

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

Digital Cameras

1. Purpose

The Consumer and Environmental Protection Agency (CEPA) exists to promote and protect the agricultural industry of the County and its environment; to ensure the health and safety of the County's citizens and foster confidence and equity in the marketplace; to prevent, preserve, and improve the environmental factors affecting the community's health and safety; and to protect public health and safety by detecting and minimizing vector-borne disease, abating mosquitoes, and assisting the public in resolving problems with rodent, wildlife, and insects of medical significance.

CEPA's digital cameras (collectively "CEPA Cameras") shall be used by CEPA staff members to document inspection activities and hearings, gather evidence of violations and compliance, produce training materials and work orders, and compile audiovisual data for program outreach. Currently, CEPA Cameras include Nikon Coolpix series digital cameras and Canon PowerShot series digital cameras.

This Policy provides specific guidelines for the operation of CEPA Cameras, the storage of captured images/videos, and the dissemination of stored data. This Policy does not include the use of audio recorders, cameras, or video functions on County mobile/cellular phones and County computers, because a Countywide Surveillance Use Policy covers those devices.

CEPA shall ensure that the CEPA Cameras and the data collected from the CEPA Cameras are used in a lawful manner for CEPA business purposes, in compliance with this Surveillance Use Policy.

2. Authorized and Prohibited Uses

CEPA Cameras shall only be used by authorized CEPA employees, whose use shall be only for CEPA business purposes and not for individual employees' personal use or other non-County uses. Unless the CEPA Director expressly approves, personal cameras shall not be used to conduct County CEPA business.

Authorized uses of CEPA Cameras shall be limited to:

- recording images, video, and audio of CEPA inspection activities, and evidence of violations and compliance.
- recording images, video, and audio to assist with training and for promotion of CEPA programs.

- recording video, images, and audio to document issues for CEPA business purposes. Examples of things that may be recorded/documented with CEPA Cameras shall include, but not be limited to:
 - Animal abuse and care
 - Presence of hazardous materials
 - Environmental hazards
 - Weed abatement compliance and non-compliance
 - Pest control activities
 - Pesticide application
 - Nursery inspections
 - Farmers markets
 - Quarantine efforts
 - Storm water compliance and non-compliance
 - Illegal dumping
 - Potential and active pollutant discharge
 - Food facilities
 - Recreational facilities (pools, spas, water features)
 - Onsite Wastewater Treatment Systems
 - Wells
 - Solid waste facilities
 - Mosquito abatement
 - Merchandise pricing
 - Scale and gas station pumps
 - Business licenses
 - Public and administrative hearings

CEPA Cameras shall not be used in areas where there is a reasonable expectation of privacy—such as restrooms, changing rooms, lactation accommodation rooms, or showers while individuals are using those areas—unless CEPA staff has a warrant or other consent from the individual, property owner, or authorized representative for the property at issue; and shall not be used to harass, intimidate, or discriminate against any individual or group.

Regarding CEPA’s inspection activities, CEPA staff make reasonable efforts to have its recordings using CEPA Cameras not include images of individuals who are not related to the inspection.

3. Data Collection

CEPA cameras shall record images, video and/or audio.

4. Data Access

Access to nonpublic data from CEPA Cameras shall be limited to persons in job classifications regarding which the CEPA Director or designee has deemed access to be reasonably necessary for official CEPA business or for a specific administrative, criminal, or civil investigation or proceeding.

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5. Data Protection

Employees authorized to use CEPA Cameras shall ensure that those devices are kept either with the employee or within a secure location, such as the employee's badge-access-restricted workspace or a locked, secure location outside of public view.

Data to be retained from CEPA Cameras shall be transferred to designated locations on secure County servers or alternate approved, secure data-storage location, which shall be protected as part of the County's data and network security measures. Access to that data shall be controlled through network security procedures and policies, which shall include user and network requirements regarding employee authentication and password credentials. Authorization for access shall be subject to approval by CEPA management.

6. Data Retention

Unless data reasonably needs to be retained on a CEPA Camera for CEPA business purposes, data shall only be stored on that CEPA Camera until that data is transferred to the appropriate secure CEPA server or alternate approved, secure data storage location. After data transfer and the recordings are no longer reasonably needed to be retained on the CEPA Camera for CEPA business purposes, the recordings shall be promptly deleted or recorded over.

Retention timelines for stored data shall vary based on the type of data at issue, in accordance with CEPA's Record Retention and Destruction Schedule pursuant to County Board Policy 3.57: "Santa Clara County Record Retention and Destruction Policy."

7. Public Access

The public shall not have direct access to any data captured by CEPA Cameras, unless CEPA uploads that to social media or on a public facing website to promote a program or educate the public for CEPA business purposes. Data from CEPA Cameras shall be made public or deemed exempt from public disclosure pursuant to state or federal law. Public requests for this data shall be submitted to CEPA for response in accordance with the California Public Records Act and other applicable state or federal laws.

8. Third-Party Data-Sharing

Third-party data-sharing shall be limited to the following:

- Individuals and entities that CEPA management believes have a reasonable CEPA-related need to know the information, consistent with CEPA's Purpose described in Section 1 of this Policy, such as other counties, the fifteen cities within Santa Clara County, CalFire, Bay Area Regional Air Quality Board, California Air Resources Board, CalRecycle, California Department of Food and Agriculture, Santa Clara Valley Water District, Vector Control Agencies, United States Environmental Protection Agency, California Environmental Protection Agency, United States Department of Agriculture, Department of Toxic Substance Control, Santa Clara Valley Urban Runoff Pollution Prevention Program, California Department of Fish and Wildlife, California Regional Water Quality Control Boards, California State Water Resources Control Board, and business and/or property owners.

- Law enforcement representatives if the CEPA Director or designee believes the data shows activity that appears to be unauthorized, improper, illegal, or in furtherance of illegal activity.
- Other agencies and third parties, including law enforcement agencies and government entities, for specific administrative, civil, and criminal investigation, hearing, and enforcement purposes related to specific individuals or a specific incident. If a law enforcement agency or other third party requests the data from CEPA, CEPA may, in consultation with the Office of the County Counsel, require a search warrant, subpoena, or court order to produce the data.
- Data may also be shared with parties in civil litigation involving the County, in response to a subpoena or civil discovery; to the County Personnel Board, arbitrator, Court, or administrative entity regarding a specific administrative investigation, action, or litigation; or as otherwise required by law. After receiving such a request for this data, the CEPA Director or other authorized individual with access to the data shall consult with the Office of the County Counsel to determine whether the law requires disclosure of the data.

If such data is requested by an employee representative regarding a specific claim, allegation, or action against a County employee or contractor, the request shall be reviewed by the CEPA Director or designee, with the assistance of the Office of the County Counsel and Labor Relations Department.

9. Training

This Surveillance Use Policy shall be available to and/or distributed to CEPA employees. In addition, CEPA employees shall be appropriately trained regarding this Surveillance Use Policy.

10. Oversight

CEPA management shall oversee use of CEPA Cameras. The CEPA Director or authorized designee shall be responsible for ensuring compliance with this Surveillance Use Policy. CEPA's Information Services Manager, authorized designees, or Technology Services and Solutions shall be responsible for network security relating to storage of the recordings on County network servers.

Alleged violations of this Policy shall be reviewed by the CEPA Director or designee, with the assistance of the Office of the County Counsel and Labor Relations Department. Any employee found to have violated this Policy shall be subject to discipline, up to and including termination.

Approved as to Form and Legality

 9/4/18

Rob Coelho
Office of the County Counsel