

County of Santa Clara Communications Department Surveillance Use Policy

Video Cameras Used for Facility Security

This Surveillance Use Policy is for the sole use of the County Communications Department located at 2700 Carol Drive, San Jose, CA.

1. Purpose

The County Communications Department maintains and operates Axis models 1103 and 1140 security cameras at various public locations in and around the Department building and parking lot. The purpose of those security cameras shall be to create a safer environment for all those who visit and work at the Department and to safeguard critical public safety communications equipment at the facility, by having a camera presence on site and generating/recording video of what occurs in the areas the cameras monitor. The purpose shall also be to create images and video clips of potential suspicious or illegal activity, which may be provided to law enforcement personnel or investigative personnel in connection with specific administrative, civil, or criminal investigations (See Sections 2 and 8, below).

2. Authorized and Prohibited Uses

Security cameras shall only be used to monitor the Department lobby and other public areas in and near the Department building, including the parking lot. Video from those cameras shall be available for monitoring 24 hours a day by only Department staff members or authorized designees (see Sections 4 and 8, below), who may review real-time video images to observe traffic entering the facility parking lot and front lobby as well as what occurs in the parking lot and front lobby. During regular business hours Monday through Friday, Department Administration staff shall monitor security camera footage for facility access; at other times Department Dispatch Operations staff shall monitor footage.

Management shall review images or video footage to assist with the safety and security of employees, visitors, and communications systems. Management shall also review footage to assess or investigate unusual, suspicious, or illegal behavior or activities.

Images and video footage shall be used for administrative and law enforcement investigations, as well as to respond to law enforcement inquiries or provide other authorities with images or video clips of potential illegal or suspicious activity. (See Section 8 below).

The security cameras shall be operated in a manner that protects the reasonable privacy interests of employees and the public. To limit any expectation of privacy, a sign shall be posted on-site to indicate the presence of video monitoring. Video monitoring and security cameras shall not violate a reasonable expectation of privacy (e.g., by placing cameras to view up skirts or other clothing, or to look down shirts or other clothing); and 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. Security cameras shall not be used for personal, non-County purposes.

3. Data Collection

The security cameras shall collect video images and footage of specific areas in and around the Department building and parking lot, including the lobby. The technology shall also collect the date and time associated with the footage.

4. Data Access

Access to the live video footage and images from the security cameras shall be restricted to:

- Communications Director;
- Deputy Director;
- Division Director, Engineering & Technical Services;
- Engineering Manager;
- Chief Dispatchers;
- Engineer and Systems Technicians (complete access), with approval from the Communications Director;
- Administrative staff and Dispatch Operations Supervisors and Seniors (limited access to real-time video footage);
- Other Communications Department positions/individuals designated by the individuals named above or his/her designee as having a County business need to access the information, in compliance with this policy;
- Other County personnel designated in writing by the Communications Director, Deputy Director or their designee if the Director, Deputy Director or designee determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action;

All requests to access archived footage shall be approved in writing by only the Communications Director, Deputy Director, or their designees.

5. Data Protection

All recorded data (images/video footage) generated by the security cameras shall be stored in a secure location in the Department's locked data center room, which shall be accessible to only authorized staff members and shall be configured to prevent unauthorized modification, duplication, or destruction of recorded images.

Access to archived video footage or information shall be limited to authorized individuals who have been granted data access in accordance with this Policy.

6. Data Retention

Based on data storage capacity and system requirements, the Department shall retain video data for up to 21 days, unless that video data is copied or otherwise retained relating to a specific administrative or criminal investigation, a Litigation Hold requirement, or another legal requirement to copy and/or retain the video data. At or near the end of the 21-day period, the original video files shall be over-written with the new video images or otherwise destroyed.

7. Public Access

The public shall not have direct access to any data captured by the security cameras. To the extent the Department receives a California Public Records Act (CPRA) request, subpoena, or court order for data from the security cameras, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. Such requests shall be promptly submitted to the department's CPRA Coordinator (for CPRA requests) and/or Communications Director or designee (for subpoenas and court orders) for handling in consultation with the Office of the County Counsel. Reasonable efforts shall be made to preserve the data requested until the request has been processed.

8. Third-Party Data-Sharing

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

- Law enforcement personnel or investigative personnel in connection with a specific administrative, civil, or criminal investigation, with approval of the Communications Director, Deputy Director, or their designees.
- Other third parties as required by law.

For law enforcement agency requests for video footage for a criminal investigation, a written email or letter should be sent to the Communications Director or his/her designee.

To the extent an employee representative seeks video footage regarding a specific claim, allegation, or action against the employee, or a third-party seeks compliance with a court order or subpoena, the request shall be reviewed by the Communications Director or designee with the assistance of the Office of the County Counsel and, if applicable, the Labor Relations Department.

9. Training

Department personnel involved in video monitoring shall be appropriately trained and informed of this Surveillance Use Policy. Training on the use of the security camera system and software shall be provided by the Department's Information Systems Technician or Communications Systems Technician as applicable, or another designee of the Communications Director or Deputy Director.

//

10. Oversight

The Communications Director and, as authorized, his/her designee(s) shall oversee the security camera system to ensure compliance with this Surveillance Use Policy, designate personnel who may access the system, and ensure that access to the video footage complies with authorized uses. The Engineering Manager or other designee of the Communications Director shall be assigned to ensure compliance with this Use Policy.

Any employees found to have violated this Surveillance Use Policy shall be subject to possible discipline. Violations of this Surveillance Use Policy shall be reviewed by the Communications Director, Deputy Director, and/or their designee(s), with the assistance of the Labor Relations Department and the Office of the County Counsel.

Approved as to Form and Legality

 9/4/18

Rob Coelho
Office of the County Counsel