

## **Briefing Note:** For Information

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**To:** Tenant Services Committee (“TSC”)

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**From:** Nadia Gouveia, Acting Chief Operating Officer

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**Date:** October 31, 2023

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**Re:** TSC Meeting of July 13, 2023 – Business Arising from the Public Meeting Minutes and Action Items Update (Public Action Item #2 re: Staff Access to TCHC Digital Video Surveillance Systems)

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### **Purpose**

At its July 13, 2023 meeting, the Tenant Services Committee (“TSC”) directed management report back regarding the possibility of providing site staff with access to CCTV viewing access and footage. This briefing note responds to that request.

### **Executive Summary**

Following feedback from, and questions raised by, Board Directors and tenant deputations, Management is proposing to reinstate limited historical access (up to 14 days) of video recordings for Senior Superintendents, Superintendents, and Custodial Maintenance Persons.

This approach takes into consideration the role these staff are required to play in identifying individuals responsible for the improper disposal of refuse and violations of the fire code, such as the abandonment of bulky garbage in common areas or propping open fire doors.

Given the frequency of these types of inquiries at the site level and the constraints of limited bandwidth, it has been deemed impractical to expect Community Safety Unit (“CSU”) staff (who are currently tasked with this work) to prioritize video reviews for these matters.

### **Background of Changes – 2020 to 2022**

In 2020, Toronto Community Housing Corporation (“TCHC”) initiated a review of the corporate Network Video Recording system (“NVR”) due to the decision to upgrade the software from March Enterprise Suite to March Command Client. The review, led by the CSU in collaboration with Information Technology Services, Legal Services, Human Resources and Smart Building and Energy

Management (“SBEM”), aimed to assess potential corporate risks associated with staff access to the NVR system.

The review identified many staff with access to the NVR system records, many of whose roles did not require access to archived footage.

After assessing the risks associated with widespread access and potential privacy breaches, it was decided to limit access to archived video surveillance records to CSU and SBEM staff.

The decision to restrict access to NVR system records was based on the need to:

- enable CSU to act as the primary point of investigation into alleged offences on TCHC property;
- enable CSU to provide support to the Operations staff around acts such as the improper disposal of garbage in hallways, common areas, or garbage areas, which are offences classified as damage to property under the *City of Toronto Act* and/or the *Ontario Fire Prevention and Protection Act*;
- ensure that information accessed and saved aligns with TCHC’s Records Management Policy and provincial legislation; and
- mitigate the risk of site staff inadvertently compromising matters relating to criminal offences, or accessing recordings related to labour relations or management issues.

Additionally, this decision was based on the Ontario Information and Privacy Commissioners (“IPC”) report, “[Guidelines for the Use of Video Surveillance](#)”, which recommended “limiting staff and other individuals’ access to footage on a need-to-know basis.”

Access level changes were implemented between Q4 2021 and Q1 2022, with the adoption of the March Command Client software.

Superintendents maintained specific responsibility concerning the NVR system, ensuring building safety and security equipment was functional and reporting any issues to the Client Care Centre.

## **2020 Consultations and Issues**

Once the privacy concerns and other risks (outlined above) were identified, consultation occurred internally between key stakeholders. Operations management were consulted regarding the potential impact on site staff.

## Accessing Network Video Recordings for Investigative Purposes

- Acts such as the improper disposal of garbage in hallways, common areas, or garbage areas are offences classified as damage to property under the *City of Toronto Act* and/or the *Ontario Fire Prevention and Protection Act*. Such actions could result in law enforcement investigations, resulting in recommendations for tenancy management, cautions, or charges.

In cases involving criminal offences, unauthorized access to review and retain digital video recordings could expose TCHC staff to the risk of criminal charges, as these actions might compromise ongoing legal matters. Additionally, concerns arise regarding site staff potentially accessing recordings related to labour relations or management issues. The release or unauthorized disclosures of such information may compromise these matters.

The CSU is the primary point of investigation into alleged offences. Their responsibility is to ensure that investigations are conducted appropriately and in compliance with legislation. This framework enables CSU to provide support to Operations staff, ensuring that information accessed and saved aligns with TCHC's Records Management Policy and provincial legislation.

## Working Group

In March 2023, following concerns raised by the TSC, CSU management and CUPE Local 416 established a working group with the purpose of identifying tasks of Operations staff that justified limited access to historical or archived video recordings.

Through discussions involving CUPE 416, Operations leadership, and Toronto Senior's Housing Corporation ("TSHC") Management, it became evident that Senior Superintendents, Superintendents, and Building Maintenance Coordinators had a clear and justified need to access archived video recordings. These staff members are required to identify individuals responsible for the improper disposal of refuse and violations of the fire code, such as the abandonment of bulky garbage in common areas or propping open fire doors.

Given the frequency of these types of inquiries at the site level and the constraints of limited bandwidth, it was deemed impractical to expect CSU staff to prioritize video reviews for these matters.

In response to this concern, a study was conducted to explore the feasibility of establishing a 72-hour access window for site staff, undertaken by CSU and SBEM. Unfortunately, due to software limitations identified by SBEM, this approach was not deemed the preferred solution.

However, it was confirmed by SBEM that the new March Command Client software does provide the ability for TCHC management to reinstate limited historical access (up to 14 days) of video recordings for the above noted staff. Importantly, this access does not grant staff the ability to download or export these records, effectively mitigating concerns regarding the unauthorized release or dissemination of video surveillance records.

Furthermore, should any additional risks be identified with respect to staff access to archived video records, TCHC management is confident that these concerns can be managed through the implementation of updated corporate policies and procedures.

### **Next Steps**

CSU management will collaborate closely with SBEM, Operations leadership and Toronto Senior's Housing Corporation to facilitate restricted access for specific staff: Senior Superintendents, Superintendents and Building Maintenance Coordinators. These staff members will be granted the ability to review up to 14 days of archived records for the purpose of identifying individuals responsible for fire code violations, improper garbage disposal and incidents involving persons or animals defecating in a common area. Downloading, saving, or exporting video recordings will not be possible.

CSU will work with internal stakeholders, including Legal Services, to update TCHC's CCTV Policy. The policy updates will not be limited to language that expressly prohibits the unauthorized accessing, reviewing, downloading, and/or exporting of video surveillance images or records in any manner. It will also address video retention practices, setting up to, but not exceeding, 14 days to align with current operating practices and limitations of the existing NVR systems.

The above work is expected to be completed by the end of Q4 2024.

**SIGNATURE**

*"Nadia Gouveia"*

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