

# **County of Santa Clara Consumer and Environmental Protection Agency Surveillance Use Policy**

## **Vector Control System Campus Security Cameras**

### **1. Purpose**

The County of Santa Clara owns and operates a security camera system, GSI GS16CH264, at the Vector Control District Campus, 1580 Berger Drive, San José, CA (“Camera System”) for the purposes of public safety. Information and images produced by the Camera System are intended to assist in identifying and preventing threats and harm to persons and property; identifying, apprehending, and prosecuting offenders; gathering evidence for administrative, civil, and criminal actions; helping emergency services personnel respond to emergencies; and investigating and resolving citizen or employee complaints and/or issues relating to the conduct of the public or employees.

### **2. Authorized and Prohibited Uses**

The Camera System and the images/video it captures shall be used for County business purposes only, and not for individual employees’ personal use or other non-County uses. The Camera System and its recordings shall be used in a lawful manner. The Camera System shall not be used in areas where there is a reasonable expectation of privacy, such as restrooms, changing rooms, lactation accommodation rooms, showers, or other areas where an individual would reasonably expect not to be recorded despite signage on-site indicating the presence of video monitoring. The Camera System shall not be used to harass, intimidate, or discriminate against any individual or group.

For purposes of this Use Policy, County business shall include use for County administrative, civil, and criminal investigations and monitoring activity to protect against harm to persons or property. It shall be permissible for data collected from the Camera System to be used for the following public safety and County investigation purposes:

- To assist in identifying and preventing threats to persons and property.
- To assist in identifying, apprehending, and prosecuting offenders.
- To assist in gathering evidence for administrative, civil, and criminal investigations and court actions.
- To help public safety personnel respond to emergency events.
- To assist in investigating and resolving staff and customer complaints and/or issues relating to conduct of the public or employees.

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### **3. Data Collection**

The Camera System shall capture and record a live video feed of images and activities in public areas inside and outside 1580 Berger Drive, including but not limited to the lobby, building entrances, and parking areas. Visitors and employees shall be made aware of the Camera System through signs posted at the site.

### **4. Data Access**

Access to the live video feed or the stored data (recordings) from the Camera System shall be restricted to:

- The CEPA Director, Information Services Manager, or their designees, for County business purposes;
- CEPA staff at the site with a County business need to access the data;
- County staff members designated in writing by the Information Services Manager, CEPA Director, or their designees as having a County business need to access the data, in compliance with this policy;
- Other County personnel designated by the Information Services Manager, CEPA Director or their designees if the Information Services Manager, CEPA Director, or their designees determine that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action.

Efforts shall be made to keep the total number of designees with access to the Camera System as low as possible within the constraints of this Policy. Requests to review data captured by the Camera System shall be directed to the Information Services Manager or Agency Director, or authorized designee, as shall all requests to retain any portion of the data beyond its usual retention period.

### **5. Data Protection**

Data captured by the Camera System shall be stored in a secure location, which may include a locked datacenter with limited personnel physical access and/or firewall protections from external intrusion. The system shall be separated from normal login processes and network access to limit access to only intended and authorized users

### **6. Data Retention**

Data captured by the Camera System and not otherwise needed for specific County business reasons (such as a specific criminal, civil, or administrative investigation) and maintained in the normal course of business shall be retained for at least seven days and no more than 30 days, unless precluded by system storage-capacity limitations or unless otherwise required by law or policy to be retained for a longer time. Data retained for a specific criminal, civil, or administrative investigation or proceeding shall be copied to a suitable, encrypted medium and, when authorized under this policy, given to the requesting authority, and retained for only as long as needed for the applicable investigation or proceeding.

The reason to retain video data for up to 30 days shall be for security-review/assessments and possible investigative purposes.

#### **7. Public Access**

The public shall not have direct access to the live footage and stored data captured by the Camera System. If a California Public Records Act request, subpoena, or court order is issued for the video data, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. CEPA personnel shall consult with the Office of the County Counsel to ensure legal compliance.

#### **8. Third-Party Data-Sharing**

Third-party data-sharing shall be limited to law enforcement agencies, County-retained investigative personnel, or other investigative personnel in connection with a specific administrative, civil, or criminal investigation or action; and only with the written consent of the CEPA Director or the Director's designee.

#### **9. Training**

Personnel involved in viewing, maintaining, or accessing data captured by the Camera System shall be appropriately trained, informed of this Surveillance Use Policy, and supervised.

#### **10. Oversight**

CEPA management shall oversee the use and management of the Camera System. The Agency Director or the Director's authorized designee shall be responsible for ensuring compliance with this Surveillance Use Policy. CEPA's Information Services Manager or authorized designee shall be responsible for maintaining the data collected from the Camera System and the system's operation.

Any employees found to have used the Camera System or its data in a manner or for a purpose prohibited by this Policy, or who accesses Camera System data without authorization, shall be subject to possible discipline, up to and including termination.

Approved as to Form and Legality

 9/4/18

Rob Coelho  
Office of the County Counsel