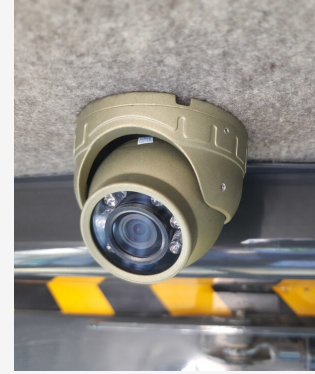


Video surveillance at work: key takeaways from Québec's latest privacy decision

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On May 20, 2025, the Québec privacy regulator, the *Commission d'accès à l'information* (the CAI), issued a [decision](#) examining the legality of a wholesale pipe and valve distributor's (the company) use of an in-vehicle video surveillance system in company-owned vehicles.

The CAI found that the company's data minimization measures were insufficient and ordered the company to limit the images collected by the system to a limited number of seconds before and after an incident was identified, and to stop collecting images from inside the vehicles once the vehicles were turned off.

This decision reminds employers to evaluate alternative systems and specific data collection parameters to ensure that their monitoring systems have a minimal impact on employee privacy.

Summary of the facts

The CAI investigated the company following a complaint received from an employee concerning the use of a surveillance system in company-owned vehicles. Although the system used by the company captured images inside and outside the vehicles, the CAI limited its analysis to the interior surveillance of drivers.

The system recorded images (no audio) of drivers from the moment the engine started and continued to do so for up to 20 minutes after the vehicle was turned off. The recordings were not actively monitored in real time and access was limited to designated managers.

In addition, the system included AI-based incident detection technology, programmed to identify events like a potential collision involving the vehicle, unusual shaking of the vehicle when stationary, tailgating, exceeding the speed limit by more than 20 km/h, smoking, tampering with the camera, not wearing a seatbelt, or using a mobile phone while driving.^[1] When incidents were detected, reports with details about the incident — but no images or recordings of drivers — were automatically generated and shared with designated safety and operations managers.

Legal framework

The decision was issued under Québec's *Act respecting the protection of personal information in*

the private sector, which mandates that companies demonstrate the *necessity* of collecting personal information. This involves demonstrating

- that the objective of the collection of personal information is important, legitimate and real
- the proportionality between the objective pursued and the invasion of privacy created from the collection of personal information

Key findings

Scope of personal information

Consistent with previous caselaw, the CAI reaffirmed that images of employees inside company vehicles are personal information. It also confirmed that AI-generated incident reports qualify as personal information, since they identify and distinguish individual drivers.

Legitimate, important and real nature of the system's objectives

With respect to the first prong of the necessity test, the CAI acknowledged the *legitimate* nature of the objectives the company purportedly aimed to achieve by collecting images of its drivers through the system: protecting individuals and company property; detecting and preventing violations of traffic regulations (e.g., the *Highway Safety Code*); aiding in incident investigations; and improving driver training.^[2]

However, the CAI emphasized that establishing legitimacy does not demonstrate that such purposes are "real" and "important" in nature. As already established by *Syndicat des travailleurs et travailleuses de Sysco-Québec-CSN et Sysco Services alimentaires du Québec* [PDF] (Sysco),^[3] employers must objectively demonstrate the existence of a specific, concrete issue or risk justifying the collection of personal information, particularly when using video surveillance tools. Generalized security concerns or speculative risks are not sufficient.^[4]

The CAI accordingly evaluated whether the company had substantiated its stated safety objectives with concrete, probative evidence. In this regard, the CAI acknowledged that the company's use of heavy vehicles and pick-up trucks represented heightened safety risks.^[5] On this basis, the CAI recognized the *real* nature of the objectives for which the company was collecting personal information through the system.^[6]

The CAI also concluded that the following objectives the company was trying to meet by using the system were *important*: ensuring the overall security of individuals and goods; perfecting employee training; enabling a more objective analysis of employee incidents; and assisting in investigations related to incidents with potentially grave consequences, as well as in the defense of the company and its drivers in legal claims.

The CAI's thorough evaluation of the company's internal reports underscores that businesses should *properly document* the purposes for which personal information is collected and the technical and operational data supporting those purposes. This may include detailed records of accidents and other incidents, including their types, causation factors, severity of damages and associated costs, as may be applicable.

Proportionality between the objectives and the privacy intrusion

The second prong of the necessity test requires businesses to demonstrate that the collection of personal information is proportional to the privacy intrusion it creates. This means that the collection must

1. be directly related to the objectives being pursued
 2. minimally intrude on individual privacy
 3. provide a net benefit to the business that outweighs any potential harm to individuals^[7]
- In this case, the CAI focused on whether collecting images of drivers in their vehicles was effective to achieve the company's safety objectives, looking at both the collection's preventive and retrospective effectiveness.^[8] The CAI was satisfied that the data collection was an effective measure, as evidenced by the company's reports over a five-month period showing a decrease in incidents involving mobile phone use and drivers failing to wear seatbelts while driving. The CAI also recognized that collecting images of its drivers enabled the company to determine whether drivers were attentive on the road, providing a basis for intervention and promoting safe driving practices. However, when evaluating whether the company had adequately minimized the intrusion on employee privacy caused by the data collection, the CAI identified several concerns with how the system was set up:

- **Continuous collection:** The system continuously captured images of drivers whenever the vehicle was running and for 20 minutes after it was turned off, regardless of whether any incident was detected.
- **Unnecessary retention:** Although the company had an access policy that restricted viewing of recordings, and the system's incident detection and reporting features further limited viewings of full recordings, the company still retained continuous image recordings for 14 days. This practice increased the risk of unauthorized access and potential misuse of the recorded data.
- **Privacy intrusion during downtime:** Image recordings captured during the post-engine shutdown 20-minute recording window could include recording of drivers during non-working time.

Taking these points in consideration, the CAI concluded that it was unlikely that the system was set up to minimally impact employees and that the company did not demonstrate how a more limited data collection would prevent it from reaching its intended objectives (such as only recording when a certain G-force is exercised on the vehicle).

When weighing the benefits of the data collection against potential harms, the CAI emphasized that employee privacy is a fundamental right and reaffirmed that continuous in-vehicle recording is a particularly intrusive surveillance approach.^[9] However, it identified several mitigating factors in this case: recordings were not actively monitored, policies restricted their use and the system flagged only specific incidents. Additionally, the relatively short average trip duration (1:30) distinguished this scenario from cases involving extended surveillance of long-haul drivers.^[10] Noting the absence of evidence of concrete harm, aside from possible psychological discomfort, the CAI ultimately determined that the advantages of image recordings in this context outweighed the associated privacy risks.

As a result, the CAI concluded that the company could continue using the system, provided it limit image recording to a few seconds before and after an incident and ensure recording stops as soon as the engine is turned off. If these changes are not feasible, the company would have to stop using the system and collecting driver images inside the vehicles entirely. The CAI also ordered the company to destroy any recordings it had collected unrelated to incidents and recommended that the company review its dashcam policy to ensure that it specifically provides that recordings captured by the system may only be accessed and used in the event of an accident or important incident.

This decision in context

The CAI differentiated the company's system from other in-vehicle surveillance systems discussed in Québec caselaw — for instance, *Teamsters Québec, section locale 106 et. Linde Canada Ltée (grief syndical) (Linde)* [PDF],^[11] in which the video surveillance system only recorded 12 seconds of video at a time, as opposed to continuously. These recordings were triggered solely by specific incidents, such as when a predefined level of G-force was detected. This limited and event-based approach was found to meet the necessity test, in contrast to the company's more intrusive continuous recording system.

The CAI also contrasted the company's practices with surveillance systems such as those at issue in *Linde, Sysco and Syndicat national des opérateurs de bétonnière Montérégie (CSN) c. Lafarge Canada Inc.*,^[12] in which video recordings were reviewed by a third-party service before being made available to management, in order to determine whether the footage actually captured demonstrated evidence of problematic behavior or an incident.

While not explicitly referenced by the CAI in this decision, it is worth mentioning that the CAI's findings are consistent with two similar decisions issued by the federal Office of the Privacy Commissioner (OPC) regarding the use of in-vehicle video and audio recordings during long-haul trucking operations.

- In *Trimac (#2022-006)*, the OPC found that an in-vehicle audio and video monitoring system, which remained active whenever the vehicle was on or idling, failed to meet the necessity test. The system in this case continuously recorded audio in the vehicle, capturing and retaining eight seconds of data prior to a triggering event and four seconds afterward. The OPC objected to the system's ability to record when drivers might be off duty and emphasized that recordings captured by the system should be limited to periods when the driver is on duty or actively driving.
- In *Oculus (#2021-008)*, the OPC determined that continuously recording audio inside vehicles was excessively intrusive and did not satisfy the necessity requirement. The system in this case captured audio recordings whenever the truck was turned on, with recordings overwritten every 72 hours. The OPC found this approach problematic, noting that the 72-hour retention period was excessive and that less invasive alternatives, such as limiting recording to work hours, were available.

Key takeaways for businesses

The CAI's decision underscores several key principles for employers using or considering the use of employee surveillance measures:

- **Employee surveillance measures must be justified by real, documented risks**, not merely hypothetical concerns. The risks and the objectives underlying the collection of personal information must be clearly defined before any personal information is collected.
- **Employers must thoroughly document** both the purposes for collecting personal information and the evidence supporting the underlying issues related to those purposes. This process may include conducting a privacy impact assessment (PIA).
- **Employers are required to consider less intrusive alternatives** to achieve their purposes. This involves not only evaluating different monitoring systems but also analyzing the parameters of any chosen system and providing a justification for each aspect of its use, including the volume of data being collected.

- **Employers are expected first to promote good practices and provide adequate training** as primary measures to achieve purposes related to the protection of property and individuals. These steps should be implemented before considering means of active employee monitoring, which should only be in place if outstanding issues remain.
- **Employers should establish internal policies** that clearly define the specific scenarios in which employee personal information may be used and who may access it.

Unionized employers should take note that, in the collective bargaining context, there are unique obligations to ensure reasonable working conditions and workplace rules. Labour arbitrators have consistently distinguished between the reasonableness of in-vehicle cameras in the context of safety-sensitive dangerous goods transportation^[13] and dangerous vehicles,^[14] relative to more routine driving duties. The CAI's present decision incorporates some of this analysis — although unionized employers should also consider relevant labour arbitration decisions prior to launching in-vehicle video monitoring.

[1] Para. 10 of the decision.

[2] Para. 49 of the decision.

[3] 2016 QCTA 455. Confirmed by the Superior Court in *Sysco Québec, division de Sysco Canada inc. c. Beaulieu*, 2017 QCCS 3791, paras. 265–267. Note that this decision was issued in the context of a unionized workplace.

[4] Para. 56 of the decision.

[5] This assessment was notably based on the CAI's review of the company's internal accident reports; the legal obligations that apply to heavy vehicles; and the heightened statistical likelihood of pick-up trucks being involved in serious accidents. We note that the CAI also considered in its assessment the nature of the loads typically carried by Company vehicles but was not convinced that the Company regularly engaged in the transportation of particularly dangerous loads.

[6] Para. 134 of the decision.

[7] *Société de transport de la Ville de Laval c. X*, [2003] C.A.I. 667 (C.Q.), para. 44.

[8] The CAI clarified that its role was not to determine the single most effective method for achieving the company's objectives, but rather to assess the effectiveness of the chosen approach (para. 159).

[9] See *Sysco*.

[10] See *Teamsters Québec, section locale 106 et. Linde Canada Ltée (grief syndical)*.

[11] 2014 QCTA 943.

[12] 2019 QCTA 655.

[13] 2016 QCTA 455, para. 275, confirmed by the Superior Court in *Sysco Québec, division de*

Sysco Canada inc. c. Beaulieu, 2017 QCCS 3791.

[14] 2019 QCTA 655 at paras. 87–90; *Lafarge Canada Inc v Teamsters, Local Union No 213 (In-Cab Camera Grievance)*, 2018 CanLII 69607 (BC LA), at para. 120. In *Lafarge*, Arbitrator Anderson disagreed with the finding in *Sysco* that evidence of a dangerous workplace required the employer “to demonstrate a problematic issue with his drivers and that there had been a high number of incidents or accidents” (*Lafarge*, para. 108; *Sysco*, para. 265). In *Lafarge*, the mere “existence of safety infractions or the risk of accidents” could be considered sufficient to establish proportionality (*Lafarge*, para. 107), although the employer’s specific accident statistics (*Lafarge*, para. 121) were ultimately considered in addition to the inherent and obvious danger of cement truck vehicles (*Lafarge*, para. 120).