

County of Santa Clara

Clerk of the Board of Supervisors Surveillance Use Policy

Audiovisual Recording Devices

1. Purpose

The Office of the Clerk of the Board of Supervisors (COB) uses fixed and portable audio and image/video recording devices (together, audiovisual recording devices or audiovisual recording equipment) in the Board Chambers, Isaac Newton Senter Auditorium (INS), and other public meeting rooms for the purpose of recording meetings of Brown Act bodies. These recordings are part of the official record of each meeting. Devices include cameras and audio/video recording systems built into the Board Chambers; integrated audio recorders in the Board Chambers, INS, and Conference Room 157 within the County Government Center; and hand-held audio recorders and cameras that may be used in any meeting location.

On occasion, those devices are also used to record trainings and non-Brown Act meetings such as internal staff meetings, as well as during testing of electronics in advance of official meetings. Under extremely rare circumstances, television cameras may be provided by an outside vendor for the purpose of providing video recording of a Brown Act meeting in a location other than the Board Chambers. In such circumstances, recordings shall be expeditiously transferred to County systems, and shall be stored and treated in the same manner as recordings created through County-owned recording devices.

Fixed audiovisual equipment in Board Chambers comprise an extensive array of microphones, cameras, and interconnected control equipment. Fixed audio equipment in INS and Conference Room 157 comprise a similarly extensive array of microphones and control equipment. This equipment is periodically updated based upon usable lifespan and capacity for evolving needs. Portable audio recording devices currently in use include Sony IC Recorder Model Nos. ICD-UX523, ICD-UX533, and ICD-PX370. These devices are replaced periodically, and it is anticipated that future acquisitions will reflect newer model numbers, based upon the devices available at the time of purchase; if such newer models incorporate features that expand upon the basic feature set of existing units, this Policy shall be updated at that time.

2. Authorized and Prohibited Uses

Audiovisual recording equipment shall be used for only the following purposes:

- Recording the proceedings of Brown Act meetings.
- Recording ceremonial events, presentations, and other County-sponsored activities open to the public.
- Recording trainings and other County Department activities for which a record of the trainings/activities would provide a benefit to the efficient completion of the trainings/activities, or allow for recorded video or audio to be utilized in lieu of future trainings or events.

- Recording non-meeting activities where an audio record may aid the user in preparing notes following that activity, when the recording is erased following completion of any such notes.

When audiovisual recording equipment is, at COB staff's discretion, made available for use by other County staff to record Brown Act meetings and public departmental events, such use shall be subject to the same restrictions.

A warrant shall not be required to use the equipment.

Audiovisual recording equipment shall not be used for the following purposes:

- Recording closed session meetings of Brown Act bodies, unless explicitly requested and approved by the Board of Supervisors, following consultation with the Office of the County Counsel.
- Recording non-Brown Act meetings, or other events or individuals, where participants have a reasonable expectation of confidentiality or where the Board of Supervisors or Clerk of the Board has directed that recording not occur after having consulted with the Office of the County Counsel.
- Recording in locations, such as restrooms, changing rooms, lactation accommodation rooms, showers, or other areas where an individual would reasonably expect not to be recorded.
- Personal uses or uses otherwise unrelated to the work of the COB or other Departments utilizing meeting rooms.

3. Data Collection

Audiovisual recording devices in the Board Chambers provide multiple live audio and video streams to the control unit in the Chambers sound room; however, only a single video stream is recorded permanently. The selection of which camera to record at any time shall be a task performed live by an operator stationed in the sound room.

Data collected from Board and Committee meetings shall include complete audio of the meeting from call-to-order through adjournment and reading the ordinances adopted during the meeting, as well as the aforementioned video stream. The video may include recorded imagery of County staff providing presentations to the Board, comments of Board members and votes taken by the Board, presentations and other ceremonies, members of the public addressing the Board, and members of the public in the audience (captured incidentally in the background). Board members and County staff are regularly identified by name in the graphics displayed at the bottom of the video, known as "lower thirds."

From time to time, recording devices may capture video and/or audio prior to a meeting or following adjournment of a meeting. COB staff shall endeavor to limit that additional recording to the minimum required to ensure complete capture of the meeting.

For meetings, trainings, activities, and events other than Board and Committee meetings, audiovisual recordings may include audio, images, and video of the meeting, training, activity, or event, including those attending and participating.

4. Data Access

Video recordings of Board and Board Committee meetings shall be streamed live online on the County's agenda portal at <http://sccgov.iqm2.com> and on [YouTube.com](https://www.youtube.com), and subsequently shall be available for public viewing at the same locations. Additionally, copies of such video recordings shall be distributed to local public access television stations via online filesharing systems such as Dropbox, and subsequently broadcast by those stations. As records of public meetings, no restrictions shall be placed on individuals' ability to access or use these recordings. Recordings may be downloaded from the agenda portal.

In addition to COB staff, the following individuals shall be authorized to have access on a routine basis to the recordings:

- Employees of the County contractor providing camera control, lower thirds, and associated video-related tasks (currently CreaTV) or other similar contractors, during creation of audio/video files created for the County pursuant to a County contract.
- Employees of the County contractor providing support for electronic infrastructure in the Board Chambers and INS (currently Integrated Communications Systems, Inc. (ICS)) or other similar contractors as part of their performance of services to the County pursuant to a County contract.
- Employees of the County contractor providing agenda management, digital boardroom, and webstreaming software services (currently Granicus) or other similar contractors as part of their performance of services to the County pursuant to a County contract.

County contractors, vendors, and other individuals shall only access the system pursuant to a County contract and/or in response to a request from the COB relating to technological issues, upgrades, or modifications.

Should extraordinary events require the recording of a closed session or otherwise confidential meeting, COB shall confer with the Office of the County Counsel to ensure that only parties who may lawfully access those recordings actually access them. That access may include COB staff necessary to ensure appropriate action is taken; and COB staff shall ensure that any recordings made are destroyed at the earliest opportunity once they are no longer necessary and are no longer legally required to be retained.

5. Data Protection

Audiovisual recordings on audiovisual devices and related servers shall be stored on the devices or servers, which shall be maintained in secure locations accessible through the County's general security systems (badge access, locked doors, etc.). Access to those files on County servers shall be limited to users with the appropriate County credentials. Audio recordings shall be erased

from handheld recorders promptly after those recordings are transferred to storage on County servers that are secured using standard County security measures.

COB staff members shall be authorized to access and modify original recordings of Brown Act meetings in only rare circumstances, such as to correct an error or to upload a video that did not upload correctly via the automated system. The authority to perform such actions shall require that appropriate permissions be assigned by an Administrator, which shall be limited to COB and Technology Services and Solutions staff based on business needs, with appropriate training. Existing Administrators shall notify COB management when they believe the need arises to assign Administrator permissions.

Additionally, employees of the storage host contractor may access the system at any time for the purpose of performing contracting duties in accordance with the County's contract with the storage host contractor. Contractors shall be required to back up on a regular basis the data stored. Employees of the County contractor providing camera control, lower thirds, and associated video-related tasks shall be required to provide the COB with a copy of each meeting video on DVD and via File Transfer Protocol (FTP), which can be used to restore a video if an issue is identified.

6. Data Retention

Per the Board-approved COB Record Retention and Destruction Schedule, video and audio recordings of Brown Act meetings of the Board of Supervisors and Board Committees/Subcommittees, and audio recordings of meetings of Boards, Commissions, Committees, Task Forces, and Corporations shall be retained as permanent records with archival value. Per Board of Supervisors Policy 3.34.3, the Clerk of the Board shall ensure that recordings are converted into new file types over time as necessary to ensure their continued retention.

Recordings made for purposes other than recording meetings of Brown Act bodies shall be destroyed once they are no longer useful. For example, an audio recording could be made of an internal discussion about wording for the minutes of a complicated item at a prior Brown Act meeting; such a recording shall be erased once the pertinent minutes are finalized and approved. See also the Board-approved COB Record Retention and Destruction Schedule.

7. Public Access

Audio recordings of meetings of Boards, Commissions, Committees, Task Forces, and Corporations, while not available online on the agenda portal, shall be subject to requests under the California Public Records Act (CPRA), and shall be distributed in compliance with the CPRA.

Members of the public may access live and recorded audiovisual recordings via the agenda portal (<http://scgov.iqm2.com>) and YouTube.com, and via broadcast on local public access television stations. The public may request audio recordings under the CPRA.

Members of the public shall not have direct access to individual camera feeds during live meetings or at any other time.

8. Third-Party Data-Sharing

County staff may share public audiovisual recordings with non-County entities that are entitled to those recordings under the CPRA and/or pursuant to a court order or subpoena.

Access to live camera feeds shall not be provided to any persons other than official camera operators or contracted technicians addressing a specific technical issue, upgrade, or modification, at the direction of COB or other authorized County staff.

9. Training

COB staff shall be trained on basic functionality of the audio and video recording devices utilized by COB when the individual's job duties involve utilizing the devices. Training shall include steps to operate the equipment and transfer recorded video and audio files to locations on shared file servers, as well as data-retention and public-access requirements.

COB staff shall also be instructed to check out handheld recorders when retrieved from a centralized storage location, as well as the appropriate disposition of recordings created via such devices.

COB staff shall be provided with this Surveillance Use Policy.

10. Oversight

Logs shall be maintained for users who access the servers that store audiovisual recordings from the recording devices subject to this Surveillance Use Policy.

In the event of an accidental recording of a confidential meeting, COB shall confer with the Office of the County Counsel regarding that recording and, if legally allowed, ensure that the audio or video file is destroyed.

Handheld recording equipment shall be checked out with a check-out sheet, and COB staff shall review that check-out documentation periodically to ensure that recorders are being appropriately returned after use.

If a violation of this Surveillance Use Policy occurs, sanctions shall be implemented on a case-by-case basis. COB managers shall be responsible for ensuring compliance with this Surveillance Use Policy.

Approved as to Form and Legality

 9/4/18
Rob Coelho
Office of the County Counsel