

County of Santa Clara Office of the Assessor Surveillance Use Policy

Video Cameras in the Assessor's Office

~~This Surveillance Use Policy is for the sole use of the Office of the Assessor.~~

1. Purpose

The Office of the Assessor occupies the 3rd, 4th and 5th floors of the County Government Center (East Wing) located at 70 West Hedding Street, in San ~~Jose, CA.~~ José, California.

~~1.~~ PURPOSE

The Assessor's Office ~~maintains and operates~~ shall operate security cameras on all three floors ~~for the purpose of creating a safer environment for all those who visit and to monitor public work at the department. The security cameras are operated in a manner that protects the reasonable privacy interests of employees and visitors. Security cameras are located in the spaces and perimeter hallways inside each floor, including~~ hallways leading to the stairwells on each floor ~~and,~~ the 5th floor public service lobby, and customer service areas. The purposes for the security cameras shall include public safety and the identification, assessment, investigation, and reporting of behavior or activity that appears to be unauthorized, improper, illegal, or in furtherance of illegal activity.

~~Information, images, and video clips produced by the surveillance system, such as images or video clips of potential suspicious activity, may be provided to local authorities. Archived video footage may be accessed by only the IS Operations manager and Operations staff, with approval from the Assistant Assessor for purposes of complying with this policy.~~

This surveillance technology currently utilized is known as Axis Camera Station from Axis Communications.

2. Authorized and Prohibited Uses

The ~~standard use of the surveillance~~ security camera system shall be used to monitor ingress and egress in only the public areas of the department, ~~as described in Section 1 of this Policy.~~ Public Service staff members ~~may~~ shall be authorized to review real-time footage from the security camera system to observe foot traffic in the public service lobby and six customer

service conference cubicles that are not easily observable from their work locations. -To limit any expectation of privacy, a sign shall be posted on-site to indicate the presence of video monitoring.

~~Management may~~ Office management shall be authorized to review images or live footage, recorded image, and recorded video footage for the purposes described in Section 1, including assessing or investigating inappropriate, unusual, suspicious, or illegal behavior and activities, and to assist with the safety of employees and customers. ~~Management may also review footage to assess or investigate unusual, suspicious, or illegal behavior or activities.~~

~~Information obtained may be used~~ Video footage for a specific instance or case shall be made available for administrative investigations, as well as to respond to law enforcement inquiries or provide local law enforcement authorities with images or video clips of potential illegal or suspicious activity.

~~Video monitoring and use of~~ The security camera system and resulting images and video footage shall be used for County business purposes only, not personal purposes. ~~Video monitoring of public areas shall be limited to uses that do not violate the reasonable expectation of privacy. Security cameras shall;~~ shall be used in a legal manner and shall not be used in areas where there is a reasonable expectation of privacy, such as restrooms, lactation accommodation rooms, or other areas where an individual would reasonably expect not to be recorded despite signage on-site indicating the presence of video monitoring. The security camera system shall not be used to harass, intimidate, or discriminate against any individual or group.

3. Data Collection

The security cameras shall collect video, ~~which can also produce~~ as well as still shots of specific areas. ~~Should the department seek to upgrade the current surveillance technology, the office will follow the County's Surveillance Technology and Community Safety Ordinance in effect at that time of the Office as described in Sections 1 and 2, including individuals and activities that occur there.~~

4. Data Access

~~Data access to the video footage~~

Data access shall be restricted to: the following management and staff, as defined below:

- Assessor;
- Assistant Assessor;

- ~~Designated IS Operations Manager and IS Operations staff (complete access); staff,~~ with approval from the Assessor or Assistant Assessor;
- Assessor's Office Public Service Supervisor and ~~Staff~~ (limited access to real-time footage of public service lobby and conference cubicles only);
- ~~To access archived video footage or information, the position/individual must be County staff members designated in writing by the individuals named above or his/her designee~~ Assessor or Assistant Assessor as having a County business need to access the ~~information~~data, in compliance with this policy. ~~Archive;~~
- Other County personnel designated in writing by the Assessor or Assistant Assessor if they 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 requests may be approved by only to the data as low as possible within the Assistant Assessor or his/her designee. constraints of this Policy.~~

5. DATA STORAGE AND PROTECTION

5. Data Protection

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

6. Data Retention

~~Video data may~~ Data shall be retained for a period not to exceed 100 days. ~~The files then shall be over-written with the new video images.~~

~~Video footage may be copied and, unless required by law to be retained for a longer period if required by law time, or if it relates to retained as part of a criminal or specific administrative, civil, or criminal investigation or prosecution. That video footage shall be retained for no longer than one year after the criminal or administrative matter has resolved, unless after consultation with County Counsel, the Assessor or designee believes it is necessary action. The reason to retain longer. data for up to 100 days is for security-review/assessments and possible investigative purposes.~~

7. Public Access

Any public ~~requests~~request for recorded video images shall be ~~promptly~~ submitted to the department's CPRA (California Public Records Act) Coordinator for handling. ~~Every effort~~Reasonable efforts shall be made to preserve the data requested until the request has been processed.

Should law enforcement request any surveillance footage for an ongoing investigation, a written email or letter ~~must~~shall be sent to the Assistant Assessor, who shall consult with County Administration to ensure policy compliance and direction in response to the request, and with the Office of the County Counsel to ensure legal compliance.

~~Any public and media requests for video images captured by security cameras~~If a California Public Records Act request, subpoena, or court order is issued for recorded images or video, the data shall be made available only public or deemed exempt from public disclosure pursuant to the extent required by law or labor agreements, and after consulting state or federal law. Assessor's Office personnel shall consult with the Office of the County Counsel.

~~8. THIRD PARTY DATA SHARING~~

~~The Assessor or Assistant Assessor may authorize law enforcement agencies to have access to real time and archived footage if it relates to suspected suspicious, unusual, or illegal conduct.~~

~~Data may also be requested by: an employee or an employee representative regarding a specific claim, allegation, or action against the employee; or law enforcement; or a third party seeking~~ensure legal compliance ~~with a court order or subpoena. In each of those circumstances, the request shall be reviewed by the Assessor, Assistant Assessor or designee with the assistance of the Office of the County Counsel and the Labor Relations Department.~~

8. Third-Party Data-Sharing

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

- 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 Assessor or Assistant Assessor, after consultation with the County Administration to ensure policy

compliance and direction, and with the Office of the County Counsel to ensure legal compliance;

- Parties in civil litigation involving the County, in response to a subpoena or civil discovery;
- County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation;
- Other third parties, pursuant to a Court Order.

9. Training

Personnel involved in ~~video monitoring shall be the operation of the security camera system and in the access of data from it shall be~~ appropriately trained and ~~informed of the policies that affect their responsibility. Training on the use of the surveillance system and software shall be made aware of this Policy.~~ Training shall be provided by the ~~department's Office's Information Systems (IS) Operations Manager or written designee,~~ the Public Service Unit Supervisor ~~as applicable or written designee,~~ or another trainer identified in writing by the ~~Office's management.~~

10. Oversight

The Assessor, Assistant Assessor, and/or their written designee(s) shall oversee the surveillance system to ensure compliance with the Surveillance Use Policy, designate in writing personnel who shall have access to the surveillance system, and ensure that access to the video footage complies with authorized uses.

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

Approved as to Form and Legality (~~Video Cameras In the Assessor's Office~~)

Rob Coelho
Office of the County Counsel