



Order P20-04

TECK COAL LIMITED

Erika Syrotuck
Adjudicator

May 19, 2020

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Summary: Three individuals complained to the OIPC that Teck is collecting and using employee personal information from certain video cameras in violation of the *Personal Information Protection Act* (PIPA). The adjudicator found that Teck is authorized to collect and use some but not all of the employee personal information in dispute. The adjudicator also found that Teck's signage is not in compliance with PIPA.

Statutes Considered: *Personal Information Protection Act*, ss. 1, 12(1)(c), 13(1), 13(2), 13(3), 15(1)(c), 16(1), 16(2), and 16(3).

INTRODUCTION

[1] Three individuals¹ complained to the Office of the Information and Privacy Commissioner (OIPC) that Teck Coal Limited (Teck)'s use of video cameras violated the privacy of members of the United Steelworkers Local 7884 (Union). The complainants say that Teck is violating the collection and use provisions of the *Personal Information Protection Act* (PIPA).

[2] Mediation by the OIPC narrowed the complaint to video cameras in two areas of the mine site and the matter proceeded to inquiry.

ISSUE

[3] The parties do not dispute that what is taking place in this case is a collection of information by the cameras and a use of that information by Teck.

¹ Initially, the complainant was the Union but was changed to three complainants before the inquiry.

The issue to be decided in this inquiry is whether Teck is complying with ss. 13 and 16 of PIPA.²

DISCUSSION

Background to video surveillance at Teck-Fording River Operations

[4] Teck operates a coal mine. This particular mine is its Fording River Operations. The premises include an operational mine site and an office area.

[5] Teck uses video cameras throughout the mine site and in its office area. Teck says that the general purpose of the video cameras in the operational areas is to monitor and oversee production and to detect operational issues as they occur. It says that in the non-operational areas, the primary purpose is safety and security.

[6] In addition, Teck says that video surveillance is critical to its ability to meet its obligations under the *Mines Act* to ensure safety and security of the mine site. It did not provide further details on what the obligations are or how video surveillance helps to meet them.

[7] Teck's submissions indicate that the cameras record continuously. Teck says that it stores the recorded footage on a server for up to 30 days, at which point the footage is erased. Teck says that the only way to keep the information for longer than 30 days is to make a copy of it by downloading it. Only employees in certain roles are able to download the footage.

[8] In addition, Teck supervisors can also view what the cameras are recording in real time.

[9] Teck says that, in 2016, it reviewed and limited who had access to the mine site cameras. It says that only the Mine Manager can approve access. It also provided a list of who has access to each camera. Access is either "full admin", "camera control" or "view only."³

[10] Nine video cameras across two different locations at the Teck mine site are at issue in this inquiry. I will now turn to these cameras and their locations at issue.

² I note that none of the parties have suggested that this is a matter that should be dealt with through a grievance under the Collective Agreement between Teck and the Union, rather than through this inquiry proceeding.

³ See affidavit of Superintendent of Human Resources with Teck Coal Limited – Fording River Operations, Exhibit A.

Parties' positions on the cameras at issue*Tool Crib Cameras*

[11] Four of the cameras in dispute are trained on tool cribs and the areas surrounding them. Teck's submissions indicate that it uses the tool crib cameras in several ways.

[12] Teck says that one of the purposes of these cameras is to deter employee theft of expensive and/or specialized tools and to investigate theft if it does occur. Teck says that there have been occasional thefts of tools by employees. It says that the recordings from these cameras would only be reviewed and/or downloaded if tools are missing and it needed to investigate.

[13] The other purpose of the tool crib cameras is to monitor operations. Teck says that it views the cameras in real time to check on the status of certain equipment or a particular piece of work and to ensure that work is being performed safely. However, Teck says that these cameras are not monitored on a daily or ongoing basis to monitor production. In addition, Teck says that it occasionally views what the tool crib cameras record in real time in the case of a safety or production event. Further, Teck says that images of a safety or production incident might be downloaded for the purpose of an incident investigation but that has occurred "very infrequently, if ever."⁴

[14] Teck says that when it uses the information on these cameras for the purpose of an incident investigation or to investigate theft, the information would only be shared with management, human resources and the safety department on a "need to know basis". If there were disciplinary consequences for an employee, Teck says the information from the cameras would be shared with the Union.

[15] The complainants say that they are unaware of any theft issues involving the tool cribs or anywhere else in the work place. However, the complainants say that if the cameras were focused solely on the tool cribs, they would not take issue with their placement. In the complainants' view, Teck's submissions confirm that the tool crib cameras are not trained solely on the tool crib, but also capture the immediately surrounding areas. In addition, they say that Teck's evidence shows that those with "full admin" access can move the direction of the cameras.

[16] The complainants say that Teck has not explained what the purpose of being able to move the cameras would be other than to increase the size of the area under surveillance. The complainants are concerned that the true purpose of the cameras is to observe employees, without their consent for purposes

⁴ See Teck's initial submissions at page 5.

unrelated to the security of tools. With regards to safety, the complainants say that the site is no different than any industrial site. They say that the video surveillance is not demonstrably necessary to meet an identified need.

[17] The complainants allege that Teck is using the cameras to monitor employee productivity. They say that in 2016, Teck attempted to discipline two employees who were seen “standing around” in surveillance footage. They say that monitoring the conduct and work performance of employees is an affront to their dignity.

[18] In response, Teck says that worker surveillance is not a purpose of the video cameras. However, Teck acknowledged that there have been occasions, including the 2016 incident, when management used the cameras to take a live view of a work area and observed employee misconduct in the workplace. Teck says this is no different than if the manager had observed this directly or through a report from someone else. It says, once it has information about possible employee misconduct that it is obligated to investigate further and to take action.

Office Cameras

[19] The other five cameras in dispute are in the office areas. Three of these cameras are in hallways outside of the maintenance and administration offices. Teck says that the remaining two cameras are in the boardrooms, have been disabled and are in the process of being removed.

[20] Teck says that the purpose of these cameras is to deter and investigate possible theft or security breaches by employees or visitors to the site. It says that the cameras were installed following instances of employee or visitor theft in these areas, but did not elaborate.

[21] Teck says that the office areas are generally empty or close to empty for several hours each night and for lengthy periods during the day. Teck says that it would only access these recordings if there was a theft or a security breach.

[22] The complainants say that they are not aware of any security breaches, safety incidents, or issues involving theft in these office areas. The complainants provided evidence that footage from a hallway camera was used to discipline an employee who took a candy bar from a candy machine.⁵

[23] The complainants suggest that the cameras are unnecessary for security because Teck has set up key scan protection in many areas of the mine, including in the office areas. The complainants explain that key scan security requires individualized identity cards to be scanned in order to access certain buildings or offices.

⁵ Affidavit of the Chief Steward of the Union, at para. 7.

[24] I turn now to whether the information is personal information and employee personal information.

Personal Information and Employee Personal Information

[25] For the reasons that follow, I find that some of the video cameras collect not only personal information but also employee personal information.

[26] Section 1 of PIPA defines personal information as:

"personal information" means information about an identifiable individual and includes employee personal information but does not include

- (a) contact information, or
- (b) work product information;

[27] In addition, PIPA defines contact information and work product information as:

"contact information" means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;

"work product information" means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information.

[28] I accept Teck's evidence that the two cameras in the boardrooms are disabled. Therefore, these cameras do not collect personal information and I will not consider them further.

[29] However, there is no question that the remaining cameras at issue in this inquiry collect personal information because they capture and record images of individuals. I am satisfied that this information is about identifiable individuals.

[30] The recordings are clearly not contact information. In addition, the recordings are not work product information because all of the personal information is about an individual who did not prepare or collect the personal information.

[31] I find that the information in dispute is personal information. Some of that personal information is about non-employees (i.e., unauthorized individuals or

visitors to the site). Much of the information, however, is about Teck employees and it qualifies as employee personal information.

[32] PIPA defines employee personal information as:

"employee personal information" means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment;

[33] I am satisfied, based on the evidence before me, that Teck is collecting and using personal information solely for the purposes of preventing and investigating employee theft and for monitoring operations. These are purposes reasonably required for Teck to manage its employees and therefore the personal information in question is employee personal information.

[34] In conclusion, Teck is collecting employee personal information from all seven cameras in dispute. However, this is not the end of the matter; Teck can only collect and use employee personal information in a manner authorized under the provisions of ss. 13 and 16 of PIPA.

Sections 13 and 16

[35] Section 13 of PIPA sets out when an organization may collect employee personal information:

13 (1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.

(2) An organization may not collect employee personal information without the consent of the individual unless

(a) section 12 allows the collection of the employee personal information without consent, or

(b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be collecting employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.

[36] Section 16 sets out when an organization may use employee personal information:

16 (1) Subject to subsection (2), an organization may use employee personal information without the consent of the individual.

(2) An organization may not use employee personal information without the consent of the individual unless

(a) section 15 allows the use of the employee personal information without consent, or

(b) the use is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be using employee personal information about the individual and the purposes for the use before the organization uses the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 15 allows it to be used without the consent of the individual.

[37] Teck has argued that ss. 13(2)(a) and (b) and 16(2)(a) and (b) apply. I will start by addressing ss. 13(2)(b) and 16(2)(b).

Sections 13(2)(b) and 16(2)(b)

[38] Sections 13(2)(b) and 16(2)(b) allow an organization to collect and use employee personal information without consent if the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship.

[39] While the definition of employee personal information involves a finding that the collection, use or disclosure of personal information is for the purposes reasonably required to establish, manage or terminate an employment relationship, ss. 13 and 16 refer to what is “reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual”. This requires a further determination of whether the collection, use or disclosure of employee personal information itself, not the purpose for it, is “reasonable”.⁶ In other words, just because I have found that Teck is collecting and using employee personal information does not mean that the nature or amount of the information or the manner of the collection or use is reasonable within the meaning of ss. 13, or 16.

⁶ Order P12-01, 2012 BCIPC 25 at para. 141. See also Order P13-02, 2013 BCIPC 24 at para. 43.

[40] In deciding whether the nature, amount or manner of collection or use is reasonable, past orders have considered the following non-exhaustive factors when applying ss. 13(2)(b) and 16(2)(b):⁷

1. sensitivity of the employee personal information (*i.e.*, health history or a medical condition is sensitive information, but an employee's name or home address is not);
2. amount of personal information (*i.e.*, Is the employer collecting, using or disclosing more information than is necessary to achieve its purpose(s)?);
3. likelihood of effectiveness (*i.e.*, Is there a reasonable likelihood that the collection, use or disclosure of personal information will fulfil the employer's objectives?);
4. manner of collection and use of the personal information (*i.e.*, Was the employee aware that the information was being collected, or was it covertly collected? In what circumstances and how often does the employer access the information?);
5. less privacy-intrusive alternatives (*i.e.*, Has the employer given reasonable consideration to other methods for achieving its objectives? This factor does not necessarily require the employer to implement the least privacy-intrusive alternative, but the employer must consider the balance between its interest and the right of individuals to protect their personal information); and
6. other relevant factors given the circumstances.

[41] Using these factors, I will now consider whether it is reasonable for Teck to collect and use employee personal information from the tool crib and office cameras for the purposes of establishing, managing or terminating its employment relationships between it and its employees.

Tool Crib Cameras

[42] As I discussed above, one of the purposes for which Teck collects and uses information from the tool crib cameras is for investigating and deterring theft of expensive and/or specialized tools. The complainants say that if the cameras were focused solely on the tool cribs, they would not take an issue with their placement. Therefore, I have decided that the reasonableness of Teck's collection and use of the tool crib cameras when the cameras are trained only on the tool crib (and not the surrounding areas) for the purpose of deterring and investigating theft is not in dispute.⁸

⁷ See, for example, Order P13-02, 2013 BCIPC 24 at para. 48.

⁸ Therefore, no order is necessary in this regard.

[43] However, based on the parties' submissions, I am satisfied that the tool crib cameras collect employee personal information in an active work area beyond the tool crib itself. The remaining issue in dispute is whether ss. 13(2) and 16(2) of PIPA authorizes Teck's wider collection and use of this employee personal information for the purpose of monitoring operations. Using the above factors, I will determine whether Teck's collection and use of its employees' personal information is reasonable for this purpose.

Discussion of factors – tool crib cameras

[44] Continuous video recording of employees in the workplace may be allowed where it is reasonable for establishing, managing or terminating an employment relationship. This determination must be based on a careful examination of how and on what basis Teck is attempting to justify the use of the cameras in question in this case.

[45] Teck uses the employee personal information in three ways. First, Teck managers and supervisors watch the camera feed live, for example, to check on the status of production and to ensure that work is being performed safely. Second, on occasion, Teck downloads the footage to review a safety or production incident. Third, Teck sometimes shares this recorded footage with human resources or management, for example, if an employee is facing disciplinary consequences.

[46] Teck says that the cameras are not monitored on a daily or ongoing basis to ensure work is being performed safely. Teck says that it might download footage relevant to a safety or production incident investigation, but this has occurred "very infrequently, if ever."⁹ It did not explain its usage beyond this.

[47] With regards to the manner of collection, the complainants argue that the collection is covert because there is insufficient signage.

[48] The organization says that it has informed the Union of the purpose of the collection, use and disclosure of employee personal information through the use of video cameras. Teck also says that the Union has been provided with a full list of cameras, their location and who can access them. As I mentioned above, the organization provided a list of cameras and who can access them for the purposes of this inquiry.

[49] I am satisfied that the cameras are not hidden and that the Union has been informed about the placement of the cameras. I do not think that Teck is collecting the information covertly.

⁹ See Teck's initial submissions, page 5.

[50] Another factor is sensitivity. Video footage captures a person's image. This can allow the viewer to ascertain personal information such as age, race, gender, height, and weight along with other personal information such as mannerisms and gait. Teck has not told me whether or not the cameras concurrently record audio.

[51] Based on the parties' submissions, I conclude that Teck is using the video cameras to record employees in an open, active work area, where employees' behaviour is already observable by other employees or supervisors. In this case, the circumstances of the collection are not inherently sensitive.

[52] In terms of effectiveness, Teck says that the footage may be used for an incident investigation involving injury, damage, a near miss or an interruption in production (i.e. an equipment malfunction or breakdown). With regards to safety, the complainants say that video surveillance is not demonstrably necessary to meet an identified need, and that the site is no different than any industrial site.

[53] As I noted above, the deployment of cameras for real time viewing or after the fact use of video footage may be permissible based on the circumstances of the collection and use.

[54] However, Teck did not provide me with details of specific incidents where it has used footage from the tool crib cameras for the purpose of detecting or responding to safety or production issues. The only specific evidence I have before me is that, in 2016, Teck used footage from the tool crib cameras to discipline employees for standing around. Teck's evidence indicates that the "standing around" was discovered when a manager used the camera to take a live view of a work area. Teck does not explain what prompted a manager to look through the camera at this particular time; there is no evidence that it was due to a safety or production issue.

[55] In addition, Teck's evidence that it has infrequently, if ever, used the video footage from the tool crib cameras for the purpose of reviewing an incident leads me to conclude that the cameras are not especially useful for an incident investigation, despite the fact that the cameras run continuously.

[56] Another factor is the availability of alternatives to video surveillance. With regards to monitoring production, the organization says that the work area is very large and that it would be highly problematic from an efficiency perspective if the organization did not have the ability to take a live view through the cameras. I understand Teck to be saying that it has considered in person monitoring and finds it to be impractical. In my view, this factor does not favour either party. In particular, I note that neither Teck nor the complainants described any other methods for detecting or responding to a safety or production incident.

[57] In addition to the above factors, the complainants say that monitoring the conduct and work performance of employees is an affront to their dignity.

[58] The placement of the cameras is important when thinking about how surveillance impacts an employee's dignity. In *Puretex*,¹⁰ the Arbitrator said that cameras in the production area were objectionable because the employees experience a sense of constant surveillance since they cannot keep track of the camera's movements and cannot know minute from minute whether or not they are in the camera's eye. It is reasonable to conclude in the circumstances before me that Teck's employees experience such a sense of constant surveillance because the tool crib cameras run continuously and may be moved and/or used at the organization's prerogative. I conclude that the way that Teck is constantly recording its employees through the tool crib cameras does cause offense to its employees' dignity.

Summary and finding – tool crib cameras

[59] As I noted above, it may be permissible for an organization to collect and use personal information through video cameras for real time viewing or for after the fact review depending on the particular circumstances at play. Weighing all the factors above, I am not satisfied that it is reasonable for Teck to collect and use its employee's personal information from the tool crib cameras for the purpose of establishing, managing, or terminating the employee relationship.¹¹

[60] In the absence of specific information about the effectiveness of wider use of the tool crib cameras for operational purposes, I do not find that the collection and use of employee personal information is justified in light of the intrusion on the employees' privacy. While it seems to me that Teck uses very little of the information it collects, the tool crib cameras run continuously and may be moved at any time without the employees knowing. This means that the employees are under a sense of constant surveillance.

[61] In summary, based on the evidence before me, I find that Teck has not established that the collection and use of employee personal information from the wider focus of the tool crib cameras for the purpose of monitoring operations is reasonable for establishing, managing or terminating employment relationships between Teck and its employees. Therefore, Teck is not collecting or using this employee personal information in accordance with s. 13(2)(b) and s. 16(2)(b) of PIPA.

¹⁰ See *Eastmond v Canadian Pacific Railway*, 2004 FC 852, at para. 142 citing *Re Puretex Knitting Co. Ltd. and Canadian Textile and Chemical Union* (1979), 23 L.A.C. (2d) 14.

¹¹ Except for the collection and use of employee personal information through video cameras trained solely on the tool crib for the purpose of deterring and investigating theft, as explained above.

[62] I turn now to the office cameras.

Office Cameras

[63] The three cameras at issue are in the hallways outside of the maintenance office areas. I understand them to be running continuously. Like the tool crib cameras, there is nothing in the evidence that indicates that the employee personal information Teck is collecting and using from these cameras is inherently sensitive.

[64] Like the tool crib cameras, Teck is collecting employee personal information continuously but says that the information on these cameras is not regularly monitored. It says that it only downloads images in the case of a theft or a security breach for the purposes of investigating such an incident.

[65] With regards to the availability of alternatives for monitoring movement around the site, the complainants say that the organization has set up key scan protection in many areas of the mine, including the offices where there are video cameras. The complainants explain that in order to access important buildings or offices, a person must scan an individualized identity card. The complainants say that the organization has not provided any evidence that it has considered less privacy invasive methods or about whether initiatives already in place are adequate.

[66] Teck does not agree with the complainant's submissions that key card access records are sufficient. Teck says that one of the reasons it uses video cameras is because the offices are empty or close to empty for several hours each night and that there could be lengthy periods during the day that the hallways are not occupied. Teck says that the cameras are there to ensure that if these areas are improperly accessed, there would be a potential record of this. It says there is no other way to have such a record.

[67] I understand that key scan security is effective only for those who have a key card: it cannot detect those who access an area without a key card.¹² However, Teck has not said whether there have actually been incidents where video surveillance was necessary to investigate unauthorized access, especially given that there are at least some times of the day when employees are present.

[68] Teck also says the office cameras may be used in the case of theft. Teck says that the cameras were installed following instances of theft, but did not provide examples of specific incidents of theft that required footage from the office cameras in order to investigate. The complainants furnished the only evidence of a specific incident where Teck used footage from an office camera, which was when an employee took a candy bar from a candy machine.

¹² For example, those who enter by way of force.

[69] Like the tool crib cameras, there is no evidence that the collection is covert, rather I am satisfied that the cameras are visible.

Summary and finding – office cameras

[70] Teck has satisfied me that it is reasonable for Teck to operate the office cameras when there is no employee present to monitor the office areas. For instance, it would be reasonable for Teck to turn on the cameras when employees leave for the night, and turn them off the next morning when employees start work.

[71] However, I am not satisfied that it is reasonable to collect employee personal information from the video cameras in the hallways during working hours for the purposes of theft and security. In my view, Teck's failure to demonstrate the effectiveness, combined with the intrusion on its employees' privacy lead me to conclude the collection of its employee's personal information is not reasonable for the purpose of managing the employment relationship.

[72] The only evidence of actual theft is from the complainants, who say that Teck used footage from the hallway cameras to discipline an employee for stealing a candy bar. In my view, a lone theft of a candy bar is not sufficient to justify continuous surveillance. Similarly, Teck has not provided evidence of actual unauthorized entry. In addition, it appears to me that employees are present at many points throughout the day to monitor for the presence of unauthorized persons.

[73] In my view, given the intrusion on its employees' privacy, Teck's collection and use of employee personal information via the office cameras during work hours is not reasonable for the purposes of establishing, managing or terminating an employment relationship between the Teck and its employees.

[74] I will now turn to whether ss. 13(2)(a) and 16(2)(a) authorize Teck to collect and use its employees' personal information without consent.

Sections 13(2)(a) and s. 16(2)(a)

[75] Teck also says that s.13(2)(a) and 16(2)(a) apply to the collection and use of the employee personal information.¹³

[76] 13(2)(a) allows organizations to collect employee personal information without consent if s. 12(1) authorizes the collection. Teck says that it is authorized by 12(1)(c) and therefore under 13(2)(a) to collect its employees'

¹³ Teck also said that s. 19(2)(a) applies but it is not evident to me whether it is disclosing employee information outside the organization. If there were a disclosure, my analysis and findings would apply equally to disclosure.

personal information without consent to investigate employee theft or other forms of employee misconduct.

[77] Section 12(1)(c) says:

12 (1) An organization may collect personal information about an individual without consent or from a source other than the individual, if

(c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,

[78] Sections 16(2)(a) and 15(1)(c) mirror these provisions but relate to use rather than disclosure.

[79] Above, I found that collection and use of employee personal information for the purposes of investigating employee theft of tools was not in dispute in this inquiry. Teck has not provided enough information about what it means by “other employee misconduct” and how collection of employee personal information would be reasonable for an investigation or proceeding. “Investigation” and “proceeding” are both defined in s. 1 of PIPA and it is not evident to me that the information in dispute is relevant to an investigation or a proceeding in the present circumstances.

[80] As a result, I am not satisfied that s. 12(1)(c) or 15(1)(c) allow Teck to collect or use information without consent. Therefore, I am not satisfied that s. 13(2)(a) or 16(2)(a) authorize Teck’s collection or use of employee personal information.

Section 13(3) and 16(3) – notice requirements

[81] Sections 13(3) and 16(3) require notice to be given as a precondition to collecting or using employee personal information without consent.¹⁴ Past orders have found that notice for the purposes of these sections means meaningful notice about the type of personal information the organization uses and collects and the purposes for that use and collection.¹⁵

[82] Teck says that there is ample notification of the use of video cameras on the Teck Coal Fording River Operations mine site. It says that there is signage in all areas of the operation advising of the presence of video cameras. Specifically, it says that signage begins as one approaches the Fording River site and there is signage at the Gatehouse.

¹⁴ Order P13-01, 2013 BCIPC 23, at para. 29.

¹⁵ Order P13-01, 2013 BCIPC 23, at para. 80; Order P13-02, 2013 BCIPC 24 at para. 76.

[83] Teck also says the Union has been advised on the employee's behalf of the purpose of the use, collection and disclosure of the employee personal information.

[84] The complainants say that Teck has breached s. 13(3) of PIPA because it did not notify employees that it has collected information through video cameras nor did it explain the purposes of collection before it collected the information without the consent of its employees.¹⁶

[85] The complainants dispute the organization's claim that there is ample signage. They say that Teck has not provided particulars of the notification. The complainants say that signage is only present at the Gatehouse.

[86] I note that neither party has provided me with a map or diagram of the site, photographs of the signs or evidence about the wording of the signs.

[87] I understand from the submissions and evidence before me that there is signage advising of the use of video cameras at the entrance to the mine site but not at the specific buildings where the video cameras at issue are located.

[88] In the circumstances of this case, I am not persuaded that the current signage is adequate to meet Teck's obligations under ss. 13(3) and 16(3) of PIPA. Specifically, signage "advising of the presence of video cameras" does not indicate to me that the signage meaningfully communicates the purposes for which Teck is collecting and using the employee personal information from the cameras in dispute. Teck has not met its obligations under ss. 13(3) and 16(3).

[89] In Order P13-02, the adjudicator found that the appropriate remedy for failing to comply with ss. 13(3) and 16(3) is to order the organization to do so.¹⁷ I have decided that Teck must provide notice that it is collecting and using employee personal information and the purposes for that collection and use.

CONCLUSION

[90] I make the following orders under s. 52(3) of PIPA:

1. Teck must stop collecting and using its employees' personal information from the tool crib cameras for the purposes of monitoring operations.
2. Teck must stop collecting and using its employees' personal information through the office cameras during working hours.

¹⁶ Complainants' submissions, para. 30.

¹⁷ Order P13-02, 2013 BCIPC 24 at para. 85.

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3. I require Teck to comply with its duty under ss. 13(3) and 16(3) to notify individuals that it will be, respectively, collecting and using employee personal information and the purposes for that collection and use.

[91] Under s. 53(1), Teck must comply with the above orders by June 30, 2020.

May 19, 2020

ORIGINAL SIGNED BY

Erika Syrotuck, Adjudicator

OIPC File No.: P16-67894