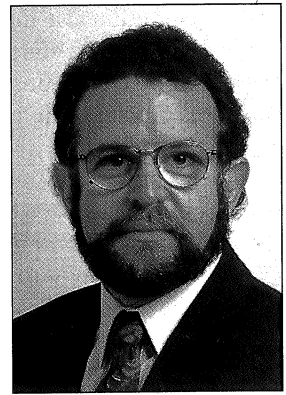


CCTV and the Law

Testing Your Legal Knowledge

So you think you know it all, eh? Well, you probably do! But to prove it, why not take this test? You may just win something in the process.

By Elliott Goldstein



Who doesn't enjoy an opportunity to win some free stuff? By responding to the statements posed below with a simple true or false response, you can do just that.

The answers to the queries are found in the columns and articles written by Elliott Goldstein and published in *Canadian Security* over the past couple of years. Simply write down the number of each statement, along with the letter "T" if you think that the sentence is true or the letter "F" if you believe the statement is false. Or copy this page and put checkmarks in the appropriate boxes.

When you are done, send your entries to Elliott Goldstein by fax to (905) 709-3844, or send an e-mail message to elgold@home.com. Three lucky winners will be chosen at random from the group of entrants who have answered all questions correctly. Each of the three winners will receive one free copy of Goldstein's paperback pocketbook *Video Surveillance and the Law: Security and Privacy*, to be published this fall.

The correct answers, as well as the winners' names, will be published in the October 1999 issue of *Canadian Security*. So boot-up those memory cells,

sharpen those pencils, and read on!

To all of those people who choose to participate, best of luck on the quiz. Your questions and feedback are always welcomed, and can be sent to the author and to *Canadian Security* for consideration and possibly for future columns and articles.

Elliott Goldstein, B.A., LL.B., is a barrister and solicitor in private practice. He is also author of Visual Evidence: A Practitioner's Manual, which can be obtained from Dean Avola at Sony of Canada Ltd. by calling (416) 495-3389.

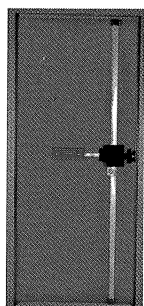
	TRUE	FALSE		TRUE	FALSE
1. Under Canadian criminal law (that is, the <i>Criminal Code</i>) it is legal for a homeowner to install a hidden surveillance camera in his or her home. (<i>Hint: See the November/December 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	6. During labour arbitration hearings, the test of the admissibility of surveillance videotapes is not dependent on whether the surveillance was conducted in a "reasonable" manner. (<i>Hint: See the October 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>
2. Workplace surveillance cases have held that video surveillance does not infringe upon a worker's right to privacy where the surveillance equipment is installed as an "investigative aid" to monitor a scene of suspected criminal activity. (<i>Hint: See the November/December 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	7. The DV "tapes" used in digital surveillance recorders can be "played" on any standard VHS videocassette recorder. (<i>Hint: See the February/March 1999 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>
3. Pictures taken using a digital still camera are not admissible in Canadian courts. (<i>Hint: See the June/July 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	8. Security guard companies will be held liable for only the negligent (that is, careless) acts of their employees. (<i>Hint: See the February/March 1999 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>
4. When tendering a picture that has been digitally "enhanced," you should tender both the original ("source") computer file and the enhanced ("altered") computer file. (<i>Hint: See the June/July 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	9. Exemption clauses and limitation of liability clauses found in most monitoring agreements are usually (that is, commonly) upheld by the courts if they are not "unfair or unreasonable or unconscionable." (<i>Hint: See the January 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>
5. All provinces in Canada have provincial privacy legislation that creates a statutory right to sue for invasion of privacy. (<i>Hint: See the October 1998 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	10. Courts prefer that prior to using covert video surveillance an employer give a warning to the "offending" employee that the offensive conduct in question will not be tolerated if repeated. (<i>Hint: See the Richardson v. Davis Wire Industries case as referred to in the November/December 1997 issue.</i>)	<input type="checkbox"/>	<input type="checkbox"/>

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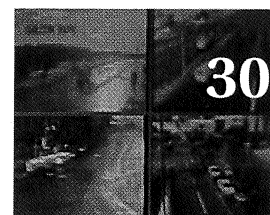
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