

**PUBLIC SURVEILLANCE BY CAMERAS
10 YEARS AFTER THE FIRST INQUIRY
OF THE COMMISSION D'ACCÈS À L'INFORMATION:**

AN APPRAISAL

Introductory note

Early in the last decade, more precisely in 1992, a complaint was filed with the Commission d'accès à l'information (CAI) against the use of surveillance cameras in a public area. This complaint enabled the Commission to take an official position on the matter, which today still gives rise to some concern.

Without entering into a debate on the merit of this practice to prevent, detect or repress crime, some claim surveillance cameras unfortunately have not always had the deterrent effect hoped for. This calls for caution and an assessment of security needs against the right to privacy.

Should the proliferation of such devices reassure or concern us?

A brief history

Sherbrooke, 1992

Ten years ago, the Commission examined the legality of camera surveillance in public areas. Surveillance cameras first appeared in Sherbrooke in an area where the crime rate was high. At the end of its inquiry, the CAI concluded the police should not be allowed to continuously record the day-to-day activities of citizens of an area of the city.

Summit of the Americas, 2001

Last year, the CAI again examined the use of surveillance cameras and reiterated the rules applying to the use of surveillance equipment.

The events of September 11, 2002

Since the events of September 11, the problem can't be ignored. Surveillance cameras are now part of our environment and are ubiquitous in businesses, public areas, streets, and many buildings. In certain circumstances, the Commission does not dispute their usefulness.

However, the Commission d'accès à l'information stresses the use of surveillance cameras is an invasion of the privacy of those being watched. The CAI has drawn up a list of criteria that should be taken into account.

Minimum rules applying to the use of surveillance cameras

A study of the risks and dangers as well as a crime survey, in cooperation with insurers or the police if need be, should be carried out before using cameras as surveillance tools.

Alternatives to the use of such cameras, less invasive of privacy, should be examined.

If required, such devices should be used for a limited time on limited occasions (public festivities, particular events, period of the year, hours of the day, etc.).

The public targeted by such surveillance should be informed by any appropriate notice: information and the name, address and telephone number of the owner or user of the equipment should be provided, on a sign for instance.

The equipment selected should only keep the necessary information, for instance: if these devices operate under someone's immediate supervision, this person should only record pictures in case of an offence. On the other hand, in cases where continuous recording is required, the material should be kept only for a limited period.

Surveillance cameras should never be aimed at points like: house windows, showers, bathrooms, dressing rooms, etc.

Persons assigned to the operation of such devices should be well aware of the rules designed to protect privacy. Likewise, where outsiders are hired instead of regular employees.

Precise rules for storing the recordings should govern the management of the information collected. Access, within the organization or the company, should be restricted.

The rights of access and correction should be recognized to any person targeted by the recordings.

An evaluation of the use and effects of this technology should be made regularly.

Conclusion

The Commission expects and requires scrupulous respect of the minimum rules applying to surveillance cameras.

Non-compliance with these rules could entail serious consequences.

In this regard, here is a reminder: under the terms of the *Act respecting documents held by public bodies and the protection of personal information* and the *Act respecting the protection of personal information in the private sector*, the Commission may, at any time, verify whether the law is respected, and inquire. If it is not satisfied, the CAI may make recommendations, issue any order, make non-compliance with such orders public, or even undertake penal proceedings.