



<b>Title:</b>	Video Surveillance on School Purpose Vehicles	<b>Date:</b>	January 2012
<b>Reference:</b>	Safety - 006	<b>Status:</b>	Approved

Niagara Student Transportation Services Corporation (NSTS) provides safe, efficient and effective student transportation services to the District School Board of Niagara (DSBN) and the Niagara Catholic District School Board (NCDSB).

Video surveillance on school buses may be used as a strategy to promote the safety of pupils and to understand and support the resolution of a specific issue. NSTS will deploy video cameras on school buses to understand and resolve an issue on a school purpose vehicle whereby reviewing recorded information related to an incident may be used to assist in the investigation and resolution.

The Executive Director of NSTS may approve video cameras to be installed on a school purpose vehicle, upon consultation with member school boards, and provided that parents/guardians and students will be notified when video cameras are used on school buses.

Any agreements between NSTS and Service Providers shall state that the records created while delivering a video surveillance program are under NSTS's control and are subject to the *Freedom of Information and Protection of Privacy Act* and to the *Municipal Freedom of Information and Protection of Privacy Act*.

## 1. Definitions

### a) "Personal Information"

Personal information is defined as being recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex and age.

### b) "Record"

Record is defined to mean any 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 can be produced from machine readable record.

### c) "Video Surveillance System"

Video Surveillance System refers to a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals.

### d) "Storage Device"

Storage Device refers to 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.



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**e) “Principal”**

The Principal refers to the Principal or head teacher of a school operated by one of the four (4) partner school boards of the Sudbury Student Services NSTS.

**f) “Acts”**

Acts in this document refer to the *Freedom of Information and Protection of Privacy Act* and to the *Municipal Freedom of Information and Protection of Privacy Act*.

## **2. Responsibilities**

The Executive Director is responsible for NSTS's overall Video Surveillance System.

The Executive Director, or designate, is responsible for the day to day operation of the system in accordance with the policies of the partner school boards, the procedures put in place by NSTS and any other direction that may be issued from time to time.

The Executive Director, or designate, is responsible for supervising school bus operators in the correct and lawful use of video surveillance systems.

School Bus Operators are responsible for the proper and legal operation and maintenance of Video surveillance equipment as authorized and directed by NSTS. Each school bus operator is responsible for the privacy of the students that ride its buses.

## **3. Notice to parents or guardians and students**

Parents or guardians and students will be notified that video surveillance systems may be in use on school buses:

- a. A clearly written sign must be prominently displayed at the perimeter of the video surveillance equipment location so that each person has reasonable and adequate warning that surveillance is, or may be, in operation.
- b. NSTS will inform parents and guardians that video surveillance equipment is, or may be, used on school buses by means of a letter of notification that must include the legal authority to collect the personal information, the purpose(s) for which the personal information is intended and the title, email address and telephone number of a person that can answer questions about the collection of information from a video surveillance system. The letter will be prepared by NSTS and provided to each school for distribution at the beginning of each school year. Subsequently, parents of new pupils will also receive a copy of the letter throughout the school year as they register.



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#### **4. Collection of Personal Information Using a Video Surveillance System**

Any recorded data or visual, audio or other images of an identifiable individual qualify as “personal information” under the Acts. Video surveillance systems can be operated to collect personal information about identifiable individuals. NSTS and its partner school boards have determined that they have the authority to collect this personal information in accordance with the Acts. No person shall collect personal information on behalf of NSTS unless that collection is expressly authorized, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

#### **5. Operation of Video Surveillance Equipment for Intended Purposes Only**

A Video Surveillance System is to be used only for the intended purposes as set out in these procedures. Any use of a Video Surveillance System must relate to the protection of pupils and staff on school buses including the discipline or consequences that arise from that or it must assist in the detection and deterrence of criminal activity and vandalism.

#### **6. Access, Use, Disclosure, Retention and Disposal of Video Surveillance Records**

Information should not be retained or used for purposes other than those described in these procedures. Consequently, access to records must be limited to those authorized officials of NSTS and its partner school boards who require access to records in order to maintain order on school buses.

- a. Only the Executive Director, or designate, or the Principal, or designate, or an authorized individual (designated in writing by name and by position by the Executive Director or by the Principal) may review information from the records.
- b. Access to hard drives from school bus video cameras is to be controlled by the Executive Director or designate. Each bus operator will designate one person who will have a key to extract the hard drive. That designated person must be approved by the Executive Director. The hard drive can only be delivered to the Executive Director or designate. The Executive Director, or designate, will be the only individual with access to the reading software.
- c. All tapes or storage devices, other than the hard drives in the video cameras on school buses, that are not in use should be stored securely in a locked receptacle located in a controlled access area. Each storage device that has been used should be dated and labelled with a unique sequential number or other variable symbol.
- d. Access to storage devices should be limited to authorized personnel such as the Executive Director or the Principal or a duly authorized designate. Logs should be kept of all instances of access and use of recorded material so as to provide for a proper audit trail.



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- e. The retention period for information that has not been viewed for law enforcement, school or public safety purposes shall not exceed 30 days. These time frames are based on experience, risk assessment, privacy, considerations and equipment capabilities. Recorded information that has not been used in this fashion within this time frame is then to be routinely deleted in a manner in which it cannot be reconstructed or retrieved.
- f. When recorded information has been viewed for law enforcement, school bus safety or public safety purposes, section 5 of Ontario Regulation 823 under the Municipal Act and section 5(1) of Ontario Regulation 460 under the Provincial Act requires that personal information must be retained for one year.
- g. NSTS will store and retain those storage devices containing recorded video tapes and CDs that are required for evidentiary purposes according to standard procedures until law enforcement authorities request them. These tapes and CDs are to be stored in a secure location. A storage device release form must be completed before any storage device is disclosed to appropriate authorities. The form will indicate who took the device, under what authority, when the disclosure occurred and whether or not it will be returned or destroyed after use. This activity will be subject to audit.
- h. Old storage devices 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 deleting the personal information. A Storage Device Disposal Record is to be completed. The Device Disposal Record Storage will state the date and method of disposal as well as the name and position of the person responsible for disposing of the records.

## **7. Access to Personal Information**

Any student, school bus driver, monitor or other staff person or member of the public that has been recorded by a video surveillance camera has a general right to access under section 36 of the Municipal Act and section 47 of the Provincial Act. Access may be granted to one's own personal information unless an exemption applies under section 38 of the Municipal and section 49 of the Provincial Act. One exception that may apply is contained in subsection 38 (b) of the Municipal Act which grants the heads of institutions discretionary power to refuse access where disclosure would constitute an unjustified invasion of another's privacy. Access to an individual's own information in these circumstances may depend upon whether any exempt information can be reasonably severed from the record.

## **8. Auditing and Evaluating the Use of a Video Surveillance System**

NSTS should regularly review and evaluate all of its video security surveillance systems on school buses in order to ascertain whether or not they are still justified and whether or not the policies and procedures with respect to the use of video surveillance systems are being followed.



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NSTS may be subject to an audit. Any deficiencies or concerns identified by an audit team must be addressed as soon as possible.

Reference:

- District School Board of Niagara (DSBN) Policy F-06 Video Security Surveillance
- Niagara Catholic School Board (NCDSB) Policy 701.3 Video Security Surveillance
- Operator Agreement