

## **Surveillance System for Transit Network Access and Privacy Policy**

### **Policy Statement**

Transportation Services Department utilizes surveillance solutions as key tools in the overall safety and security strategy for the OC Transpo transit network. A surveillance system (the “System”) for OC Transpo stations on O-Train Lines 1 and 2 and on the Transitway stations, onboard trains on O-Train Lines 1 and 2, onboard buses, at park and ride locations, administration facilities and maintenance facilities provides an effective method of enhancing customer and employee safety and security. Primarily, the System helps to deter unacceptable behaviour and acts of violence against both employees and customers of the transit system. In addition, the System will be used to obtain information necessary to support specific operational functions of the Transit Network, as set out further in the Policy.

Although Transportation Services recognizes that a surveillance system may not stop all instances of unacceptable behaviour or acts of violence, the recorded information may assist to more rapidly apprehend the perpetrator and be used as evidence during prosecution of criminal and quasi-criminal acts, as well as assisting with Transportation Services’ ability to address the full spectrum of transit-related incidents, claims and complaints.

The goal of this Access and Privacy Policy (the “policy”) is to strike a balance between enhancing the safety of both employees and members of the public, while at the same time protecting the personal information of individuals and minimizing intrusions to personal privacy as much as possible.

This policy only applies to the surveillance system and activities undertaken by Transportation Services and supporting City staff and contractors on OC Transpo property. This policy does not apply to other City property that is governed by the City of Ottawa’s Closed-Circuit Television Surveillance Policy.

### **Definitions**

For the purposes of this policy,

“General Manager” means the General Manager of Transportation Services Department, in the City of Ottawa, or an authorized delegate;

“MFIPPA” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, c.M.56, as amended;

“personal information” means information about an identifiable individual and as the context requires, has the same meaning as defined in s. 2(1) of PIPEDA, and in Section 2 of MFIPPA;

“PIPEDA” means the Personal Information Protection and Electronic Documents Act, S.C.2000, c.5, as amended;

“Record” means a medium on which information retrieved from the System has been copied;

“System” means the surveillance systems installed on the Transit Network consisting of cameras, digital recorders with private network based remote downloading capabilities and a video management system providing remote monitoring capabilities to allow for the live monitoring of systems as further described in this policy;

“Transit Network” means OC Transpo Transitway stations, stations on O-Train Lines 1 and 2, onboard trains on O-Train Lines 1 and 2, onboard buses, at park and ride locations, administration facilities including customer service centres, and maintenance facilities;

“Transit Services” means Transit Services of the Transportation Services Department of the City of Ottawa, and “OC Transpo” has a similar meaning; and,

“Special and Emergency Events” means both planned and unplanned events that occur within the City of Ottawa that have an impact on the City’s public transit system. Special events include such activities as Canada Day celebrations, sporting events, and festivals. Emergency events include service disruptions, traffic disruptions, failure of infrastructure, unplanned construction, protests and emergency situations.

## **1.0 Purpose**

This policy is intended to regulate the use of the System. In particular, this policy provides guidance for the collection, use, disclosure, retention, and disposal of personal information by Transportation Services in relation to its use of the System. This policy will guide compliance with the requirements of MFIPPA and PIPEDA.

## **2.0 Application**

This policy applies to the Transportation Services Department, its employees, contractors, and agents, and other City staff, in respect to the entire Transit Network in which the System is or will be installed, used and/or operated.

This policy does not apply to any contracted taxicabs providing service to Para Transpo customers or any buildings and properties already subject to the City of Ottawa’s Closed Circuit Television Surveillance Policy.

## **3.0 Policy Requirements**

Specifics of System:

The System consists of the following components:

- 3.1 Cameras and digital recorders installed on the Transit Network that will record visual images. Cameras include both fixed and pan tilt zoom capabilities and their field of view will be determined on the basis of reasonable and justifiable grounds related to the Purposes of Collection and Use of Information as set out in this policy.
- 3.2 Audio recordings from the bus operator areas will be recorded to the onboard digital recorder.
- 3.3 Audio recording of Passenger Emergency Intercoms (PEI) onboard the O-Train vehicles will be recorded to the onboard digital recorder when the PEI is activated by a passenger requesting assistance from the rail operator.
- 3.4 Remote downloading capabilities to retrieve surveillance information remotely from an authorized computer over a private network.
- 3.5 Remote monitoring capabilities (live viewing) using a Video Management System (VMS) will be used by authorized staff including the Transit Operations Control Centre in accordance with the purpose set out in the “Viewing Live Video” section of this policy in order to view activities taking place on the Transit Network in which the System is installed.
- 3.6 On board buses and trains, the remote monitoring capability is only performed once the Transit Operations Control Centre is notified of an incident taking place.

#### **4.0 Notice of System and Notice of Collection of Information**

- 4.1 For buildings, facilities and general outdoor areas, notification to the public of the presence of a video and/or audio recording system shall be provided by means of bilingual signage placed at each entrance to areas with video and/or audio recording and at key locations within the areas, so as to provide the public with reasonable and adequate notice that video and/or audio recording is or may be in operation.
- 4.2 For vehicles, notification to the public of the presence of a video and/or audio recording system shall be provided by means of bilingual signage placed at each entrance to the vehicle and in prominent locations within the vehicle, so as to provide the public with reasonable and adequate notice that video and/or audio recording is or may be in operation.
- 4.3 Notice to the public of the collection of personal information in the System shall be provided by written notifications placed on the OC Transpo website and at customer service centres and such notifications shall meet the requirements of MFIPPA and PIPEDA.

4.4 The General Manager may choose to provide additional notifications in any other manner on a case-by-case basis. Questions regarding the notifications or the System shall be directed to the General Manager or authorized delegate of the Transportation Services Department.

## **5.0 Personnel Authorized to Operate**

5.1 Only persons designated by the General Manager shall be permitted to operate the System or have access to the personal information it contains, in accordance with this policy. The General Manager shall ensure that any person having access to the System receives required directions and training relating to their use of the System and their obligations and responsibilities regarding the personal information viewed or retrieved from the System. Such directions and training shall be documented and will be periodically updated as required.

5.2 Should Transportation Services be required to grant access to the System to authorized service providers for installation, maintenance, or related purposes, Transportation Services shall require such service providers and their agents to execute a non-disclosure agreement sufficient to ensure the protection and confidentiality of any personal or confidential information contained in the System or a Record, and to which the service provider may require access.

## **6.0 Viewing Live Video**

6.1 Viewing live video from the System is authorized within the Transit Operations Control Centre (TOCC), which is comprised of staff from the following groups; Transit Special Constable Unit, Rail Operations, and Bus and Paratransit Operations. Live viewing within the TOCC is required for purposes of emergency response and law enforcement, and to monitor, administer, and manage the daily operations of the public transit system including but not limited to the safe and efficient movement of vehicles, equipment and passengers, and the monitoring of the impact of , Special and Emergency Events on the public transit system.

6.2 The viewing of live video during Special and Emergency Events may also occur within the OC Transpo Incident Command Centre and may include members of OC Transpo or City of Ottawa management, as required.

6.3 Live viewing may be undertaken by the City of Ottawa's Public Works and Environmental Services Department, Surface Operations, of a limited number of System cameras located within designated park and ride locations for the purpose of managing maintenance operations.

6.4 Authorized personnel from the Service Planning, Transit Fleet & Facilities Maintenance, Bus & Para Operations and Safety Compliance Training and Development Units of the department will have access to System cameras for live viewing for transit system design, operational and planning purposes.

6.6 O-Train vehicle operators have the ability to view on-board cameras and the station platform edge cameras when the train is stopped at a station to assist with system and train troubleshooting, assess passenger events and situations, provide feedback on potential safety conditions and to help inform the appropriate operational response to a particular incident or situation, as required.

6.7 Bus operators will have the ability to view the on-board cameras of double decker buses, to assess passenger events and situations and to assist in responding to them, as required, and for overall customer safety.

6.8 OC Transpo's Customer Service Branch uses a two-way video and audio system at designated customer help points across the Transit Network for the purposes of providing assistance to customers. Once the customer has requested assistance at the terminal, the video and audio session will become active which allows the Transit customer service agent to see and hear each other throughout the session. The session is not recorded by the two-way video and audio system.

6.9 The O-Train maintenance contractor will have the ability to view live video from the System cameras located at maintenance and storage facilities as part of monitoring yard operations and ensuring safety at the vehicle handover platforms. Additionally, they will view video from stations to provide technical assistance to Transportation Services and to troubleshoot any technical or performance issues with the O-Train and with the System.

## **7.0 Collection of Information by Digital Recorders**

7.1 The digital recorders operate by recording information for a specified period of time and then automatically overwriting (erasing) the information unless the information is retrieved, and a Record is created.

7.2 Digital Recording equipment is configured to record images and audio from the System in accordance with the following periods of time prior to being overwritten:

- 7 days for conventional buses and trains on O-Train Line 2;
- 15 days for trains on O-Train Line 1; and
- 30 days for stations, customer service centres, park and ride locations, maintenance facilities, and administrative buildings.

## **8.0 Purposes of Collection and Use of Information**

The City of Ottawa shall collect personal information using the System, and use the information in the System, for the following purposes only:

8.1 Law enforcement and policing responses and activities by authorized personnel of the Transit Special Constable Unit, or another law enforcement agency having jurisdiction in the matter, for the purposes of:

- a. providing emergency law enforcement response or coordinating responses from other emergency responders (e.g. Paramedic Services, Fire Services); and,
  - b. the detection, deterrence, and investigation of unlawful activity, including any suspected contraventions of the Transit By-law or other by-laws of the City, or any Provincial or Federal legislation; or where there are reasonable grounds to believe that a contravention of the above will occur and information is required for prevention or response purposes.
- 8.2 The investigation and management by the City of Ottawa of workplace accidents or incidents, personal injury, property damage, or other legal claims or demands, including requests through Access to Information and Privacy (ATIP) Office and as otherwise required by the application of MFIPPA, PIPEDA or other legislation.
- 8.3 The investigation and resolution of complaints, allegations of misconduct, or allegations of breaches of applicable policy or laws by Transportation Services employees and contractors, including use in employee disciplinary proceedings.
- 8.4 On board a bus, train, or on other facilities and properties, when Transportation Services has been notified of an incident, to allow staff from the Transit Operations Control Centre (TOCC) to remotely monitor the on-board cameras in real time to assess the situation and coordinate appropriate assistance and response by Transit staff or other resources and agencies as required to ensure the health and safety of the public and employees.
- 8.5 The TOCC will have access to the System in order to administer and manage daily operations of the public transit system, as provided in the “Viewing Live Video” section of this policy.
- 8.6 Rail Operations, for the purposes of administering and managing the performance of contractors and agents of the City of Ottawa.
- 8.7 Authorized personnel from the Service Planning Branch of Transportation Services will have access to the System for transit system design and planning purposes, which includes determining passenger and vehicle flows and counting passengers.
- 8.8 Authorized personnel from the Transit Fleet & Facilities Maintenance Branch to monitor maintenance activities on Transit property.
- 8.9 For the purposes of maintaining the public transit system, including maintenance, upkeep, repairs and lifecycle activities as deemed to be required by Transportation Services and its contracted service providers, in accordance with this policy.
- 8.10 Staff and contractors having authorization to use the System shall only use the pan, tilt, zoom features of the cameras in the System where such is strictly required for one of the above-noted purposes and uses.

## **9.0 Creation of a Record**

9.1 A Record is created when an authorized person accesses the digital recording equipment to make a copy of the information by recording the information onto an external device such as a secured server, CD, DVD, USB device or external hard drive as required.

9.2 Only authorized personnel from the following units are authorized to create a Record as noted above, and only for the purposes and uses prescribed in this policy.

- Special Constable Unit (SCU);
- Rail Operations Branch;
- Transit Operations Control Centre Branch; and,
- Systems Security Unit.

9.3 Authorized personnel shall not create a Record of the information collected in the System except in circumstances where a Record is required to support one of the permitted purposes or uses noted above, and in all cases a Record will only be created in accordance with this policy

## **10.0 Disclosure**

10.1 Information contained on the System and in any Record created from it shall only be disclosed:

- a) internally within the City of Ottawa to authorized staff as necessary and proper for a use that supports one or more of the purposes described above;
- b) to a law enforcement agency as required for a bona fide policing or law enforcement purpose;
- c) to a person or agency as required by law or pursuant to a Court order or other authority that compels disclosure;
- d) to authorized maintenance contractors, upon written request to the Director, Transit Operations for a use that supports one or more of the purposes described above;
- e) to comply with a requirement in legislation; and,
- f) as otherwise required by the application of MFIPPA, PIPEDA, or other legislation.

Each disclosure in relation to items a) to f) above must be completed by authorized and trained personnel of the Systems Security Unit except for the disclosure of information contained in the System that is operational in nature, which can be disclosed by authorized staff in Rail Operations or the TOCC.

In all cases of disclosure in relation to the items above the requester must complete the OC Transpo Video Release Form prior to receiving the requested record.

10.2 Disclosures that may be required in response to access to information requests received pursuant to MFIPPA or PIPEDA shall be processed by the City's Access to Information and Privacy Office (ATIP) in accordance with applicable processes and requirements, in consultation with the General Manager.

### **11.0 Record Request Process**

The System Security Unit will act as the single point of contact for all CCTV/Image/Audio requests at OC Transpo, except for requests are operational in nature. All requests from both internal staff and external organizations will be directed to send their requests for Video/Images/Audio with as much detail as possible pertaining to the case and or incident to [ocsystemsecurity@ottawa.ca](mailto:ocsystemsecurity@ottawa.ca). Whereas requests that are operational in nature will be processed by authorized staff in Rail Operations or the TOCC.

### **12.0 System Logs**

A System Log shall be maintained.

Each time a Record is created, it will be logged into the System log and shall include the date, time and purpose, including requisite authorization and parties involved recorded in it. Authorized personnel creating a Record in accordance with this policy shall be responsible for documenting the creation of a record in the System Log as noted above.

The log will include a description of the circumstances justifying the disclosure, the length of the records involved, the name, title and agency of the individual to whom the records is being disclosed, the legal authority for the disclosure, the means used to disclose the records, and whether the records will be returned to Transit Services or securely destroyed after use.

### **13.0 Retention and Disposal of Records**

13.1 Records created under this policy shall be retained for the longer period of one year or for the time period prescribed by the City's Records Retention and Destruction By-law (By-law 2005-527, as amended) or as required by law. Information collected from the video recording system will be retained for a minimum of three (3) years where it has been used by OC Transpo or the Special Constable Unit as part of a criminal, safety, or security investigation or for evidentiary purposes.

Information shall be used, retrieved and disclosed only by authorized staff in accordance with the requirements of this policy.

### **14.0 Security**

14.1 The System shall be operated, and all Records shall be kept by Transportation Services in a secure manner that prevents unauthorized access, use, disclosure,

modification, copying or destruction. All Records shall be protected by authorized staff in a manner suitable to ensure their integrity and use as evidence in any legal proceeding.

14.2 The following Security features and procedures apply to the System:

1. Cameras are enclosed in vandal resistant domes.
2. Installed digital recorders will be secured at all times in a locked cabinet or room, or in a specific location on board a vehicle that can only be accessed by authorized personnel.
3. Only authorized personnel shall access information from the System.
4. Once a Record is created, it is kept on a secured server or in a secured location on a CD, DVD, USB device or external hard drives, unless disclosed to an external party as authorized under this policy.
5. In addition to remote downloading, manual information retrieval is possible in the event of a System failure or when the amount of information required would be too large or too time consuming to download remotely.

14.3 Transportation Services will take all reasonable efforts to ensure the security of records in its control and custody and ensure their safe and secure disposal. Old storage devices must be disposed of in accordance with an applicable technology asset disposal processes, ensuring that personal information is erased prior to disposal and cannot be retrieved or reconstructed. Disposal methods may include overwriting electronic records, shredding, burning or magnetically erasing the personal information.

## **15.0 Breach of Policy**

15.1 Any unauthorized collection, use, disclosure, copying, modification or destruction of any information contained on the System or of any Record shall be immediately investigated by the General Manager, with assistance from the Office of the City Clerk. Appropriate measures to contain the unauthorized activity and to prevent any reoccurrence shall immediately be put into place.

15.2 Any breach of this policy by an employee or other individual, including any unauthorized access, use, disclosure or modification of any personal information contained in the System, may result in discipline, up to and including dismissal. Any breach of this Policy by an external service provider may result in termination of the contract.

15.3 Employees or other individuals having access to the System shall immediately report any misuse of the System or breach of this policy to the General Manager, who will immediately investigate the matter, with assistance from the City Clerk or City Solicitor.

15.4 Notification to individuals whose personal information has been affected by a breach of this policy shall be undertaken in accordance with the requirements of MFIPPA and PIPEDA with the assistance of the City Clerk or City Solicitor.

## **16.0 Access to Information Requests**

Any access to information request received pursuant to MFIPPA or PIPEDA for information contained in the System shall be directed to:

Access to Information and Privacy Office (Office of the City Clerk) City of Ottawa 110 Laurier Avenue West Ottawa, ON K1P 1J1 Tel: 613-580-2424, ext. 21898

Or hand deliver to: Any Client Service Centre within the City of Ottawa.

All other requests for information contained in the System or a Record shall be directed to the General Manager, at:  
1500 St-Laurent Blvd., Ottawa, Ontario K1G 0Z8

## **17.0 Inquiries and Complaints**

Any inquiries or complaints regarding the System or this Policy may be addressed to the General Manager.

## **18.0 Review of Policy**

This policy shall be reviewed by the General Manager no less than every three (3) years after it is approved, and the General Manager is authorized to amend it as may be required as a result of changes to the System or to meet the requirements of MFIPPA, PIPEDA or other legislation.

## **Legislative & Administrative References and Authorities**

- *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended*
- *Personal Information Protection and Electronic Documents Act, S.C.2000, c.5, as amended*
- *Guidelines for Use of Video Surveillance, Information and Privacy Commissioner of Ontario, October 2015*
- *Guidelines for Overt Video Surveillance in the Private Sector, Privacy Commissioner of Canada, March 2008*