

ELECTRONIC SURVEILLANCE

Background

The Division is committed to maintaining a safe and secure learning and work environment for students and staff as well the protection of Division property and the property of others. The Division also recognizes that it must provide individuals with reasonable levels of privacy in order for them to learn and work in an environment that is as minimally intrusive as possible.

The Division's objective is to balance the actions associated with these priorities. As such, the Division recognizes the value of electronic surveillance systems and supports their limited use on Division property. Such use shall comply with all federal and provincial legislation and regulations.

The Division authorizes the use of electronic surveillance on Division property where circumstances have shown that it is necessary and its benefit outweighs its impact on the privacy of those observed. In addition, the Division requires that where an electronic surveillance system is employed in a school or other property, its purpose shall be to augment rather than to replace direct supervision provided by members of Division staff.

This administrative procedure does not apply to covert or overt surveillance equipment being used by or on behalf of the Division as a case specific investigative tool for law enforcement purposes, where there is statutory authority and/or the authority of a search warrant to conduct the surveillance. This administrative procedure does not apply to electronic media captured for the purpose of student learning or school promotion. For this purpose, refer to *Administrative Procedure 146, Social Media Code of Professional Conduct*.

The Assistant Superintendent, Corporate Services is responsible for the implementation of this administrative procedure.

Definitions

In this administrative procedure:

Law enforcement means

- (i) Policing, including criminal intelligence operations;
- (ii) A police, or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred; or
- (iii) Proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred.

Electronic Records means any electronic or any other medium such as videos, videotape, disks, hard drives, smart cards, memory sticks or any other device used to store information obtained through electronic surveillance.

Electronic surveillance means the methods used via videotape or any other tape, compact disk, disk, digital video recorder or any other device used to store information from a electronic surveillance system.

Electronic surveillance system means a closed circuit camera, a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic electronic recording, observing or monitoring of personal information about individuals in open, public spaces on Division owned or operated property.

Social Media refers to all internet-based applications and technologies which provide for the creation, exchange or sharing of information, opinions, commentary, personal messages and other user generated content, including but not limited to the use of social networks, digital citizenship, digital footprint, social bookmarking blogging, tweeting, wikis, podcasts, video casts, video, audio, media, social bookmarking, postings through apps using mobile devices using iOS or Android operating systems (e.g. Facebook, Twitter (X), Instagram, Snapchat, Tumblr, YouTube, Google+ and Google Hangouts).

Procedures

1. Use of Electronic Surveillance Systems

- 1.1 Electronic surveillance hardware used for this purpose must be approved by the Assistant Superintendent, Corporate Services and be the property of Foothills School Division or a licensed third party in accordance with relevant legislation and guidelines.
- 1.2 Personal media recording devices including but not limited to cell phones, personal tablets, and computers may not be used for student, staff, or building surveillance.
- 1.3 Electronic surveillance systems may be used to monitor and/or record activity that occurs on property that is owned or leased by the Division, including but not limited to schools, school grounds, administration buildings, school buses, and transportation or maintenance facilities.
- 1.4 Electronic surveillance systems may be placed only in areas where surveillance has proven to be necessary as a result of prior property damages or related security incidents, or in areas where, upon reasonable grounds, the surveillance is deemed to be a deterrent.
- 1.5 Electronic surveillance systems in areas outside of school buildings shall only be positioned where it is necessary to protect external assets or to provide for the personal safety of individuals on school grounds or premises.
- 1.6 Before electronic surveillance is introduced at a site, a written request must be submitted to the Superintendent. The request must include:
 - 1.6.1 The completion of the FOIP Privacy Impact Assessment Tool (Appendix A), describing the circumstances that indicate the necessity of having surveillance at that site.

- 1.6.2 A discussion of less intrusive alternatives and, where applicable, must indicate that consultation with the school community has taken place and the extent to which the request has the support of the School Council.
- 1.7 Written approval must be received from the Superintendent before electronic surveillance is introduced at a site.
- 1.8 Electronic surveillance camera locations must be authorized by the Superintendent or designate. Any change in camera location must be authorized in the same manner.
- 1.9 Electronic surveillance cameras shall not be directed to look through the windows of adjacent buildings (non-Division property). Electronic surveillance cameras shall not be used to monitor areas where individuals have a reasonable expectation of privacy. Such areas shall include, but shall not be limited to: changerooms, washrooms and private conference/meeting rooms.
- 1.10 Electronic recordings may be used by the Division as evidence in any disciplinary action brought against an individual arising out of the individual's conduct on or about Division property and/or to detect criminal offenses that occur in view of the camera.
- 1.11 Signage (example included in Appendix B) advising users of the premises of electronic surveillance practices shall notify individuals of:
 - 1.11.1 Areas in which surveillance is conducted;
 - 1.11.2 Specific purpose for the surveillance;
 - 1.11.3 Hours during which surveillance is conducted; and
 - 1.11.4 Contact information regarding a source of additional information about the electronic surveillance system.

2. School Buses

- 2.1 Electronic monitoring equipment shall be in operation on school buses on a random basis as determined necessary by the Director of Transportation to monitor student behaviour, act as a deterrent, or reduce incidents of vandalism.
- 2.2 The Director of Transportation shall be responsible for (on school buses) the managing and auditing the use and security of monitoring cameras; monitors; video tapes; computers used to store images; computer diskettes; or other electronic records, until such time as the records are transferred to a school administrator. The school administrator shall then be responsible to audit the use and security of the electronic equipment and electronic records.
- 2.3 One (1) or more signs of a highly visible nature shall be conspicuously placed in each school bus notifying riders that an audio and an electronic record may be made.
- 2.4 Students and their parents shall be informed by the Director of Transportation at the beginning of each school year that the Division may be recording student behaviour on school buses and the purpose for such practices.
- 2.5 All school bus operators and or contractors shall be made aware of the Division's administrative procedure on electronic monitoring on school buses.

- 2.6 Electronic records of students or others riding on school buses may be reviewed, or audited, for the purpose of determining adherence to Division and school rules respecting safety and transportation of students.
- 2.7 The electronic records may be monitored by Division personnel and school bus contractors as deemed necessary and prudent in order to ensure for the safety and security of the student passengers, Division property, and transportation practices by all drivers, employees and students.
- 2.8 All electronic records received by a school administrator shall be numbered, dated and retained as outlined below in 3.3.

3. Security

- 3.1 Only a designated employee or an agent of the Division is permitted to install electronic surveillance equipment. If equipment is operated on a “stand alone” basis then only the Principal, designated employees or agents of the Division shall have access to the key that opens the camera boxes. Only these individuals shall handle the camera or video recordings. Electronic records are only to be accessed by authorized individuals.
- 3.2 Electronic recordings shall be kept in secure storage, in an area to which students and members of the public do not have access.
- 3.3 All Electronic recordings shall be numbered and dated and retained according to camera site.
- 3.4 Electronic recordings may never be sold, publicly viewed or distributed in any other fashion except as provided for by this administrative procedure and appropriate legislation.

4. Viewing of Electronic Recordings

- 4.1 An individual who is the subject of electronic surveillance has the right to request access to the electronic recording in accordance with the provision of the Freedom of Information and Protection of Privacy Act of Alberta. Access in full or in part may be refused on one of the grounds set out within the legislation.
- 4.2 Parents or guardians may review a segment of electronic recording related to a specific incident involving their child or children, unless the review might violate the privacy of a third party. In that case, the review is not to take place unless authorized by the Division Information and Privacy Coordinator.
- 4.3 Electronic monitors used to view electronic recordings shall not be located in a position that enables public viewing. Electronic recordings may only be viewed by:
 - 4.3.1 The Principal or designate or individual authorizing camera installation;
 - 4.3.2 Parents and students;
 - 4.3.3 Division personnel authorized by the Superintendent or designate to view the contents of specific electronic recordings;
 - 4.3.4 Law enforcement officers who have been given access to electronic recordings by the Principal or other designated official;
 - 4.3.5 Employees or agents of the Division who have responsibility for the technical operations of the system (for technical purposes only);

- 4.3.6 A representative or other advocate authorized by an individual facing disciplinary action to view a specific electronic recording.
- 4.3.7 Any request from law enforcement authorities for release of a Division electronic recording, or live electronic monitoring, must be referred to the Assistant Superintendent, Corporate Services.
- 4.3.8 In the case where a request has been made to remove a recording from the Division's possession, the Electronic Surveillance Release Form ([Form 181-1](#)) must be completed before the electronic recording is released.
- 4.4 When an electronic record is being reviewed a log must be kept that lists the following information:
 - 4.4.1 The individual viewing the record.
 - 4.4.2 The reason why the record is being viewed.

5. Retention of Electronic Recordings

- 5.1 Electronic recordings shall be erased or otherwise disposed of within thirty (30) days, unless they are being retained at the request of the Principal, Division official, employee, parent, or student for documentation related to a specific incident, or are being transferred to the Division's insurers.
- 5.2 Electronic recordings retained under 5.1 above shall be erased or otherwise disposed of as soon as the incident in question has been resolved, except when the electronic recording has been used in the making of a decision about an individual.
- 5.3 Electronic recordings that have been used to make a decision directly affecting an individual shall be retained for a minimum of two (2) years.
- 5.4 Where an incident raises a prospect of a legal claim against the Division, the electronic recording, or a copy of it, shall be sent to the Division's insurers.
- 5.5 Electronic recordings shall be disposed of in a secure manner.

6. Review

- 6.1 Each Principal or facility supervisor is responsible for the proper implementation and control of the electronic surveillance system at a particular site.
- 6.2 The Superintendent or designate shall conduct periodic reviews to ensure that this administrative procedure is being followed.
- 6.3 All operations are subject to audit and principals and site supervisors may be called upon to justify any aspect of their use of electronic surveillance.
- 6.4 All Division electronic monitoring shall be carried out in accordance with this administrative procedure. The Division will not accept the improper use of electronic surveillance and will take appropriate action in any cases of wrongful use of this administrative procedure.

7. Technical Requirements

- 7.1 The design and installation of an electronic surveillance system must meet acceptable standards as determined by Facility and Learning Services.
- 7.2 The purchase of an electronic surveillance system must be made in accordance with Division purchasing procedures.
- 7.3 The purchase of an electronic surveillance system must not be initiated until requirements from 1.4 and 1.5 have been met.

Reference: Relevant Legislation & Guidelines
AP146 – Social Media Code of Professional Conduct

FOIP PRIVACY ASSESSMENT TOOL

Rationale for Installation of Electronic Surveillance Systems in Schools and on Division Owned or Operated Property

Describe the purpose and objectives for the electronic surveillance system. What outcomes and improvements to the safety and security of the school or Division property is the electronic surveillance system intended to achieve?

1. Describe any safety or security incidents or concerns which led to the decision to implement or expand on the electronic surveillance system.
2. Describe any physical circumstances of the school or Division property that raise safety or security issues that are expected to be alleviated by installation of the electronic surveillance system.
3. Describe methods of deterrence used that proved to be ineffective or unworkable.
4. Provide details about other methods of deterrence in addition to the electronic surveillance system that are being considered or that will be installed.
5. When will the electronic surveillance system be operating? For example, 24/7 or Monday to Friday during daytime hours or weekends, etc.
6. Describe how the effectiveness of the electronic surveillance system will be evaluated and at what intervals with respect to achievement of the desired objectives.
7. What effects will the electronic surveillance system have on personal privacy of students, parents, staff, members of the school community and other relevant stakeholders?
8. Describe the outcomes of consultations with parents, students, staff, members of the school community and other relevant stakeholders.
9. Describe the security measures that will be in place to ensure only authorized persons will have access to the electronic surveillance system's controls and reception equipment.
10. Provide the names and positions of Division staff designated to have day-to-day access to the electronic surveillance system's controls and reception equipment. Provide the names and positions of Division staff who will have access to monitors and the expected timeframes of their monitoring.
11. Describe the security measures that will be in place to ensure storage devices are secured in a locked controlled area.

School/or Division Facility

Signature Principal/Facility Supervisor

Date



NOTICE

ELECTRONIC SURVEILLANCE CAMERAS ON PREMISES YOUR ACTIVITIES MAY BE RECORDED

Information is collected under the authority of the School Act and the Freedom of Information and Protection of Privacy Act in order to maintain a safe and secure environment in schools and on Division property and for uses consistent with that purpose. For questions or concerns, please contact the Principal or the Division at (403) 652-3001.