

This regulation takes into consideration:

- residents' right to privacy and integrity
- families' needs to ensure the safety of their loved ones
- protection of the institution's reputation and professional relations with its staff

and determines:

- who can install and use a monitoring mechanism
- how the mechanism can be installed and used
- what may and may not be recorded
- the rules to be followed for conserving recordings
- the institution's obligations

Legal framework

The *Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre* was adopted under the *Act respecting health services and social services*.

For more information on all of the measures provided for in the regulation, please visit the following website:

maltraitanceaines.gouv.qc.ca

USE OF MONITORING MECHANISMS BY RESIDENTS IN RESIDENTIAL AND LONG-TERM CARE CENTRES (CHSLDs)



WHAT IS ALLOWED?

It is possible for residents of residential and long-term care centres (CHSLDs), or for their representatives, to install monitoring mechanisms in their rooms or private living areas when justified by circumstances. Such mechanisms may be installed only to ensure the safety of residents or of their property. They can also be used to ensure the quality of the care and services provided, in particular, to detect cases of mistreatment.

However, the use of any monitoring mechanism must comply with rules so as to respect the privacy of the individuals who are filmed or recorded. To this end and to ensure that older adults have safe living environments, the Québec government has adopted the *Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre*.

WHAT IS A MONITORING MECHANISM?

Any mechanism, device or technological means, concealed or not, that makes it possible to capture images or sounds and is used for monitoring purposes, for example, a monitoring camera, an electronic tablet or a smart phone.



WHAT YOU NEED TO KNOW:

- The institution must inform the resident or the resident's representative of the regulation concerning monitoring mechanisms in the care centre, and this must be done upon admission.

The institution must designate a person responsible for providing the resident or the resident's representative with the support required to comply with the regulation.

- The mechanism must be installed by the resident or the resident's representative, but with the resident's consent, unless the resident's consent is impossible to obtain.
- The installation of the mechanism must be reassessed at least every six months, and the reassessment must take into account the fact that the CHSLD must aim to develop trust between the resident and all members of the care team, such as accompanying workers and heads of units.
- When a monitoring mechanism is installed in a room where several residents are housed, the resident or the resident's representative who installs the mechanism must obtain the consent of the other residents in the room, or of their representatives, before installing it, unless the purposes sought justify proceeding without such consent.
- The monitoring mechanism must be directed so as to respect the privacy of the other residents. Moreover, it must not capture images or sounds coming from outside the resident's room or images from a bathroom, unless the purposes sought by the installation of the mechanism justify it.
- The monitoring must not be continuous unless the purposes sought by the installation of the mechanism justify it.
- The installation and use of monitoring mechanisms must not entail costs for the institution, except with the institution's consent.
- The confidentiality, use and security of the recordings, along with their destruction, are the responsibility of the resident or the resident's representative.
- The choice of method of destruction must take into account the medium used and the confidential nature of the recordings.
- The institution must clearly indicate the possibility that monitoring mechanisms could be installed in the care centre, but the indications must not make it possible to identify the precise locations where such monitoring mechanisms are installed.