

ADMINISTRATIVE PROCEDURES

SUBJECT: Employee Electronic Monitoring - DRAFT

References:

- A. Employment Standards Act, 2000.
- B. LKDSB Responsible Use of Technology Administrative Procedure A-PR-200-18.
- C. Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- D. LKDSB Video Surveillance Policy: P-AD-143-14.
- E. LKDSB Video Surveillance Regulations: R-AD-143-14.
- F. LKDSB Video Surveillance Administrative Procedure: A-AD-143-06.

Reference A requires all employers that employ 25 or more employees to have a written policy on electronic monitoring. "Electronic monitoring" refers to employee monitoring that is done electronically.

This Administrative Procedure describes how and in what circumstances the LKDSB electronically monitors its employees, the mechanisms for doing so, and the purpose(s) for doing so.

There is no expectation of privacy in using LKDSB technology. The LKDSB may monitor and may access any files, documents, electronic communications and use of Internet at any time to ensure integrity of the system and compliance with procedures. Nothing in this Administrative Procedure affects or limits the Board's ability to use information obtained through electronic monitoring.

When using Board provided technology including Board e-mail, Board provided credentials or internet services, all email and internet communications sent and received by users are the property of the Board. E-mail, internet, or voice-mail communications are not private or personal despite any such designation by the sender or the recipient. Personal or private communications transmitted on the Board's electronic information system may be accessed, reviewed, copied, deleted, retained, or disclosed by the Board at any time and without notice.

The Board reserves the right, without prior notice to the employee to monitor the use of technology on Board premises. Further the Board reserves the right without prior notice to monitor any activity on any device at any time at any location when using Board provided credentials. Board owned technology provided to an employee may be accessed or recalled without any prior notice.

The right of the Board to access an employee's internet history, documents and/or voicemail on Board provided technology or personal devices when using Board credentials may arise in a number of situations, including but not limited to:

- to comply with disclosure requests or orders made pursuant to the MFIPPA;
- for Board owned technology, because of regular or special maintenance of the electronic information systems;
- for Board owned technology, when the Board has a business-related need to access the employee's system, including, for example, when the employee is absent from work or otherwise unavailable;
- in order to comply with obligations to disclose relevant information in the course of a legal proceeding;

- and when the Board has reason to believe that there has been a violation policy, or is undertaking an administrative, legal or disciplinary investigation.

Annex A details routine electronic monitoring activities, mechanisms and purposes. The Board reserves the right to use any other monitoring activity at its discretion at any time as is reasonable in the circumstances in the event of an investigation of a safety, legal, administrative or disciplinary nature.

Posting, Notice and Retention

The Board shall provide a copy of this Administrative Procedure to each employee of the Board, and any new employee hired prior to the Administrative Procedure's implementation, within 30 calendar days of implementation.

Should any amendment(s) be made to the Administrative Procedure after its implementation, the Board shall provide each employee of the Board a copy of the amended Administrative Procedure within 30 calendar days of the amendment(s) being made.

The Board shall provide a copy of this Administrative Procedure to all new employees hired after its implementation within 30 calendar days of the employee commencing employment with the Board.

The Board shall retain a copy of this Administrative Procedure for three (3) years after the Administrative Procedure ceases to be in effect.

Amendments

This Administrative Procedure may be amended from time to time in the Board's sole discretion. In the event that the Board amends this Administrative Procedure, it will provide an amended copy of the Administrative Procedure to employees within 30 days of the changes being made.

Administrative Procedure Prepared on: October 11, 2022