



November 4, 2008

The Honourable Wally Oppal, Q.C.
Attorney-General of British Columbia
Parliament Buildings
Victoria, BC V8V 1X4

The Honourable John Van Dongen
Minister of Public Safety and Solicitor General
Parliament Buildings
Victoria, BC V8V 1X4

Dear Ministers:

Video Surveillance—Ministry of Attorney General and Ministry of Public Safety & Solicitor General—OIPC File F08-36501

This follows on your announcement last week of provincial government funding to Vancouver, Surrey and Kelowna for possible increased use of CCTV video surveillance.

I am concerned about any move towards more surveillance of the citizens of British Columbia. Many communities undoubtedly face public order challenges and technological solutions such as CCTV can seem appealingly simple and effective. The evidence is clear, however, that, while CCTV can be effective in specialized, surgical applications, it is of doubtful effectiveness, at best, as a general tool to reduce crime. Use of CCTV images to convict individuals in specific cases is valuable, but does not change this fact, as studies from elsewhere show.

In a report released earlier this year about video surveillance proposed for the Toronto subway system, my Ontario colleague thoroughly reviewed international research on video surveillance and crime.¹ One report, by the Home Office in the United Kingdom—where there are 4.2 million surveillance cameras—concluded, on the basis of 22 different studies, that video surveillance reduced crime only to a small degree and was most effective at reducing vehicle crime in parking lots. Video surveillance was found to have little or no effect on crime in public transport and city centre settings. This UK study is consistent with other research cited in the Ontario report.

¹ <http://www.ipc.on.ca/images/Findings/mc07-68-ttc.pdf>.

These findings reflect, among other things, evidence that surveillance cameras merely displace crime. Criminals will, when confronted with cameras, simply move on and commit their crimes elsewhere. It is therefore important for governments to consider, among other factors, the likelihood that CCTV in one area will cause criminals to move elsewhere in the community, perhaps to environments that are harder to police effectively.

From a privacy perspective, a significant concern is that, since CCTV is directed at everyone, citizens will modify their behaviour to act on the basis that they are constantly being watched. A June 2004 study by University of Alberta researchers points to the ineffectiveness of many surveillance efforts, but also provides research support for the widely-shared concern that surveillance of individuals teaches them, not good citizenship, but complacency, unquestioning dependence on authorities to solve problems and excessive deference to authority.²

Surveillance tools of any kind should for these and other reasons—including well-documented concerns around misuse of CCTV images and mistaken identification—be adopted only as a last resort. Accordingly, my office consistently urges governments to, when assessing options, find solutions that have the least possible impact on privacy.³ CCTV should only be implemented to combat serious, documented and intractable problems with serious crime. It should only be used where all reasonable alternatives have been tried and found to fail or would clearly fail.

In those exceptional cases where video surveillance is implemented, it must be governed by rigorously-enforced written rules that comply with FIPPA. The rules should cover topics such as notice to the public of video surveillance operation, security for images, retention of images and periodic auditing of compliance and effectiveness. It is also important for the rules to clearly state how images will be used and who will have access to that information (which should be on a strictly need-to-know basis). The basic elements of such a policy can be adapted from our *Public Surveillance System Privacy Guidelines* (OIPC Policy 00-01).⁴

In addition, it is critical that any public body that is contemplating video surveillance complete a privacy impact assessment (“PIA”) before making any decision to proceed with surveillance. A copy of the completed PIA should be provided to my office before the decision is made to proceed.⁵

Again, I understand the challenges that communities can face with public order and support efforts to address them. However, although there are specific, specialized circumstances where CCTV may be an acceptable and viable option, it is not a cure-all and should be used only as a last resort.

² T. Carson et al., *You are Being Watched! Navigating Citizenship Within the Controlled Spaces of a Public High School* (presented May 28, 2004 at 32nd Annual Conference of the Canadian Society for the Study of Education, University of Manitoba.).

³ In assessing the likely effectiveness of a CCTV scheme in achieving its intended goals, governments should also be aware that CCTV can be costly to install and that it carries ongoing costs to taxpayers of monitoring and maintenance, including personnel costs.

⁴ <http://www.oipc.bc.ca/advice/VID-SURV.pdf>.

⁵ A PIA template can be found at <http://www.msers.gov.bc.ca/privacyaccess/PIA/PIAprocess.htm>.

In view of her oversight role regarding the RCMP, I am sending a copy of this letter to my federal colleague, Jennifer Stoddart, Privacy Commissioner of Canada.

You should be aware that I regard this letter as public and it will be posted on our website today.

Yours sincerely,

ORIGINAL SIGNED BY

David Loukidelis
Information and Privacy Commissioner
for British Columbia

copies: Jennifer Stoddart
Privacy Commissioner of Canada

Allan P. Seckel, Q.C.
Deputy Attorney General

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