



## Guidelines aid in use of surveillance cameras

**Wed June 4 2008**

*On the Cutting Edge / Brian T. D. Bowman*

Does your business use video surveillance cameras? With better and more affordable video surveillance systems on the market these days, a growing number of businesses across Canada have come to embrace the technology.

It is easy to understand why video surveillance has become so popular. It can be an efficient way to detect and deter crime. Retailers, for instance, have long used the technology to identify shoplifters. Banks use the technology in branches and around bank machines. Other businesses, such as day cares, use video surveillance to offer clients visual access to their premises -- and their children -- over the Internet. However, privacy laws regulate businesses' use of video surveillance -- even in publicly accessible areas. In an effort to assist businesses that use video surveillance to comply with privacy legislation, the Privacy Commissioner of Canada and the information and privacy commissioners of British Columbia and Alberta have jointly released guidelines for overt video surveillance in the private sector. The guidelines do not apply to covert surveillance conducted by some employers and private investigators.

The guidelines, which can be read online at [privcom.gc.ca](http://privcom.gc.ca), provide excellent benchmarks when considering, planning and implementing video surveillance technology so that its impact on privacy is minimized.

The first, and most important, guideline asks businesses to consider whether there is a less invasive alternative to video surveillance to meet the desired objective. For example, a business that keeps having inventory stolen by thieves may be able to purchase better locks without having to rely on video surveillance. Doing so may be more effective and would better protect the privacy of law-abiding customers and staff otherwise captured on video.

If a business determines video surveillance is justified, then it should clearly establish the legal reason for relying on the technology and only use the video surveillance for that purpose. For instance, video surveillance initially set up by a retailer solely for crime prevention should not ultimately be used to monitor the movement of customers in a store for marketing purposes.

Businesses should develop a clear policy for video surveillance that, among other things, establishes the rationale for using the technology, the personnel permitted to operate the cameras and whether and at what times recording will occur. According to the privacy

commissioners, the policy should establish guidelines for managing recordings, including security safeguards and retention practices as well as procedures for destroying recordings.

Businesses should post clear and understandable public signage that indicates a business uses video surveillance so that individuals are aware before they enter the premises.

If your business uses video surveillance, you would be well-advised to review the privacy commissioner's full guidelines and to obtain your own legal counsel on whether the manner in which you implement the technology complies with privacy laws. After all, Big Brother is subject to the law in Canada.

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