

Section:	Yukon Liquor Corporation	Effective Date:	Oct 1, 2018
Number:	2018-01	Last Revised:	April 21, 2020
Item:	Video Surveillance Policy		

STATEMENT OF POLICY

This policy describes the use of video surveillance cameras at all Yukon Liquor Corporation (YLC) liquor retail stores, and the Whitehorse Distribution Centre (main office and warehouse).

YLC recognizes that video surveillance can help ensure the safety and security of staff, customers, visitors, assets and property. YLC endeavours to ensure a balance of the security benefits derived from the use of video surveillance with the privacy rights of individuals.

AUTHORITY

Liquor Act

- 74 No person authorized by this Act to sell liquor shall sell liquor in any other place, at any other time, in any other quantities or otherwise than as authorized by this Act. S.Y. 2002, c.140, s.74.
- 75(1) Except as authorized by this Act, no person shall by themselves or their partner, servant, clerk, agent, or otherwise, sell or deliver any liquor to any person who buys liquor for the purpose of reselling it.
- 90(1) Except as provided by this section or the regulations, no person under the age of 19 years shall consume, purchase, or attempt to purchase or otherwise obtain or be in possession of liquor.
- 91(1) No person shall be in an intoxicated condition in a liquor store or licensed premises.
- 93 No person shall sell or supply liquor to a person who is or appears to be intoxicated. S.Y. 2002, c.140, s.93.

Access to Information and Protection of Privacy Act

- 29 No personal information may be collected by or for a public body unless:
 - (b) that information is collected for the purposes of law enforcement

(c) that information relates to and is necessary for carrying out a program or activity of the public body. S.Y. 2002, c.1. s.29.

30(2) A public body must tell an individual from whom it collects personal information.

(a) the purpose for collecting it;

(b) the legal authority for collecting it; and

(c) the title, business address, and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.

Cannabis Control and Regulation Act

53(2) The distributor corporation or a licensee may sell cannabis to an individual only if

(d) the distributor corporation or the licensee

(ii) takes adequate measures to reduce the risk of cannabis that they possess for commercial purposes being diverted to an illicit market or activity, including measures required by a regulation,

(iv) if the cannabis is sold at a cannabis retail store, ensures that any regulations respecting the sale of substances and products that must not be sold at a cannabis retail store, or respecting the sale of cannabis accessories, within the meaning of the Cannabis Act, are complied with.

RATIONALE

YLC deems video surveillance necessary for carrying out its legislated activities related to the control, sale and distribution of liquor and cannabis through the operation of retail liquor stores, warehouses and offices. Specifically, video surveillance is necessary because:

1. Safeguarding the well-being of staff, customers and visitors to YLC facilities is important to YLC and continuous monitoring by video surveillance will enhance their safety and security through live monitoring and video recording functionality which will increase the ability to detect and deter incidents with minimal risk to an individual's privacy.
2. YLC has experienced significant and recurrent shoplifting and after-hours break-and-enter thefts in the past. Along with cash held on-site, liquor and cannabis products are attractive assets for theft because they have a relatively high dollar value and are easy to sell. Video surveillance can help deter theft, provide

evidentiary records to aid law enforcement investigations when incidents do occur and support barring of customers by YLC to mitigate risks of future incidents.

3. Intoxicated persons and “barred clients” may be refused service and be required to leave a store when directed by store staff. Sometimes their behaviour can become disruptive when asked to leave. Video surveillance can help deter such behaviour and provide an evidentiary record of incidents for use by law enforcement officers.

DEFINITIONS

- **ATIPP** – Yukon Access To Information and Protection of Privacy Act, and any associated regulations
- **Video surveillance** – includes any form of visual and/or audio capture by camera
- **Covert surveillance** – hidden cameras without notification signage
- **Live monitoring** – real-time viewing of the video surveillance camera’s sight line
- **Storage devices** – devices used to record video surveillance footage
- **Director of Operations** – the incumbent or person acting in that capacity
- **Director, Regulatory Services** – the incumbent or person acting in that capacity
- **Manager** – Retail Store Manager, Warehouse Manager, or Manager Merchandising, Sales & Service
- **YLC** – Yukon Liquor Corporation
- **YLC Privacy Officer** – the incumbent or person acting in that capacity
- **Incident** – an unplanned and disruptive event or occurrence

PROVISIONS

1. Video surveillance data will be collected, used, disclosed, retained and disposed of in accordance with the ATIPP Act, this policy and any associated YLC or Government of Yukon procedures.
2. Video surveillance will be used in YLC facilities for the safety and security of staff, customers, visitors, assets and property, and to support any investigations and/or law enforcement purposes.
3. Video surveillance will record visual images only (no audio) 24 hours a day, 7 days a week and live monitoring will be conducted when resources permit.
4. Covert surveillance will not occur.
5. All areas subject to video surveillance will be identified by way of signage compliant with the ATIPP Act. The Director of Operations will ensure that signage is posted where it can be clearly seen by staff, customers and visitors prior to their entry on/in to YLC properties and/or facilities.
6. Video surveillance will not occur in areas where there is an expectation of privacy, such as washrooms or change rooms. In the event that video surveillance is required in an office for security of a safe, the camera shall be focused specifically on the safe and not on the sitting areas of the office.
7. Surveillance shall, as much as is reasonably possible, be directed to minimize recording of non-customers and passing vehicle traffic.
8. Video surveillance cameras, monitors and subsequent video and/or still photos shall only be accessible to authorized persons for authorized purposes.
9. Standard logs shall be created for use by YLC Managers at each site to maintain a list of cameras located at their facility, and any access, use, retention, disclosure and disposal of stored video records for their site.
10. Video surveillance will not be used to monitor YLC staff performance, however on occasion an incident or allegation may require a review of video to determine

facts in a matter involving staff which may lead to its use for investigative purposes as indicated in the YLC staff notification.

11. Video surveillance records will be securely retained for a period of not more than 60 days, then automatically overwritten, unless the record has been disclosed for an authorized purpose, in which case retention shall be for a period of one year, unless authorized for a longer term by the Director of Operations.
12. This policy shall be reviewed every two years, or sooner if required and when policy revisions are made.

3RD PARTY REQUESTS FOR VIDEO SURVEILLANCE RECORDS

1. All requests for video surveillance records, except for law enforcement requests, will be managed in accordance to existing ATIPP procedures for YLC records.
2. Each YLC facility where video surveillance is in use shall maintain a log of video records disclosed, along with a copy of the released records. These records will be retained for one year, then disposed of in accordance with Government of Yukon processes, unless subject to an ongoing investigation or barring order.
3. A record of the reason for any review of video surveillance records as well as the persons conducting the review will be kept on file by the Director, Regulatory Services.
4. When video recordings are viewed for investigative purposes, viewing must occur in an area that is not accessible to other staff, customers and/or visitors while viewing.
5. In the event of an emergency, subject to technical viability, the Director of Operations or alternate may authorize temporary access to live monitoring of video surveillance at a YLC site for the purposes of responding to the emergency (i.e. robbery of warehouse or store, fire, etc.). The Director of Operations or alternate must document the following details prior to authorizing temporary access:
 - a. The emergency is deemed an event where time sensitivity is critical;
 - b. A request is received from an incident commander or other appropriate emergency personnel with authority in the jurisdiction prior to access being granted and includes the:

- Incident file number;
- Incident commander's name and contact details;
- Requestor's name and contact details (if different from the incident commander);
- Location of the site to which live monitoring access is required; and
- Any other relevant information to aid in approving the request.

BREACH OF PRIVACY

1. Anyone who suspects or becomes aware of a potential privacy breach such as an unauthorized access, use, retention or disclosure of a video record, shall immediately advise their manager who will manage the incident in accordance with the Government of Yukon's Privacy Breach Reporting Protocol.

DIRECTOR OF OPERATIONS RESPONSIBILITIES

1. The Director of Operations is responsible for the application of this policy.
2. The Director of Operations will be responsible for communicating this policy to YLC staff and answering any questions from staff, customers and visitors.
3. The Director of Operations is responsible for ensuring that any contracted service providers (and their staff) who will have access to video surveillance records are aware of, and agree to abide by YLC policies, procedures and confidentiality requirements related to video surveillance and breach reporting.
4. The Director of Operations shall ensure that YLC properties and facilities that utilize video surveillance display standard notification signage accessible for viewing by individuals prior to entering the property or facility.

MANAGER RESPONSIBILITIES

1. Managers will ensure that in the event of an incident, the records from video surveillance will be copied and secured as soon as is possible and no later than two business days after becoming aware of the incident.

2. Managers will ensure all staff who have access to video surveillance records, whether live monitoring or stored records, complete required privacy and security training specific to video surveillance policies and procedures.
3. Managers are expected to cooperate in any privacy and security breach or investigation at their site as requested by the Director of Operations and/or the Privacy Officer.

EMPLOYEE RESPONSIBILITIES

1. All staff will immediately report any incidents that they become aware of to their respective manager and/or YLC Privacy Officer by completing the Privacy Breach Reporting Form.
2. All staff are expected to cooperate in any privacy and security breach or investigation at their site as requested by the Manager, Director of Operations and/or the Privacy Officer.

PRIVACY OFFICER RESPONSIBILITIES

1. The YLC Privacy Officer or designate will conduct regular audits of access to video recordings and as required to ensure adherence to this policy.
2. In the event of a privacy breach, the YLC Privacy Officer will determine, in consultation with YLC management, if the breach is substantive and should be reported to the Information and Privacy Commissioner.
3. In the case of a breach requiring a report to the Information and Privacy Commissioner, the YLC Privacy Officer shall be responsible for its completion and submission.

RELATED FORMS & POLICIES

Request for Access to Records [online form](#)
Privacy Breach Reporting Protocol [online form](#)

REFERENCES

ATIPP Act http://www.gov.yk.ca/legislation/acts/atipp_c.pdf

Liquor Act <http://www.gov.yk.ca/legislation/acts/liquor.pdf>

Cannabis Control and Regulation Act

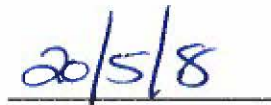
http://www.gov.yk.ca/legislation/acts/cacore_c.pdf

REVIEWED BY

Director of Policy and Communications	April 2020
Director of Sales and Purchasing (alternate for Director of Operations)	April 2020
Director of Corporate Services (YLC Privacy Officer)	April 2020
A/Director of Regulatory Services	April 2020

Approved by:

Date:



Paul McConnell
YLC President