



GENERAL POLICY MANUAL

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REFERENCE POLICY:	8.04, 8.06, 8.07, 8.09, 8.11, 8.13, 9.10	REVISED:	N/A

Electronic Monitoring

POLICY

Oxford County respects employees' right to privacy. For mutually beneficial reasons related to health and safety, productivity, the security of computer systems and other assets, managing employment relationships and conducting operations, Oxford County will monitor employees electronically.

PURPOSE

The purpose of this policy is to provide:

- a) Guidance on electronic monitoring, including how and why the County monitors employees and how it collects, stores, safeguards, uses and discloses electronic monitoring data.
- b) To ensure relevant legislative compliance and other applicable policies including:
 - i. 8.04 Technology Use Policy
 - ii. 8.06 Electronic File, E-mail and Data Storage and Security Policy
 - iii. 8.07 Remote Access to Network Resources Dialup and VPN
 - iv. 8.09 Access and Privacy Policy
 - v. 8.11 Video Surveillance Policy
 - vi. 8.13 PHIPA Privacy Policy
 - vii. 9.10 GPS AVL Policy
 - viii. Record's Retention By-law No. 4957-2008
 - ix. Any other policy that may become applicable and/or relevant.
- c) Balance between employees' right to privacy, transparency and the need to monitor and safeguard operations and assets.

SCOPE

This policy applies to the following persons regardless of work location, whether on-site or working remotely:

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- a) All employees, volunteers and students.
- b) Members of County Council and Boards and Committees of Council.
- c) Other persons, including independent contractors, consultants, certain vendors and other personnel, who, like employees, use or access premises, devices or computer networks that the County owns, leases, uses or controls (that is, Other Personnel). References to employee obligations in this policy apply with the necessary changes to apply to Other Personnel. This policy may also affect other stakeholders, including clients and service users.

DEFINITIONS

“Authorized Personnel” means any employee, consultant or contractor of Oxford County who has been approved by their respective department Director with respect to specific actions under this policy or other corporate policies.

“Automated Vehicle Location (AVL) & GPS” is a device that makes use of the Global Positioning System (GPS) to enable a business or agency to remotely track the location of its vehicle fleet by using the Internet.

“Covert monitoring” refers to surveillance without the employee’s knowledge or awareness. Covert monitoring may include hidden cameras, for example. Systematic and occasional monitoring may be covert.

“Electronic monitoring” is the surveillance of employees or their activities using computer, digital, optical, magnetic, electrical or similar technologies. Monitoring includes obtaining, collecting, viewing, using or processing of surveillance information.

“Location tracking” uses GPS or satellite, RFID, and similar technologies and other tools to track geographic locations or the movement of people or assets. Location tracking includes geofencing and geolocation.

“Mobile Device(s)” defines any cell phone, tablet, personal digital assistant or any other related mobile device that can access the Internet. For the purpose of this policy, laptop computers are not considered mobile devices.

“Network” means a network (either wired or wireless) capable of accessing Corporate Information.

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“Occasional Monitoring” refers to monitoring that occurs on a periodic or ad hoc basis in response to an operational issue or need. Occasional monitoring is time-limited, short-term, and intermittent or targets only certain employees.

“Personal Information” means recorded information about an identifiable individual within the meaning of the Municipal Freedom of Information and Protection of Privacy Act.

“Server” is a computer (either virtual or physical) which typically performs a dedicated function, centrally located on a network.

“Systematic monitoring” refers to surveillance that occurs on a routine and ongoing basis for all employees or a select group of employees. For example, a CCTV camera may be installed and continuously operated at the entrance to capture every employee who enters. Systematic monitoring may be covert.

PROCEDURES

1.0 Procedure

- 1.1 Oxford County (the County) may conduct electronic monitoring through camera surveillance, audio surveillance, telephone monitoring, computer monitoring and location tracking, using a wide range of media, equipment, tools and technologies, including those not specifically outlined in this policy.
- 1.2 The County may audit and or conduct systematic, covert or occasional electronic monitoring at any time.
- 1.3 The County utilizes tools that are able to systematically, occasionally and covertly monitor employee activity. The majority of the County’s electronic monitoring is done occasionally, through the creation of electronic records by employees in the normal course of fulfilling their employment duties and regular County business.
- 1.4 Information recorded via electronic monitoring activities will be retained in accordance with the County’s Records Retention By-law No. 4957-2008 to be used for employment-related purposes including, but not limited to, purposes such as assessing productivity, in the investigation of alleged violations of law, regulations, or applicable County policies, procedures and expectations, or other instances of misconduct or concerns related to health, safety and security.

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2.0 Scope of Use

- 2.1 The County may share monitoring data externally for the following reasons:
 - 2.1.1 With service providers for maintenance, troubleshooting, auditing or similar purposes;
 - 2.1.2 Under contracts or other legal obligations;
 - 2.1.3 With law enforcement, with or, if necessary or advisable, without a warrant;
 - 2.1.4 With private investigators that the County retains;
 - 2.1.5 Under access, privacy or other statutes and/or County policies;
 - 2.1.6 With lawyers, other legal representatives, persons in the justice system or as part of the disclosure obligations in investigations or legal proceedings, be they arbitration, mediation or civil or criminal court proceedings;
 - 2.1.7 With others, where necessary, to ensure someone's safety, preserve life, avert a medical emergency or other serious or imminent threat;
 - 2.1.8 With others, on consent of the data subjects; or
 - 2.1.9 With others, in contexts not outlined in this policy but in circumstances where no reasonable employer would be expected to restrict disclosure.
- 2.2 Before disclosing data externally or with someone who does not routinely have access to the data, the person making the disclosure will ensure that they:
 - 2.2.1 Update electronic or manual logs;
 - 2.2.2 Consider individuals' privacy interests;
 - 2.2.3 Share information only on a need-to-know basis;
 - 2.2.4 Consider whether to encrypt, redact, edit (for example, crop images), strip audio from a video or use other techniques to safeguard privacy or confidentiality. Sometimes privacy and confidentiality will be best protected by refusing to disclose information;
 - 2.2.5 Have privacy training appropriate to their role and understands confidentiality and privacy obligations; or

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- 2.2.6 Consult with the Legislative Services Coordinator or Director of Corporate Services if there is any doubt about whether or how information should be shared.

3.0 Responsibilities

- 3.1 Responsibilities under this policy are carried out by Corporate Services, Human Resources and Public Works. The responsibilities outlined herein are applicable to designate employees, subject to the discretion of those specifically named herein.
- 3.2 The Director of Corporate Services will:
- a) Maintain the Electronic Monitoring Policy and notify those whom this policy applies to, including the implementation of and subsequent amendments;
 - b) Approve electronic monitoring tools used while ensuring compliance with legislation, privacy and County values;
 - c) Approve disclosure of monitoring data related to disciplinary or other sensitive issues, and provide other approvals required under the policy in consultation with the Director of Human Resources.
- 3.3 The Director of Human Resources will:
- a) Provide a copy of this policy to all newly hired employees of the County;
 - b) Investigate and resolve complaints or disputes involving employees; and,
 - c) Administer the electronic monitoring policy fairly and equitably in disciplinary proceedings, and in the context of other policies including those on disconnecting from work, health and safety, flexible work arrangements, accommodations, use of technology and appropriate conduct.
- 3.4 The Director of Public Works will:
- a) Facilitate smooth operation of the electronic monitoring policy by supporting the broader County in investigating, developing, acquiring, installing and maintaining systems and tools for electronic monitoring.

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3.5 The Manager of Information Technology will:

- a) Facilitate the smooth operation of the electronic monitoring policy by providing automated or other tools, training, advice and technical support. IT will also implement computer monitoring or other forms of monitoring to safeguard information and technology assets;
- b) Support the broader County in investigating, developing, acquiring, implementing and maintaining systems and tools for electronic monitoring, some of which may not have anything to do with IT's own requirements;
- c) Utilize electronic monitoring tools to secure IT assets and systems, wherever they are used or located in the County with the following objectives to ensure:
 - i. End-user computing activities are appropriately supported and controlled;
 - ii. Access to the County's systems and information is reliably controlled; and
 - iii. Information technology security is managed in an efficient and effective manner.

3.6 The Coordinator of Legislative Services will:

- a) Provide guidance with respect to this policy relative to collection, storage, disclosure, use and destruction of electronic monitoring data;
- b) Prepare privacy impact assessments as necessary for new electronic monitoring tools; and
- c) Report to the Director of Corporate Services regarding privacy related issues and or complaints.

3.7 Each employee has an obligation to:

- (a) Understand the scope and application of the electronic monitoring program.
- (b) For instance, employees should know how the County uses and discloses monitoring information. Be aware that the County may carry out any form of electronic monitoring, including camera surveillance, audio surveillance, telephone monitoring, computer monitoring and location tracking, and may:

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- (i) Block access to certain sites;
 - (ii) Monitor internet access and usage;
 - (iii) Monitor emails, even if they are deleted;
 - (iv) Block or quarantine inbound or outgoing emails for security or other purposes;
 - (v) Monitor entrances, reception, foyers, interview rooms, storage rooms, parking lots and other common areas;
 - (vi) Monitor semi-private spaces, including private offices.
 - (vii) Ask for consent for certain types of electronic monitoring, but not others.
- (c) Understand and comply with the policies that electronic monitoring is meant to enforce. Policies include those around acceptable email use (size, types, attachments); acceptable phone use; acceptable Internet use (permitted webpages, avoiding offensive content, appropriate length of time to use the Internet for personal use, etc.).
- (d) Understand that the County will not:
 - (i) Monitor private spaces, including washrooms, bathrooms, toilets, change rooms, fitting rooms, locker rooms, and other areas where there is an expectation of privacy.
 - (ii) Provide prior notice or warnings where covert monitoring is in progress.
 - (iii) Ask for consent; legally, it does not require your consent for electronic monitoring.
- (e) Understand that the County will:
 - (i) Comply with privacy and other laws and best practices with respect to the use, storage, retention, destruction, transfer and disclosure of monitoring data.
 - (ii) Select the least intrusive forms of electronic monitoring where possible.
 - (iii) Automate electronic monitoring as opposed to relying on human review of monitoring data where possible.
 - (iv) Restrict access to sensitive monitoring data to trusted personnel who have been trained in privacy principles.
- (f) Understand that there is no guarantee of privacy when using the County's devices or networks. Employees should assume that all personal information on or transmitted through these networks may be accessible to others in the County and may be disclosed externally.
- (g) Understand that:
 - (i) To the extent possible and reasonable, the County will limit monitoring outside of working hours. For instance, employees who drive GPS-monitored vehicles will typically be allowed to switch these devices off

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during non-work hours. However, the County reserves the right to require employees to keep these devices engaged at all times while the vehicle is in use if it deems this necessary.

- (ii) The County monitors its networks at all times, including outside of work or business hours.
- (iii) The County will monitor its physical sites at all times using closed-circuit television (CCTV) or other tools, and may capture images or data for guests or other third parties.
- (h) Take steps to preserve their privacy and confidential information where necessary, for instance, by
 - (ii) Using personal devices, networks or accounts for personal or private matters. Personal contacts should be asked to use the employee's personal accounts instead of work accounts.
- (i) Raise any issues with or seek clarity from the employee's direct manager or other supervisors, the Legislative Services Coordinator, HR, IT or others when necessary.
- (j) Comply with this and related policies. Non-compliance may be grounds for discipline, including termination.

4.0 Access and Privacy

- 4.1 The County values employee privacy and its use of information obtained from electronic monitoring tools for employment-related or disciplinary purposes. This policy does not create any new privacy rights for employees or a right to not be electronically monitored. Nothing in this policy affects or limits the County's ability to use information obtained through electronic monitoring, subject to applicable law.
- 4.2 Some information collected by electronic monitoring may be considered personal information. When personal information is under the County's control, it is the responsibility of the municipality to protect it. Therefore, all information collected through electronic monitoring will be securely stored and protected.
- 4.3 The County will restrict access to sensitive monitoring data to authorized personnel. Any request for information collected under this policy shall be logged for future review. Logs shall include the requester's name, the nature of the request (with confidential information redacted), all approvals obtained, the type of data obtained, and the method, date and time in which it was delivered to the

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requester. The log will be maintained by the Director of Corporate Services and designates.

- 4.4 The County will comply with privacy and other laws and best practices with respect to the use, storage, retention, destruction, transfer and disclosure of monitoring data.