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Law enforcement agencies urged to consider privacy and personal information protection before adopting body-worn cameras

Federal, provincial and territorial privacy and personal information protection Ombudspersons and Commissioners issue guidance on law enforcement and the use of body-worn cameras

Canada's privacy and personal information protection guardians are urging law enforcement agencies across the country to carefully consider the significant risks to privacy before equipping officers with body-worn cameras.

The federal Privacy Commissioner and privacy and personal information protection Ombudspersons and Commissioners in all provinces and territories have today launched a [guidance document](#) to help law enforcement agencies develop policies and procedures governing the use of body-worn cameras.

The guidance calls on law enforcement agencies to evaluate whether the expected benefits outweigh the impact on privacy and personal information before introducing a body-worn camera program.

The guidance notes that a Privacy Impact Assessment, which can help identify and mitigate the potential risks to privacy and personal information, is a highly recommended best practice before launching a body-worn camera program. As well, law enforcement agencies can consult with data protection experts and undertake a pilot project before deploying the cameras broadly.

Other issues highlighted in the document include:

Public awareness: Law enforcement agencies should inform the public of any new body-worn camera program through local media and other outreach initiatives. As well, during recorded encounters, officers should be required to notify people of recording of images and sound whenever possible.

Safeguards: Recordings should be adequately safeguarded with measures such as encryption, restricted access and strict retention periods.

Policies and procedures: There is a critical need to have in place policies and procedures to address issues such as accountability, employee training and the handling of individual's requests for access to recordings.

Bystanders: Criteria for activating cameras should address the need to minimize, to the extent possible, the recording of innocent bystanders or innocuous interactions with the public.

Secondary uses: If use of recordings is considered for secondary purposes such as officer training, research or employee performance evaluation, these secondary purposes need to be reviewed to ensure the appropriate protection of the privacy and personal information of individuals.

Facial recognition: The use of video analytics technologies such as facial recognition, licence plate recognition, and pattern recognition raises additional concerns regarding privacy and the collection of personal information that require further scrutiny and care.

The Office of the Privacy Commissioner of Canada is responsible for enforcing the RCMP's compliance with the federal *Privacy Act*.

In many provinces and territories, ombudspersons and commissioners enforce provincial and territorial privacy and personal information protection legislation applicable to public bodies involved in law enforcement activities, including, in some jurisdictions, municipal and provincial policing organizations.

Quotes

"There are clearly benefits to the use of body-worn cameras, however, there are also significant privacy implications. Given this, and as more and more policing organizations consider adopting this technology, we are encouraging them to address those privacy issues upfront to ensure they strike the right balance between law enforcement needs and the privacy rights of Canadians." – **Daniel Therrien, Privacy Commissioner of Canada**

"I appreciate opportunities to collaborate with colleagues across Canada to provide guidance on matters that have implications for access and privacy rights. This document will help public bodies and other organizations that are thinking about implementing this technology to identify and address access and privacy issues." – **Jill Clayton, Information and Privacy Commissioner of Alberta**

"A strong privacy framework must be in place for police use of body-worn cameras. Ongoing monitoring and review of how these technologies are being used by police will be critical to maintaining public trust." – **Elizabeth Denham, Information and Privacy Commissioner for British Columbia**

"This guidance document provides a privacy framework that will help law enforcement agencies when planning and implementing body-worn camera initiatives, including agencies in Manitoba subject to *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA). As records captured by body-worn cameras are subject to the collection, use and disclosure provisions of FIPPA and PHIA, privacy and access considerations must be addressed before body-worn camera initiatives are undertaken." – **Mel Holley, Acting Manitoba Ombudsman**

"I recognize that body-worn cameras used for police enforcement will quickly become the norm in Canada as it has been shown that there are many positives for both public safety and police conduct with the use of such devices. For this reason, it is incumbent upon my colleagues and I to offer good guidance to police forces on the best practices when equipped with these recording devices: remain mindful of citizens' privacy while carrying out your duties." – **Anne E. Bertrand, Q.C., Access to Information and Privacy Commissioner of New Brunswick**

“The Newfoundland and Labrador Office of the Information and Privacy Commissioner is happy to be involved in this collaborative process with our colleagues across the country. We are very pleased with this body-worn camera initiative and are prepared to consult and work with local law enforcement agencies if they choose to adopt these technologies.” – **Ed Ring, Information and Privacy Commissioner, Newfoundland and Labrador**

“The Nova Scotia Privacy Officer encourages all law enforcement agencies in Nova Scotia to undertake robust privacy impact analyses before deploying any technology with privacy implications. Resources are available and privacy consultations are welcomed.” – **Catherine Tully, Nova Scotia’s Freedom of Information and Protection of Privacy Review Officer**

“Law enforcement agencies have a responsibility to implement body-worn cameras in a manner that respects privacy and complies with the law. This guidance document will give those agencies a better understanding of the numerous privacy considerations that must be addressed. Our door is always open to police services in the province for consultation.” – **Brian Beamish, Information and Privacy Commissioner of Ontario (Acting)**

“While the Commission d'accès à l'information (CAI) has not received to date any information regarding the current use of this technology by different police forces, these forces may decide to adopt it in the near future. For this reason, the CAI wishes to impress upon all law enforcement authorities contemplating the use of body-worn cameras the importance of first assessing the impact they may have on citizens’ privacy, and urges them to take proper measures to eliminate or mitigate this impact. In particular, such measures must provide means to ensure the confidentiality of any personal information collected in this way.” – **Jean Chartier, President, Commission d'accès à l'information du Québec**

“I encourage all law enforcement agencies in Saskatchewan, before embarking upon a body worn camera program, to do a privacy impact assessment and I like the idea of a pilot first before a full program is implemented.” – **Ronald J. Kruzeniski, Q.C., Saskatchewan Information and Privacy Commissioner**

“Although I am not aware of any current or anticipated uses of body-worn cameras by Yukon public bodies involved in law enforcement, should the situation change this guidance will serve as a useful tool for evaluating risks to privacy.” – **Diane McLeod-McKay, Ombudsman and Information and Privacy Commissioner of the Yukon**

See also: [Guidance for the use of body-worn cameras by law enforcement authorities](#)

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