



THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

BY-LAW NO. 3603-2022

BEING A BY-LAW TO ADOPT AN ELECTRONIC MONITORING POLICY

WHEREAS the Corporation of the Township of Augusta deems it necessary to comply with Bill 88: Working for Workers Act that require employers with over 25 employees to have an electronic monitoring policy in place.

AND WHEREAS the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS the Council or the Corporation of the Township of Augusta deems it expedient to adopt an Electronic Monitoring policy;

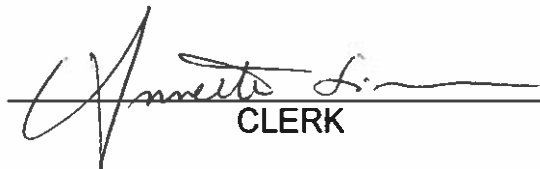
NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

1. That the Electronic Monitoring Policy attached as, Schedule "A" attached hereto shall form part of this By-Law.
2. All other By-Laws inconsistent herewith are hereby repealed.
3. This By-Law shall be in force and effect on the date of its passage.

Read a first and second time this 12th day of December 2022.

Read a third time and passed this 12th day of December 2022.


MAYOR


CLERK

Policy:	Electronic Monitoring Policy	Date issued:	December 12, 2022
Coverage:	Full-time, Part-time and Seasonal Staff and contracted service providers	Revised	N/A

1. Preamble

Augusta Township is committed to maintaining a transparent and fair workplace which balances the safety, security and risk management benefits of electronic monitoring with an individual's expectation of privacy in the workplace.

2. Purpose

The purpose of this policy is to provide transparency regarding how and in what circumstances the use of electronic monitoring of employees may occur and be used. In addition, ensure computer/network access is appropriate to their role and their employment status and compliance with the applicable legislation.

3. Application

This policy applies to all Augusta employees, as defined in the Collective agreement, Employment and Personnel Policy and by the *Ontario Employment Standards Act*, regardless of their place of work and contracted service providers who access Augusta's IT network.

4. Definitions

Device: a piece of portable electronic equipment that can connect to the internet, such as a smartphone, tablet, laptop, computer or GPS (Global Positioning System).

Electronic Monitoring: using all forms of employee and asset monitoring that is done electronically such as technological, electronic, or digital means to track, observe, or monitor actions.

Service Provider: an external firm, agency or vendor hired or retained by Augusta Township.

User: an individual who accesses the network or uses an Augusta Township owned device.

Personal Information: any factual or subjective information about an identifiable individual.

5. General Provisions:

Electronic monitoring may be used to collect information to protect the Township's legal and business interests as well as to ensure employee compliance with Township policies.

The information obtained through electronic monitoring may be used in consideration of legal action and disciplinary decisions in accordance with the Discipline Policy and respective Collective Agreement, as applicable.

Electronic monitoring data shall only be provided to authorized parties and third-party requests for access to electronic monitoring data is directed to the Clerk as a MFIPPA request.

Staff shall read, understand and adhere to this policy.

Council Members shall be made aware of the policy and electronic monitoring of personal devices when accessing the Township's wireless or network.

6. Electronic Monitoring Practices:

- a) Computer Monitoring – Computer monitoring may collect user activity data on Township owned computers, networks, and other IT infrastructure. This data may include websites accessed, social media, files downloaded, network traffic, logons to corporate systems, peripheral device usage and information about the device. Computer Monitoring may be used to ensure appropriate work productivity and usage and may include inappropriate usage during off hours.
- b) Global Positioning Systems (GPS) in Township vehicles – may be used to monitor location, route, and appropriate operation of vehicles to support effective service delivery and may be used to investigate incidents, accidents or complaints.
- c) Cellular and desktop phones issued by the Township – Cellular and landline phones may be monitored to capture call source, destination, duration and amount of cellular data used to ensure appropriate use.
- d) Emails and websites utilizing Township issued computers – emails sent through the Township network or user accounts may be subject to monitoring to ensure assets are being used for legitimate business purposes, to retrieve information following suspect computer failures or to investigate alleged acts of wrongdoing.
- e) Security cameras – may be utilized at various Township properties to deter theft, vandalism and other forms of misconduct thereby keeping employees, patrons and Township owned assets secure.
- f) Building Access Monitoring – to monitor building access. The identity, date, time and location of access are captured by and resides with a third-party security company. This information is collected and may be used for

investigation of incidents relating to theft, vandalism, other forms of misconduct or the general safety and security of employees working at Township owned facilities.

7. Personal Use of Township Assets

Employees may occasionally wish to use Township systems for personal tasks during their break periods. This may include non-work web browsing, making personal phone calls, or sending emails from personal accounts. Occasional personal use is permitted; employees should be aware that such use is subject to the same electronic monitoring as described within this policy when the employee is logged into their Township accounts or networks.

8. Use of Personal equipment

Where employees are permitted to use personal electronic equipment for work purposes, only activities accessed through the Township's IT network will be monitored and captured as described. For example, data collection will occur when personal electronic equipment is used on Township-owned wireless networks, virtual private networks ("VPN"), and any other interaction from personal electronic equipment with Township-owned IT systems.

9. Posting, Notice and Retention

- a. Augusta Township shall provide notice of this Policy to employees of the Township within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, Augusta Township shall provide notice to employees of the revision within 30 days of the changes being made.
- b. Augusta Township shall advise all new employees of this Policy upon onboarding and within 30 calendar days of the employee commencing employment with Augusta Township.
- c. A copy of every written policy on electronic monitoring that was required by the ESA shall be retained for three years after the policy is no longer in effect.
- d. All information collected through electronic monitoring will be securely stored and protected. If any personal information is collected, its use and disclosure will be limited to achieve the stated purpose of its collection. The Township will adhere to all privacy and confidentiality legislation that applies to the collection, use and disclosure of personal information obtained by electronic monitoring.

10. Reporting Concerns

Questions, concerns or suggestions may be directed to the CAO.

11. EVALUATION

The policy will be reviewed on a regular basis using the four-part questionnaire that will evaluate the following items:

- Did the legislation change;
- Was the goal of the standard met;
- Were the requirements of the standard met; and
- Were there problems or concerns meeting the standard?

Applicable training needs will also be reviewed and provided as needed to keep the policy current.