



PRIVACY IMPACT ASSESSMENT

IKS Media Streaming Cameras
Kinsmen Arena
Bert Hunt Arena
Mosaic Place

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Privacy Impact Assessment

INTRODUCTION

What is a Privacy Impact Assessment (PIA)?

A PIA is a process that assists organizations in assessing whether a project, program, or process complies with the applicable access and privacy legislation. In Saskatchewan, government institutions are subject to *The Freedom of Information and Protection of Privacy Act* (FOIP), local authorities are subject to *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), and trustees are subject to *The Health Information Protection Act* (HIPA). FOIP, LA FOIP, and HIPA (herein referred to as “the legislation”) set out rules as to how personal information/personal health information (PI/PHI) are to be collected, used, and/or disclosed. When a project, program, process is being designed, a PIA should be used to identify areas where there may be a privacy impact or risk.

What is a privacy impact?

A “privacy impact” is when there are inadequate safeguards to protect PI/PHI, or the legislation does not authorize collection, use, and/or disclosure of PI/PHI. This document is meant to be a guide for streaming media in Recreation Facilities.

The goals of this Assessment are;

1. Identifying privacy impacts and solutions to ensure safeguards are in place to protect PI/PHI to the greatest extent possible as well as to ensure compliance with the applicable privacy legislation.
2. Reveal if there is legal authority for the collection, use, or disclosure of certain PI/PHI and if not, then the exclusion of such PI/PHI in the project will assist in eliminating a privacy impact but still carrying forward with the project
3. Reveal if a language in a contract is not in place between a third-party service provider that adequately addresses how the third party is to manage PI/PHI and address any shortcomings.

Background/Summary of project

The City of Moose Jaw entered into an agreement with IKS Media on November 1, 2020 to provide Streaming Video Services at Mosaic Place, Kinsmen Arena and Bert Hunt Arena. These services are part of a subscription service for access to video of the ice surface during usage. The video is streamed on computer or mobile device as well as a TV in the lobby of the Arenas. The City of Moose Jaw engaged the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) related to the privacy concerns with streaming video.

Recreation Facilities contain video surveillance for security reasons and public notice was already in place. The following Privacy Impact Assessment will address the type of personal information involved and how this information is secured.

Streaming video is occurring through venues in North America to allow for a greater reach of spectators. This provides individuals not able to attend in person the opportunity to watch a competition virtually. The camera follows the action and does not provide high quality video.

Identify privacy impacts of project

Through discussion with the OIPC, guidelines related to the Video Surveillance Guidelines for Public Bodies was used as a reference. The following questions were answered related to the streaming video services.

Is the Use of Video Streaming Lawful?

Section 25 of the FOIP states the no government institution shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program in activity of the government institution. The provision of indoor ice at recreation facilities is an existing program. The purpose of this program is to extend the spectator capacity which currently happens in person and with personal streaming devices (facebook live). This service has also been requested by Moose Jaw Minor Hockey and lawful under FOIP with the proper notice.

Is Video Streaming Necessary?

To achieve the ability to increase virtual spectators, the only option is video streaming. There are no other less invasive options to reach the same goal.

Are there any Stakeholders that Should be Consulted with?

Consultation is required with the user groups. Also required is Public Notice in the facility to alert individuals that this service is being provided.

The POI identified that personal information is being collected with the streaming video. Section 23(1) of the LA FOIP states that “personal information” means “*personal information about an identifiable individual that is recorded in any form.*” The OIPC disclosed that facial recognition is personal information that can be used to identify an individual and is personal in nature. Section 23(1) (d) states personal information is “*any identifying number, symbol or other particular assigned to the individual.*” Jersey numbers could be interpreted as an identifying number for individual on the ice.

The personal information that is being collected is stored on a secured network at each location. This personal information can also be obtained by being present in the facility however the storage of the information does need to be protected. A duty to protect does exist.

It is imperative that the City of Moose Jaw ensure notification is posted in areas where the camera exist and who to contact with any concerns.

The PIA did not identify any physical or technical concerns with the data storage.

Privacy impact

Personal information is being collected however the privacy impact is low.

Safeguards are in place and the risk of disclosure is low.

The PIA did identify that additional language is required in the Venue Agreement.

Recommendations to mitigate privacy impacts

Privacy Impact	Level of Privacy Impact (High/Medium/Low)	Recommended action to mitigate the privacy impact
1. Public Notice	Low	Consultation with user groups related to schedules and by IKS Media
2. Public Notice	Low	Public Notice posted within each facility which includes contact information for questions or concerns.
3. Public Notice	Low	Add public notice to the TV Screens in the Lobby
4. Venue Agreement – Collection of Data	Low	Contractual amendment to add language to address IKS Media staff use, collection, access, disclosure, and destruction of data.
5. Venue Agreement – Nature of Relationship	Medium	Contractual amendment to add FOIP and LA FOIP responsibilities and Duty to Protect,
6. Procedure Development	Medium	Procedure Development from IKS Media, City of Moose Jaw and Spectra Inc. to address FOIP and LA FOIP safeguards.
7. Evaluation and Audit	Low	Process for the evaluation and audit of the video streaming service.
8. Project Lead	Low	Identify Project Lead related to Duty to Protect.

PRELIMINARY ANALYSIS

I. PROJECT DESCRIPTION

Project Title:	IKS Media & Technology Stream Video in Recreation Facilities
Purpose/Objectives:	Stream live video for recreation facilities to share games or practice to a wide variety of subscribed spectators and lobby participants.
Project lead	IKS Media & Technology Ltd – Paul Drouin paul@iksmedia.com Joe Gunnis – EMJ Marketing – jgunnis@emjmarketing.com Derek Blais – City of Moose Jaw – dblais@moosejaw.ca
List all organizations involved in the project.	IKS Media & Technology Ltd City of Moose Jaw Spectra Venue Management EMJ Marketing
Additional information:	Additional organization maybe involved in the future if camera's are relocated from the Ice Arena's.

2. INFORMATION INVOLVED

	YES	No	Unknown
Does the project involve information about individuals in their personal capacity?	X		
If yes, list the group of individuals whose PI/PHI will be involved in the project (e.g. students, patients, senior citizens, etc.)	Participants on the ice with name and numbers. Potential face recognition of participants and spectators.		
If yes, list the types of PI/PHI that will be involved in the project.	Face recognition. Jersey name and/or number		

3. PRIVACY LEGISLATION

	YES	No	Unknown
<i>The Freedom of Information and Protection of Privacy Act (FOIP)</i>	X		
<i>The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)</i>	X		
<i>The Health Information Protection Act (HIPA)</i>		X	

4. CONCLUSION

	YES	No	Unknown
Does a PIA need to be completed?	X		
If you have checked “Yes” or “No”, then document reasons for the decision	Public facilities with video streaming need to take into account any privacy concerns and more importantly the location of any files that have been saved digitally.		
If you have checked “Unknown”, then document actions that need to be taken to make a determination if a PIA needs to be completed. Eventually, your organization needs to decide whether it needs a PIA or not.			

THE PROJECT

I. PROJECT AUTHORITY

Name of legislation, regulation, MOU, contract or other relevant instruments	Description
IKS Media Group of Companies Venue Agreement	Agreement between the City of Moose Jaw and IKS Media & Technology for sports broadcasting system dated November 1, 2020

2. PROJECT STRUCTURE

2.1 List all organizations involved in developing or implementing the project.

Organizations (government institutions, local authorities, third parties)	Project Role	PI/PHI the organization will have in its possession or control
IKS Media	Lead role	Video Content
City of Moose Jaw	Facility owner, operator, and program lead	None
EMJ Marketing	Promotion and Marketing lead	None
Spectra Venue Management	Facility operator and program lead	None

2.2 List contractors or service providers that will manage PI/PHI on behalf of your organization.

Contractors or service provider	Relationship to your organization	Project Role	PI/PHI the contractor or service provider will be managing	Instrument used to bound contractor or service provider to relevant privacy and security requirements
IKS Media	Contractor	Lead role	Video content	Venue Agreement

2.3 Identify any location or locations outside of the province where PI/PHI may be stored and the third parties involved.

PI/PHI stored outside the province	Location	Third party storing the PI/PHI outside of the province	Instrument used to bind third party to relevant privacy and security requirements
None	Moose Jaw (on site)	None	Venue Agreement

3. PROJECT CHARACTERISTICS

	Yes	No	Unknown	Additional Information/Action items
Will information technology be used to transmit, process, and/or store PI/PHI?	x			
If information technology will be used, is your security department involved to ensure security policies and procedures are in place?		x		Will need language in the Agreement to address the security.
Will electronic PI/PHI be stored within the province?	x			
If electronic PI/PHI will not be stored in the province, then have you determined what applicable legislation will apply to the electronic PI/PHI that would impact the safety of the data?	x			Will need language in the agreement to address the safety of the data.
If electronic PI/PHI will be stored in a different jurisdiction, what agreements are in place to ensure that your organization retains control over the electronic PI/PHI in order to comply with the legislation?		x		

<p>Are policies and procedures in place, or being developed, to guide employees in handling the PI/PHI in this project?</p> <p>Policies and/or procedures should include identifying the types of PI/PHI they will manage in the project, and the acceptable (and unacceptable ways they are to handle the PI/PHI)</p>		X		<p>Privacy Policy needs to be developed.</p>
<p>Will training be given to employees on how to manage PI/PHI?</p>	X			<p>City of Moose Jaw Staff are trained on privacy however only IKS Media will be managing video.</p>
<p>Is your records management office involved to ensure records management policies and/or procedures are in place to manage the records in this project?</p>		X		<p>No records are being stored by City of Moose Jaw.</p>
<p>Identify other activities that may present a privacy impact?</p>	X			<p>Spectators or individuals in the facilities may be part of the streaming video.</p>
<p>Other comments:</p>	<p>The information being stored on video does not produce up closed video to clearly identify faces. No names or numbers are stored.</p>			

PRIVACY ANALYSIS

PART 1: Collection, Use, Disclosure and Safeguards

Collection occurs when a public body gathers, acquires, receives or obtains PI/PHI.

Use indicates the internal utilization of PI/PHI by a public body and includes sharing of the PI/PHI in such a way that it remains under the control of that public body.

Disclosure is the sharing of PI/PHI with a separate entity, not a division or branch of the public body in possession or control of the PI/PHI.

Examples of **administrative safeguards** include policies, procedures, agreements, contracts, training resources.

Examples of **technical safeguards** include protecting information through strong passwords and encryption, automatic log off features for computers (after a short time of user inactivity), and firewalls.

Examples of **physical safeguards** include locked filing cabinets, restricted access to areas containing personal information/personal health information, computer monitor privacy screens, and alarm systems.

A. Collection

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
IKS Media					
Does the legislation authorize the collection of PI/PHI?	x			Section 25 of FOIP	This collection can be viewed live in the facility as well. Storage and streaming of video is the privacy impact.
Is there legislation besides FOIP, LA, FOIP, and/or HIPA that addresses the collection of PI/PHI?		x			
Purpose of Collection					
Has the purpose of the collection been defined? What is the purpose of the collection?	x			Streaming services for the benefits of the users. Done with consent of the user groups by IKS or EMJ	Public Notice occurs.

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
Notice to Individual					
Will a notice of collection be given to the individual(s)? Explain timing, method of notification.	x			Through the organizations and with signage	Low risk of facial recognition.

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
Manner of Collection					
Will PI/PHI be collected directly from the individual?		x			
Will PI/PHI be collected indirectly from another source? If so, explain the authority for the indirect collection.	x			Participants on the ice will have their face in the video and spectators may walk directly in front of the camera	Low risk with video quality and camera follows the puck and not individuals.
Data Minimization					
Is the project only collecting those pieces of PI/PHI it requires to achieve the project's purpose?	x				Storage of video.
What controls are in place to ensure the project only collects the information it requires?				Camera's focus on the arena and all the information being streamed is the same as anyone in person.	

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
Safeguards					
Are there administrative safeguards in place to ensure only the PI/PHI that is required for the project is being collected?	x			Venue Agreement	Disclosure language in agreement required.
Are there technical safeguards in place to ensure only the PI/PHI that is required for the project is being collected?	x			Secured network from IKS located in Saskatchewan.	Secured local network.
Are there physical safeguards in place to ensure only the PI/PHI that is required for the project is being collected?		X		No additional physical safeguards required.	

B. Use

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
Purpose					
Will the PI/PHI be used for the same purpose as the collection of PI/PHI?	x			Ice Arena Program	Low risk
Will the PI/PHI be used for a purpose that is consistent with the purpose for the collection of PI/PHI?	x			Ice Arena Program	Low risk
Will the PI/PHI be used for a secondary purpose?		x			
Does the legislation authorize the use of the PI/PHI?	x			Section 24 of FOIP	Low risk
Is there legislation besides FOIP, LA FOIP, HIPA that addresses the use of PI/PHI?			X		

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
Standard of Accuracy					
Are there procedures in place so that your organization can verify that it has the most accurate and complete PI/PHI of an individual that it needs?		X		No City of Moose Jaw procedure. Video content is stored on the server.	Development of City of Moose Jaw Policy on overall data management.
Are there procedures in place so that individuals are able to request that their PI/PHI is corrected?		X		Data is physical and cannot be corrected	

Safeguards					
Are there administrative safeguards in place to ensure that PI/PHI will be used only for authorized purposes?	X			Venue agreement with Public Notice	Public Notice in the facility.
Are there technical safeguards in place to ensure PI/PHI will be used only for authorized purposes?	x			IKS Secured Network	
Are there physical safeguards in place to ensure PI/PHI will be used only for authorized purposes?	x			Secured hardware with secured network	

C. Disclosure

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
What is the authority for the disclosure of PI/PHI?	x			Authority of IKS and City of Moose Jaw	Public Notice
Are there administrative safeguards in place to ensure only the PI/PHI that needs to be disclosed is disclosed?	x			Streaming video process in place within the Venue Agreement	Public Notice
Are there technical safeguards in place to ensure PI/PHI will be used only for authorized purposes?	x			IKS Media has a secured network with no access to the public.	Secured network
Are there physical safeguards in place to ensure PI/PHI is disclosed for authorized purposes?	X			IKS Media secured hardware protected by secured network	Secured devices

PART 2: REMAINING PRIVACY CONSIDERATIONS

A. RECORDS MANAGEMENT

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
RETENTION					
Has your organization determined how the PI/PHI being collected, used, and/or disclosed is incorporated into the organization's records management system?	x			IKS Secured network	Low risk of facial recognition
Has the medium and format of the PI/PHI been defined?	x			Video content	Low risk of facial recognition
Has the organization determined how long it needs to retain the PI/PHI to be in compliance with applicable legal requirements?	x			Content is stored until digital storage capacity is full.	Low risk
DISPOSITION					
Does the organization have procedures to guide the secure disposal of PI/PHI?			x	Disposal occurs when data storage capacity is reached.	Low risk
Will details of the disposal of PI/PHI be recorded?		x			

<p>If a third party is retained to dispose of PI/PHI, are contracts or agreements in place to ensure the secure disposal of PI/PHI? Attach copies of the contract or agreements to this PIA.</p>	x			
<p>If a third party is retained to dispose of PI/PHI, will the third party issue a certificate of destruction after the PI/PHI has been disposed of?</p>	x			
<p>Are there policies or procedures in place that guide employees on how to dispose of PI/PHI? Attach copies of those policies/procedures.</p>		x	IKS Media responsibility	Procedure needs to be developed

B. PRIVACY MANAGEMENT

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact
ACCOUNTABILITY					
What tools are in place to monitor those involved in the management of PI/PHI in carrying out their roles and responsibilities? Explain. (Examples: contracts, agreements, policies, procedures, etc.)	x			Venue Agreement	
Is there an employee within your organization that staff can report to if there are questions about the management of PI/PHI?	x			Out of Scope staff can answer questions and work with IKS Media	
Is there an employee that members of the public can contact if they have questions about the collection, use, disclosure, retention, or disposition of PI/PHI? This employee should be a person who is part of the program are who is leading the project. How is this employee's contact information made known to the public?	x			Director of Parks and Recreation with multiple communications methods of electronic, phone or in person.	

TRAINING

Is training available to staff so that they understand the policies and procedures are in place to ensure the proper collection, use, disclosure, retention and disposition of PI/PHI?

x

IKS Media Staffing training is unknown

AUDITING

Will your organization conduct audits to ensure that PI/PHI is being collected, used, disclosed, retained, and disposed of in accordance with the legislation?

x

Through Venue Agreement