



**Deputy Minister's office (E-1)
PO Box 2703, Whitehorse, Yukon Y1A 2C6**

July 8, 2022

Diane McLeod-McKay
Information and Privacy Commissioner
211 Hawkins Street, Suite 201
Whitehorse, Yukon Y1A 1X3

Dear Ms. McLeod-McKay:

**Re: Access to Information and Protection of Privacy Act (ATIPPA)
Investigation/Compliance Audit of the use of Video Surveillance Technology
In Yukon Schools: Your File Nos. ATP-ADJ-2022-022-044 and ATP-CMP-2022-01-020**

This letter is the Department of Education's response to your investigation report and compliance audit, dated June 14, 2022, regarding the use of video surveillance technology (VST) in Yukon schools.

In your Privacy Compliance Audit Report (File ATP-CMP-2022-01-020), you made 24 recommendations. The department accepts recommendations 1 through 21 and 24.

Recommendation 22 is:

prior to deploying VST in any school:

- a) identify all persons, including vendors of VST, ICT personnel and other contractors, who require access to the VST Records to do their jobs or to provide their services, as applicable;
- b) ensure that any access to the VST Records by a vendor is limited to necessary vendor related purposes and specifies, in addition to any other requirements in the ATIPPA that may be applicable, that the personal information is under the control of the Department and requires that the vendor adhere to the Department's privacy and security policies and practices as it relates to this personal information;
- c) ensure that the VST Records are stored on a separate drive that is dedicated solely for the purposes of storing the VST Records and that is access controlled, or if stored on a drive that is accessible by others for work related purposes, that the video surveillance program database is access controlled; and
- d) ensure that any access to the VST Records, regardless of where they are stored, is logged and audited on a periodic and random basis and that any person with access to the VST Records is informed about the logging and auditing procedures, which must be in writing; and

- e) ensure that password or account sharing is not occurring;
- f) incorporate into the VS Policy a requirement that the logs (electronic or paper) are periodically and randomly audited for the purpose of detecting unauthorized access, such as snooping, use or disclosure of the personal information in the VS Records;
- g) create and implement requirements to ensure the personal information in the VST records is secure against unauthorized access, disclosure or loss and that the integrity and availability of the information is maintained until the records are securely destroyed following ATIPPA compliant and standardized rules and procedures around retention;
- h) deploy encryption of the VST records when in transit and at when at rest;
- i) ensure all access to the VST records is logged and that the logs are retained for at least the same amount of time as the VST Records associated with the logs are retained;
- j) ensure that there is auditing of the access to the VST records; and
- k) ensure that persons who access the VST records are provided their own credential for access and that these credentials are not shared with others;

The department will ensure that recommendation 22 is implemented in full for any newly deployed VST systems, and will work as expeditiously as possible to implement the recommendation in all current VST systems.

Subsequently, as per recommendation 23, any new deployment of VST will align with recommendations 1 through 22. Work will commence on bringing the existing VST systems in line with recommendations 1 through 22.

In your Investigation Report (File ATP-ADJ-2022-02-044), you made four recommendations:

1. the Department immediately ceases its collection of personal information by means of using VST in the seven schools.
 - The Department does not accept this recommendation.
2. the Department immediately destroys in a secure manner any personal information that it holds from the use of VST in the seven schools including any logs or other records containing meta data that contain personal information.
 - It is our position that our policy for records collections and destruction follows privacy regulation and policies.
 - Only information related to records extracted from VST is retained and destroyed, as per our policy.
3. the Department confirm that recommendations 1 and 2 herein have been implemented within 20 days of receiving this Investigation Report.
 - Not accepted based on above response.
4. if the Department decides to recommence its use of VST in any of the seven schools, that it submits a PIA to the Office of the IPC for review and comment prior to deploying VST in any of these schools.
 - Not accepted as VST in existing schools will not cease. We will complete PIAs for deployed VST in the existing schools.

In summary, the department will not accept the Investigation Report recommendations as they are presented at this time. Your Compliance Audit report revealed a number of recommendations regarding the use of VST that the department takes very seriously and we will address them all. However, it is our position that turning off the VST systems, while this work is underway, jeopardizes the safety of students, staff and others on school premises.

As noted above, we will complete PIAs for deployed VST in the existing schools as outlined in recommendation 4 and will submit the Office of the IPC for review and comment.

Sincerely,



Nicole Morgan
Deputy Minister of Education