



Digital Recording Surveillance System Usage Policy & Procedures

I Purpose

The installation of Digital Recording Surveillance Systems in vehicles operated by London Transit is meant to assist in the collection of information related to the safety and security of employees, customers and property, and to assist with the investigation of unlawful activities, accidents, claims or potential claims involving London Transit, including investigations into inappropriate behaviour which potentially violates London Transit policies.

London Transit recognizes the need to balance the right to privacy of individuals whose images and voice are captured on digital recordings made by the digital recording surveillance system with the need to provide for the safety and security of employees, customers and property, to detect and deter unlawful and/or inappropriate behaviour/actions and to assist with Internal Investigations.

Buses equipped with digital recording surveillance systems display a written notice informing customers of the use of this equipment consistent with Section 29 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

II Definitions

“**Authorized Personnel**” means Management and those London Transit supervisors directed by Management to gain access to Digital Recording Camera Devices and to undertake one or more of the following functions: to retrieve, download, view, secure, copy and distribute Digital Recordings.

“**Digital Recording Surveillance System**” means audio/visual surveillance equipment capable of recording images and sound in a digital format used on buses.

“**Digital Recording(s)**” means the data (audio and video) created and stored as a result of the use of Digital Recording Surveillance System.

“**Digital Recording Release Form**” means the form to be completed for the release of Digital Recordings.

“**MFIPPA**” means Municipal Freedom of Information and Protection of Privacy Act.

“**Internal Investigation**” means an investigation undertaken by London Transit Management.

III Scope of Use

- 1) The following are guidelines recognizing that any use of Digital Recordings must not be inconsistent with existing employment policies and agreements (collective agreement) in place with employees and the London Transit Commission as an employer and not contrary to law including privacy legislation. London Transit installs Digital Recording Surveillance Systems and uses the Digital Recordings generated by this equipment to:
 - a) enhance the safety and security of employees and customers and assist Law Enforcement in conducting investigations of breaches of law;
 - b) safeguard London Transit’s assets, by assisting in efforts to reduce vandalism and protect against the theft and/or destruction of property;
 - c) investigate and evaluate claims that may be or have been made involving London Transit, including potential or actual claims in respect of a workplace incident and, in the case of an employee who reports that he/she was injured at work, to review and as necessary, forward Digital Recordings to adjudicators, regarding the workplace injury;
 - d) assist London Transit in substantiating and making claims against others;
 - e) limit loss due to fraud, theft or breaches of operational procedures and/or policies;
 - f) investigate, where London Transit reasonably believes that improper conduct or behaviour on the part of an employee may have been captured by the Digital Recording Surveillance System, considered the feasibility and effectiveness of undertaking alternative investigation measures before viewing the digital recording generated by the system concluding that viewing the digital recording as part of, or in lieu of and/or in addition too alternative investigation measures is necessary for the Internal Investigation to proceed in an efficient manner.
- 2) Where inappropriate conduct or behaviour on the part of an employee has been captured on a digital recording camera and is observed by authorized personnel, London Transit may use the digital recording as part of an Internal Investigation into the observed improper conduct or behaviour.
- 3) London Transit did not install the Digital Recording Surveillance System and use related digital recordings to:

- a) monitor the work performance of an employee in real-time;
- b) discover improper conduct or behaviour on the part of an employee, unless a digital recording is being viewed as part of an Internal Investigation otherwise prompted that is triggered by an event giving rise to an investigation;
- c) cause the release of a digital recording or part thereof except as required under MFIPPA, legal requirements and/or case law. Such release is to be authorized by the General Manager or designate; or
- d) use the records in a manner that violates the legislated privacy rights of the individuals depicted in the digital recording. All use of records will be in accordance with the foregoing, sections 1 and 2.

IV Installation and Notice of Digital Recording Surveillance Systems

Digital Recording Surveillance Systems that are permanently installed in London Transit vehicles are placed in overt locations and are accompanied by signage alerting the public, employees and others of the presence of such equipment. In addition, policies regarding digital recording are available to the public through the London Transit website.

V Procedures for Securing, Retaining, Disseminating and Erasing Digital Recordings

Images captured by the Digital Recording Cameras are retained by the on-board memory device for up to 12 days (dependent upon amount of use of bus) and then automatically recorded over.

Securing Images

The downloading of information from the on-board recording devices to the systems central computer system is triggered in two ways:

1. Incidents such as accidents and alarms are 'flagged' by the system for automatic downloading at the end of the day.
2. Images defined by a certain time/location based upon complaint or request through management, public or police in accordance with the foregoing defined uses.

On-road downloading of stored/real-time images will only be permitted at request of Police during real-time situations where public/operator safety is at risk (e.g. hostage situation).

A log shall be kept of all downloads for whatever reason. Only the General Manager or authorized personnel who are qualified London Transit staff and so designated by the General Manager are permitted to perform digital recording downloading. A list of qualified staff will be kept indicating the dates of training of each authorized staff.

Retaining Images

Investigation files containing a copy of the incident download and a copy of the incident occurrence documents will be kept by Management for a maximum period of one year or for such longer period as is required by London Transit for investigation/resolution/adjudication, or as required by law. Where an investigation file contains download disks, proper evidence storage procedures will be followed, ensuring proper evidence continuity is adhered to and the evidence is properly logged for storage.

Authorized personnel will view each disk after it is made to ensure the images were properly recorded. Authorization shall be determined by the General Manager or designate. This will also be recorded indicating each time the task was completed and who completed it and added to the noted log.

When images have been retained per the foregoing, and the retention period has come to an end, the General Manager or designate will ensure that trained, authorized personnel dispose of the records in a secure manner. This includes record keeping of the destruction, and destruction by shredding or other comparable process.

An annual audit by the Director of Human Resources and Director of Finance and Administration will be performed to ensure that proper procedures for use/securing/retention and destruction of images are undertaken as per this policy and the Commission's Privacy policy. The audit results will be provided to the General Manager and subsequently reported upon annually to the Commission.

Training and Authorization of designated Personnel

All personnel who fulfil a role as designated above shall have training prior to performing related duties. The training will address this policy, London Transit's Privacy policy, the specific expectations of the individual and the consequences of failing to meet these expectations (noting the consequences include corrective action and disciplinary measures).

VI Dissemination/Disclosure of Digital Recordings

If Law Enforcement officials request a copy of the digital recording as part of an investigation, a copy will be made by London Transit, and that will be turned over to the investigating Police service as soon as possible, providing police with "chain of custody" information. The log will indicate the Digital Video Imaging Request (DVIR) numbers of the copied images and their current status and location. Status will indicate as "active" or "destroyed".

Requests by London Police Services (LPS) must be in writing, either by means of written or emailed requests, with such written requests containing the following information:

- date and approximate time of incident giving rise to the request
- bus and route number if possible
- location(s) of incident
- description of issue, suspect, vehicle, etc. being sought
- LPS officer badge number (person making the request)
- LPS occurrence number

Further, London Transit, in its recording, shall record the DVIR number of the copy of the disk being turned over, the release date and time, and the name of the employee who released the disk.

If at any time there is unintended or improper disclosure of personal information contained in Digital Recordings, Management will immediately notify the General Manager who will undertake such remedial action as he deems appropriate.

Only an authorized maintenance contractor, as approved by Management, will be given access to effect repairs, conduct routine maintenance, and provide for hardware replacement or address warranty issues. All site visits will be scheduled through Management. All replaced hard drives will be returned to Management for disposal. A record will be kept of all equipment checks and be maintained by London Transit for audit purposes.

Employees who are not authorized personnel shall not have access to Camera Recording Devices or Digital Recordings made by this equipment without first receiving the approval of the General Manager, or designate.

The digital recording cameras and digital recordings generated by said equipment are the property of London Transit. London Transit retains custody and control of all Digital Recordings not provided to law enforcement.

Where a digital recording has been reviewed by Management and considered in relation of the imposition of corrective action, including discipline of a bargaining unit employee, upon request of the employee or the union as the employee's agent, an opportunity to view the recordings will be assessed by the General Manager and, if approved, provided to the employee and union. Where the recordings depict passengers or members of the public, the recordings of faces will be pixelated. The viewing will be conducted in the presence of a manager. Copies of such recordings will only be made where there is a requirement in law to do so, for example as the result of an order to produce records stemming from a pending arbitration or similar proceeding.

Digital recordings may also be subject to disclosure to third parties in accordance with legal requirements including common law.

Use of Individual's "Still" Pictures

As the result of an investigation for which the General Manager has authorized release of digital recordings, from time to time it may be necessary to use an excerpted "still picture" of an individual. The two circumstances foreseen in which this may be necessary are:

1. Use of still picture to assist in contacting potential witnesses or participants to the event being investigated- although whenever possible, witness cards are to be completed and/or name and contact information for those involved in the incident under investigation obtained by on-scene London Transit personnel (as necessary, through the Police), on occasion this is not possible. In order to assist London Transit to contact potential witnesses or individuals involved in the situation under investigation, the use of still pictures may be required;
2. Banning Notices- To be effective, the banning procedure requires a photograph in order to communicate the subject of the ban to London Transit staff. Typically, individuals are banned for either violent conduct, or conduct which violates London Transit's Human Rights or Mutual Respect Policies. The legislative authority to use still pictures for these purposes is either explicit or implicit in the governing legislation (Occupational Health and Safety Act, Ontario Human Rights Code).

Should a Department Director of Designate require the use of still pictures in this respect, he or she will first obtain the written consent of the General Manager. These pictures will be treated in the same manner as the digital recordings they derive from in terms of use and disclosure, retention, destruction etc.

VII Contested Planned or Actual Use of Digital Recordings

Individuals, whose image and/or voice are used under this policy by London Transit, have the right to an explanation upon request as to why the image/voice is being used. Such inquiries (in the case of unionized employees, requests may be made through the bargaining agent) are normally responded to by the respective Department Director or designate. After receiving the explanation, if the individual is not satisfied with the response, he or she may lodge a complaint with the General Manager. The complaint will outline the records in question, their use, and the reason that the Director's response is unsatisfactory. The General Manager will respond in writing to such complaints, conducting such investigation and analysis as he or she feels appropriate.

Union co-investigator in Problem Resolution investigations to be given the opportunity to view/listen to digital recordings as part of investigation process in the same timeframe/format as the management co-investigator, and on the understanding that identities of members of the public are not to be disclosed.

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