.

3.6.1 Students, staff, and the public shall be provided reasonable and adequate warning that video surveillance is in effect.

3.6.2 Signage will satisfy the notification requirements required by law which includes informing individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used and the title, business address and telephone number of someone who can answer questions about the collection. This information can be provided on signage and/or by other means of public notification such as pamphlets.

3.6.3 Principals and vice-principals will be the points-of-contact for schools.

3.7 The Six Nations Federal Schools will be open and transparent about the video security surveillance program and, upon request, will make available to the public, information on the rationale for the video surveillance program.

3.8 Reception equipment should be kept in a strictly controlled access area. Only authorized personnel shall have access to the controlled access area and reception equipment. Video monitors shall not be in a position that enables public viewing.

3.9 When a school principal believes that more video surveillance equipment is necessary, the school principal will present a written proposal for new video surveillance equipment to the Director of Education. The proposal must include a rationale to justify necessity including any new camera locations. It will then be at the discretion of the Director of Federal Schools.

3.10 Any agreements between Six Nations Federal Schools and Service Providers must indicate that all video surveillance programs are under Six Nations Federal Schools' control and are subject to this protocol.





4.0 Design, Installation and Operation of Vape Detectors

- 4.1** Vape detection equipment shall only be installed in identified public areas where surveillance for vapour from a vape device is a necessary and viable detection and/or deterrence activity (public washrooms, entrances, exits, general purpose areas, corridors).
- 4.2** The equipment will operate 24 hours/seven days a week, within the limitations of system capabilities, power disruptions and serviceability/maintenance.
- 4.3** Vape detection equipment will be installed in such a way that it only monitors those spaces that have been identified as areas where someone might engage in vaping activity.
- 4.4** Vape detector equipment will not have audio or video recording capability.

5.0 Access, Use, Disclosure, Retention, Security and Disposal of Video Surveillance Recorded Information

- 5.1** All video surveillance storage devices that are not in use shall be stored securely in a locked receptacle located in a controlled-access area and is password protected.
- 5.2** Each storage device with recorded information that has been used in an investigation must be retained and shall be dated and labeled with a unique, sequential number or other verifiable tracking symbol.
- 5.3** Access to the storage devices shall be by authorized personnel ONLY: Director of Federal Schools, Principals and Vice Principals. Access cannot be delegated.
 - 5.3.1** The Director of Federal Schools may review the recorded information collected at each school within the district.
 - 5.3.2** The Principal and Vice-Principal of a school may review the recorded information collected at their school.
 - 5.3.3** At the direction of the Director of Federal Schools, the Six Nations Federal Schools' Information Technology (IT) Department may review the recorded information collected at each school within the district.
 - 5.3.4** At the direction of the Director of Federal Schools, the Six Nations Federal Schools' Information Technology (IT) Department will collect any period of recording the Director identifies for collection.
- 5.4** The circumstances which warrant a review of surveillance recordings will normally be limited to investigating an incident that has been reported/observed or to investigate a potential crime.
 - 5.4.1** Surveillance recordings shall be viewed only by authorized personnel in a secure, private location to preserve privacy and confidentiality.
 - 5.4.2** Real-time viewing of monitors may be delegated by the Principal to a limited number of individuals; typically the school support clerks or their designate. Real-time surveillance monitors shall be positioned to prevent casual viewing by unauthorized persons. Where this is not possible, a privacy screen or similar measure must be used to restrict visibility.
- 5.5** Video surveillance shall not be used for the purpose of monitoring staff performing their regular and assigned duties. The Director of Federal Schools would be obligated to act if a staff member was seen on camera performing in an illegal way; not to do so could be negligent behaviour on behalf of the Director.
- 5.6** Information obtained from video surveillance equipment shall only be used for the protection of students, staff, and the public or in assisting in the detection and deterrence of criminal activity including vandalism and theft.
- 5.7** A log shall be kept of every instance of access to recorded material to enable a proper audit trail. See attachment SO-05-02 *Surveillance Camera Log*.





5.8 A log shall be kept to track instances where proper authorities have requested access to recorded material used or may be used in an investigation.

5.9 The retention period for recorded information that has not been viewed for law enforcement, school or public safety purposes shall be fourteen (14) calendar days. Recorded information that has not been used in this fashion, within these timeframes, is then to be routinely erased in a manner in which it cannot be reconstructed or retrieved.

5.9.1 When recorded information has been viewed for law enforcement or school/public safety purposes the retention periods shall be one (1) year from the date of viewing.

5.9.2 Video recorded material that must be retained for one year will be extracted and saved to a storage device and assigned tracking identification by the Six Nations Federal Schools' Information Technology (IT) Department staff. Law enforcement can view all recordings when requested for an investigative purpose. To obtain footage, the principal must follow clause 5.9.3 outlined below.

5.9.3 Six Nations Federal Schools' Information Technology (IT) Department will store and retain storage devices required for evidentiary purposes for up to one year, according to standard procedures until law enforcement authorities officially request them. A storage device release will be completed before any storage device is disclosed/released to appropriate authorities. The form *SO-05-03 Storage Device Release Form* (see attachment) will indicate the Production Order Number, who released the device, who took the device, the date and time of recording requested. This activity shall be subject to audit.

5.10 Old/expired storage devices (video tape, digital media) must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include shredding, burning or magnetically erasing the personal information. The Storage Device Disposal Record is to be completed by the appropriate, authorized personnel.

5.11 An individual whose personal information has been collected by a video surveillance system has a right of access to their personal information. An individual or their agent may have access to one's own personal information, in whole or in part, unless an exemption applies. Requests for access to their personal information must be submitted in writing. Access to an individual's own personal information in these circumstances may also depend upon whether any exempt information can be reasonably severed from the record. One exemption that may apply grants the heads of institutions the discretionary power to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy. The confidentiality of all parties must be protected. Permission from other parties must be sought or enhancements must be made to the video to block the identity of other parties.

5.12 The application of the frivolous or vexatious request provisions of the municipal act would occur in very rare circumstances. It can be concluded that a request for access to a record or personal information is frivolous or vexatious if:

5.12.1 The opinion is, on reasonable grounds, that the request is part of a pattern of conduct that amounts to an abuse of the right of access or would interfere with the operations of the school, or

5.12.2 The opinion is, on reasonable grounds, that the request is made in bad faith or for a purpose other than to obtain access.

5.13 Principals will respond to any inadvertent disclosures of personal information based on direction provided by the Director of Federal Schools.





6.0 Covert Surveillance

- 6.1** Covert surveillance operations may be initiated by the Director of Federal Schools and will advise Indigenous Services Canada (ISC) senior regional management of such use as soon as possible.
- 6.2** Covert surveillance operations may only be initiated by the Director of Federal Schools when there is an imminent or actual threat to the students, staff, and/or visitors to the school.
- 6.3** Covert surveillance has the potential of being highly privacy invasive and must only be used as a last resort in a case specific circumstance. Covert Surveillance operations will be specific to the presence of an imminent or actual threat and therefore, time-limited.
- 6.4** A comprehensive assessment shall be conducted to evaluate the privacy impacts associated with the implementation of such a program.
- 6.5** The purpose of the assessment is to ensure that covert surveillance is the only available option under the circumstances and that the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed.
- 6.6** Police will be granted automatic direct access to real-time surveillance when there is an imminent or actual threat to the students, staff or visitors of the school through a password protected access portal.
- 6.7** Police access to the surveillance equipment and real-time footage will cease when the imminent or actual threat has been resolved or converted to a reduced risk/threat level.
- 6.8** Access to recorded information is by authorized personnel only, and will follow protocols outlined herein.

7.0 Training

- 7.1** Training programs addressing staff obligations shall be conducted as necessary.

8.0 Audit

- 8.1** The Director of Federal Schools will ensure that the use and security of video surveillance equipment is subject to regular audits.
- 8.2** The audit will address compliance with the operational policies, protocols, guidelines and procedures.
- 8.3** The Director of Federal Schools will endeavour to address any deficiencies or concerns identified by the audit in a timely manner.
- 8.4** Employees and service providers should be aware that their activities are subject to audit and that they may be called upon to justify their surveillance interest in any given individual.
- 8.5** The Director of Federal Schools will regularly review and evaluate the surveillance program, Six Nations and Tyendinaga Surveillance Camera Access Logs, and the Six Nations Federal Schools' Surveillance Forms to ascertain whether it is still justified. This audit/evaluation shall occur at least once every two years and will include the review and update of the protocol and the guidelines.

9.0 Definitions

- 9.1** Personal Information is defined as recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, nationality or ethnic origin, sex and age. If a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the Acts.
- 9.2** Record is defined as any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape,





a machine-readable record, and any record that is capable of being produced from a machine-readable record.

9.3 Video Surveillance System is defined as a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces on Six Nations Federal Schools' property.

9.4 Reception Equipment is defined as equipment or device(s) used to receive or record the personal information collected through a video surveillance system, including a camera or video monitor or any other video, audio, physical or other mechanical, electronic or digital device.

9.5 Storage Device is defined as 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.

10.0 Specific Directives

10.1 The Director of Federal Schools is authorized to issue such procedures as may be necessary to implement this protocol.

