



**For Immediate Release  
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**Medical clinic's use of video and audio surveillance unauthorized and excessive**

**VICTORIA**—Acting Information and Privacy Commissioner Drew McArthur recommends that a clinic in the Lower Mainland immediately cease its collection of audio and video surveillance following the release of today's audit report: *Over-collected and Overexposed: Surveillance and Privacy Compliance in a Medical Clinic*.

"This report highlights the significant gap between private sector business practices and legislative requirements. In many cases, when a private business decides to implement video surveillance, it is not authorized under the *Personal Information Protection Act* ("PIPA").

"Surveillance technology is readily available and inexpensive, but that doesn't mean you're allowed to use it however you like. It does not replace adequate business controls and supervision. PIPA establishes what's reasonable and how personal information can be collected, used, and disclosed," said McArthur.

The audit was initiated in June 2016 following a complaint to our office. Auditors examined the organization's privacy management program and its use of video and audio surveillance in its lobby, hallways, back exits, and fitness room. The key finding is that the clinic is not authorized to collect personal information through its video and audio surveillance system.

"Under PIPA, organizations in B.C. have a responsibility to collect only what is reasonable and to protect the personal information it collects," said McArthur.

The Commissioner made 12 recommendations in the report, including:

- The clinic should immediately cease the collection of personal information via video and audio recording equipment.
- The clinic should develop and provide regular privacy training and education to all staff, with initial training to occur within three months of receiving this report.
- The clinic should shred paper records containing patient or employee personal information when disposing of the records; and

- The clinic should store paper records securely in locking cabinets or behind locked doors and lock cabinets and doors when access to records is not necessary.

“My office is publishing this audit – the first one conducted on a private business – because my mandate includes public education. Private businesses need to better understand their obligations.

“This audit report should encourage all businesses in B.C. to reflect on their own practices and amend them if necessary. If you are a business owner or operator, you need to adopt a privacy management program when considering the potential use of video surveillance.

“You should only use video surveillance as a last resort after exploring other less privacy-invasive options,” said McArthur.

Audit & Compliance Report P16-01 *Over-collected and Overexposed: Surveillance and Privacy Compliance in a Medical Clinic* is available for download at <https://www.oipc.bc.ca/report/audit-compliance/>

The OIPC has also published a guidance document for organizations, *Guide to Using Overt Video Surveillance*, available for download at <https://www.oipc.bc.ca/guidance-documents/2006>

Media Contact:

Erin Beattie

Office of the Information and Privacy Commissioner for B.C.

250 217-5010 | [ebeattie@oipc.bc.ca](mailto:ebeattie@oipc.bc.ca)

Twitter: @BCInfoPrivacy

## **BACKGROUND**

### **Why didn't the OIPC name the medical clinic?**

Given the competitive nature of the industry, and the fact that we were not able to audit other, similar businesses, we did not feel it was fair to name the clinic. We wanted to give the owner of the clinic an opportunity to implement our recommendations and make his business compliant with B.C.'s privacy laws. However, if the clinic does not address these recommendations within three months, we may exercise our right to reveal the clinic's identity.

### **What should business owners know before they install surveillance equipment?**

Business owners should know that the OIPC and the Privacy Commissioner of Canada view video surveillance as highly invasive. In B.C., there are laws in place that protect

the privacy of citizens against unauthorized surveillance and collection of personal information. Private sector privacy laws require that organizations collect as little information as reasonable for their businesses purposes.

Service providers that install video surveillance are in a unique position to help their clients comply with the applicable legislation and we encourage them to contact our office with any questions.

**What should the public do if they believe that they are under surveillance that is not authorized?**

First, they should contact the owner of the organization and ask why they are collecting personal information. If they are not satisfied with the response, they can make a complaint to our office. We will then look into the matter, and if necessary, launch an investigation.