




HAMILTON POLICE SERVICE

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Services Board
BOARD MEETING DATE:	December 14, 2023
SUBJECT:	Access to Information – In Car Cameras
REPORT NUMBER:	23-114
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

- Under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, any member of the public may make a request for records held by the Hamilton Police Service (HPS)
- Requests for In Car Camera (ICC) video are handled in the same way as other requests for information under the Freedom of Information (FOI) process

INFORMATION

At HPS, the Freedom of Information function is staffed by the Information Management Supervisor/FOI Coordinator, the FOI Analyst and a part time Administrative Assistant. Redactions of digital evidence, both for court disclosure, and for FOI requests are handled by two Digital Evidence Management System (DEMS) Clerks.

The process for handling FOI requests is prescribed by the legislation (MFIPPA). Any member of the public may submit a request for records, in writing and accompanied by a legislated \$5.00 fee. Once the request is received, the HPS must respond to the requester within 30 calendar days of receipt. A video or an audio recording is considered to be a record under the *Act*, and is subject to the same process as any document otherwise recorded.

HPS staff process each request and provide requesters with records that they are entitled to. If records are fully or partially denied, an explanation is provided, citing the legislated exemption to access. The legislation balances the public's right to access to government records with individual rights to personal privacy. It also provides a government institution

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with exemptions to access in certain limited and specific circumstances. These exemptions to access are explicitly laid out in the legislation.

If an individual were to make a request for video captured by the In Car Camera process, staff would first determine if there would be any violation of someone else's privacy by releasing the video. If, for example, the requester's image was captured on the video, but there were others' images also captured on the video, the images that did not pertain to the requester would be redacted. Another limit to access may be if the video record is pertinent to a matter that is before the courts. The court process must complete before an FOI request for the records may be processed.

The HPS is committed to innovating with new technology while balancing our obligations to protecting personal privacy. Before beginning the pilot phase of the In Car Camera process, a Privacy Impact Assessment (PIA) was conducted. The PIA helped to inform the policy and procedures that officers use in the deployment of the In Car Camera program.

In Canada, the ten privacy principles described by the Canadian Standards Association (CSA) Model Code for the Protection of Personal Information are enshrined in statutes including:

- the federal *Personal Information Protection and Electronic Documents Act, 2000* (PIPEDA) which protects PI in the private sector.
- Ontario's *Personal Health Information Protection Act, 2004* (PHIPA) which establishes rules for the handling of personal health information (PHI) in the health sector (public and private).
- Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) as well as the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) which establish rules for the handling of personal information (PI) in the public sector.

Given the incorporation of the CSA principles in various privacy statutes, it has become a common practice to analyze privacy impacts and risks based on CSA principles. HPS has followed this as a best practice.

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