



VIA ELECTRONIC MAIL

July 27, 2020

Mr. Jim Hart
Chair
Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Mr. Hart:

RE: Toronto Police Service Body-Worn Camera Program

As the newly appointed Information and Privacy Commissioner of Ontario, I am writing to reiterate my office's standing offer to provide assistance and guidance to the Toronto Police Services Board (the "Board") on programs that may impact Ontarians' privacy and access to information rights. I recognize that the Toronto Police Service (TPS) and the Board have consulted my office on many important programs and initiatives in the past, including, for example, with respect to policies and procedures related to street checks and race-based data collection. I remain committed to continuing this collaborative relationship with the TPS and the Board.

One initiative of note relates to the police use of Body-Worn Cameras (BWCs). You may be aware that my office was consulted on the TPS BWC Pilot Program that ran from 2015-2016. The guidance we provided the TPS at the time was based on the principles outlined in *Guidance for the Use of Body-Worn Cameras by Law Enforcement Authorities*, a document developed in collaboration with other Canadian privacy authorities in 2015.

Based on the results of its Pilot, the TPS is currently consulting with my office on the rollout of its BWC Program. We anticipate receiving additional information about the program from TPS staff shortly.

As you know, BWC systems raise serious privacy, access, transparency, and accountability issues that must be addressed. They are capable of capturing very large amounts of personal information about individuals, including family members, young children, and law-abiding individuals simply going about their everyday activities. In addition, BWCs often capture personal information about individuals in highly sensitive and vulnerable circumstances. Proper governance, controls, and oversight must be in place to ensure such systems are deployed in a privacy-protective manner. This includes ensuring, among other things, that video captured by such systems is used strictly for legitimate and authorized purposes, retained only as long as needed, and securely destroyed thereafter.

../2



While protecting the privacy of individuals captured by BWCs continues to be of vital importance, the countervailing need for access to information, accountability, and transparency of law enforcement has become ever more compelling. Recent events and emerging trends in Canadian and international policing have caused the public to recalibrate the weight ascribed to these other critical values in the context of policing today. Indeed, we understand that questions about the TPS use of BWC systems and their capacity to enhance police accountability were raised by members of the public during the Board's recent virtual Town Halls.

As the Board considers these important and timely issues of substantial public interest, I would welcome a meeting with you to discuss matters of common interest, including the governance of BWC systems. Rest assured, this office is available to provide any feedback or expertise to support the Board as appropriate. Despite the considerable challenges, our view remains that with the necessary governance framework in place, BWC systems can be implemented in a manner that achieves the appropriate balance between respect for privacy rights and the need for access, accountability, and transparency.

Please note, in the spirit of transparency, we will be posting this letter on our website.

Sincerely,

A handwritten signature in black ink, appearing to read "Kosseim", with a horizontal line underneath the name.

Patricia Kosseim
Commissioner

cc: Ryan Teschner, Executive Director, TPSB