

Briefing Note: For Information

To: Tenant Services Committee (“TSC”)

From: Allan Britton, Acting Senior Director, Community Safety Unit

Date: March 20, 2023

Re: Staff Access to TCHC Digital Video Surveillance Systems (Public Action Item #2)

Purpose

At the February 17, 2023 Tenant Services Committee (“TSC”) meeting, the Committee directed management to provide further information regarding the operational review that resulted in limitations to CCTV access by frontline Operations staff, and to report back on potential options to the measures that were implemented as a consequence of that review.

Background of Changes

In 2020, the Community Safety Unit (“CSU”) worked with TCHC’s Information and Technology Services (“ITS”), Human Resources and Smart Building and Energy Management (“SBEM”) divisions, who maintain ownership and governance of the corporate Digital Video Recording system, to upgrade the end of life software being used (March Enterprise Suite) to new software (March Command System).

During this review, involved stakeholders found a large number of staff had access to the corporate digital video recording (“DVR”) system, many of whose roles did not require access to archived footage. At this time, internal stakeholders were consulted and assessed the risk associated with widespread access to archived footage and potential breaches to be extremely high.

This decision was based on the Ontario Information and Privacy Commissioners (“IPC”) report, “*Guidelines for the Use of Video Surveillance*” (Information and Privacy Commissioner of Ontario, 2015), which recommended “limiting staff and other individuals’ access to footage on a need to know basis”.

The prevalent issue surrounding the DVR system was the number of employees corporately who were able to access all areas of the system including live monitoring, footage review and archiving of footage, which posed a risk to

TCHC. TCHC removed access to the footage review and archiving parts of the system from staff whose job functions did not require the access including Superintendents, Custodial Maintenance Persons (“CMP”), etc.

Though previous corporate practices had site staff reviewing archived footage for tenancy management incidents, after reviewing the job description of involved site staff roles, the reviewing of DVR footage for incidents is not within the job scope/description. Historically, site staff had direct access to CCTV/DVR systems as the DVR hard-drives were stored in their offices for protection. This allowed site staff to access the systems and conduct their own reviews.

Site staff maintain one responsibility in regards to the DVR systems on site, which is specific to ensuring that building safety and security equipment is functioning and reporting any issues to the Client Care Centre. Site staff are able to access the live monitoring system and confirm that cameras are functional during their work period.

The CSU now has the ability with technological updates to view, review and secure DVR footage remotely, which mitigates concerns of delayed response to incidents that require staff to review DVR footage.

The final implementation of access level changes occurred between Q4 2021 and Q1 2022, when the March Command system was implemented to replace legacy software. During this time, the legacy software was removed from all staff’s network profiles.

Identified Areas of Concern for Accessing Archived DVR Footage

Incidents such as dumping garbage in hallways, common areas or garbage areas are offences, classified as damage to property, which could warrant a law enforcement investigation under the *City of Toronto Act* and/or the *Ontario Fire Prevention and Protection Act*. The results of the investigation can result in recommendations for tenancy management, cautions, or charges.

In cases involving criminal offences, unauthorized access, review and retention of digital video recordings could place TCHC staff at risk of criminal charges for compromising matters before the courts. There is also an identified concern of site staff being able to access recordings that may involve labour relations or management issues, and the release or unauthorized disclosure may compromise ongoing labour relations issues.

During the review, multiple instances were identified where site staff conducted their own independent investigations into criminal offences such as Break and Enters, Homicides and other major offences that could compromise the ongoing or potential law enforcement investigations by law enforcement partners.

As DVR data is classified as “personal information” in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), TCHC is obligated to ensure compliance with legislation, including the destruction of records in accordance with the corporate policy. If staff were to take videos on their cellphones, the corporation is unable to confirm whether those records are deleted or possibly disseminated outside of the organization, placing TCHC at risk.

As such, it is recommended that CSU remain the primary point of investigation into alleged offences to ensure that investigations are conducted appropriately and in compliance with legislation. This will also allow the CSU to provide support to Operations staff with tenancy management to ensure that any information accessed or saved is stored in accordance with TCHC’s Records Management Policy and provincial legislation.

Consultations, Issues and Support Agreements

As the original DVR system upgrade project did not impact service delivery to tenants, no update was provided to tenants as it was a system software upgrade. An update was provided to all TCHC staff in an email from Strategic Communications advising of changes to the DVR system.

Once the privacy concerns had been identified, consultation occurred internally between key stakeholders. Operations management were consulted regarding the potential impact on site staff and agreed with the concerns identified. Tenant consultation was not conducted, as the ability to review DVR footage does not directly impact tenants since tenants are not authorized to view DVR footage in accordance with legislation and current corporate policies.

When Operations management was consulted, they identified concerns regarding delays in reviewing footage. At that time, the CSU committed to a 72 hour turn around on all requests from site staff to review footage. If footage is required for civil claims or MFIPPA requests, this is processed through Legal Services who requests the information from the CSU.

In turn, the CSU ensures that records that are no longer required for storage based on corporate policies and other legislative requirements are properly destroyed.

In 2022 and 2023, site staff expressed concerns that restricted access to archived footage may affect their safety. This concern has been reviewed and it was determined, and supported by TCHC's Occupational Health & Safety unit, that the ability for site staff to access archived footage does not affect staff or tenant safety.

Approval of Changes

After extensive internal consultations with Operations, Legal Services, ITS, Human Resources and SBEM, the decision to restrict access to archived footage for site staff came from former Community Safety Unit Leadership with final approval from the former Chief Operating Officer.

Next Steps

A review of the proposed 72 hour access for site staff was conducted by CSU and SBEM. SBEM advised that due to software limitations, this is not a possible solution.

SBEM did report that it may be possible to allow for archive access without the ability to download footage and save it. There are still risks associated with this level of access, as the user would be able to save snapshots of the footage onto their local desktop. As noted above, concerns exist with this approach as there is no control over if or where the still images are/were disclosed and there is no tracking mechanism in place.

On March 16, 2023, CSU met with CUPE 416 and committed to their Leadership that CSU will form a working group with them to discuss this further and collaborate on a solution that will address building level concerns around restricted access, while still ensuring the security of personal information.

SIGNATURE

"Nadia Gouveia"

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