

Public Surveillance Systems

April 2001

Summary

Over the past 10 years, the use of various means of surveillance has grown significantly. Surveillance is intrusive. I suspect that, in some cases, surveillance systems are set up simply because the technology is inexpensive and available. In other cases, surveillance systems are justified and perform a useful function. However, in a free and democratic society, it should be up to the proponent of the surveillance system to show that surveillance is necessary and that there is a reasonable expectation that the surveillance will bring about a desired effect.

Many forms of surveillance, video cameras are one example, involve the collection of personal information. That being the case, the *Freedom of Information and Protection of Privacy Act* will apply to the collection, use and disclosure of this information. Public bodies considering the use of surveillance systems must be able to justify the surveillance system and operate it within the terms of the Act.

I want to particularly emphasize that a public body operating a surveillance system must give the public notice provided in section 33(2) of the Act. I would suggest to public bodies that it may be in their best interests to do their own privacy impact assessment of proposed surveillance systems.

Even where a surveillance system is justified, there must be policies in place respecting the use of the system. These policies should address such things as:

- the number and placement of surveillance devices, for example, in locker rooms or washrooms;
- the strict control of access to the surveillance system including who has access to the surveillance system and under what conditions;
- how long tapes (if any) are kept.

Alberta Government Services has published its *Guidelines to Using Public Surveillance Systems*. The guidelines should be followed.

Public bodies must give careful thought to privacy considerations and accountability when implementing any surveillance scheme. I encourage public bodies to submit a privacy impact assessment to my office prior to the implementation of any new surveillance initiatives. The assessment should outline the effects the proposed surveillance may have on privacy and the ways in which adverse effects can be mitigated. In addition, the assessment should make the case for a video surveillance system as opposed to other less intrusive methods.

As Commissioner, I intend to examine public bodies' decisions to implement surveillance systems. I recommend public bodies carefully consider the need for surveillance.

I would remind the private sector that, when the Federal *Personal Information Protection and Electronic Documents Act* comes into force for the private sector in 2004, there may be some implications for private sector surveillance systems. It would be prudent for entities thinking of establishing these to consider the implications now. More information in that regard may be obtained from the Federal Privacy Commissioner's Office. Their website is www.privcom.gc.ca.