

# **County of Santa Clara**

## **Roads and Airports Department Surveillance Use Policy**

### **Airport Noise and Operations Monitoring System (NOMS)**

#### **1. Purpose**

The purpose of the Noise and Operations Monitoring System (NOMS) is to mitigate noise impacts to the communities surrounding the County airports by monitoring and recording aircraft radio communications to help determine conformance with noise abatement procedures at Reid-Hillview Airport and San Martin Airport.

The current NOMS technology being utilized is the Digital Loggers, Model F24 USB Audio Logger.

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

NOMS shall be used by Roads & Airport personnel to monitor and record aircraft radio communications to help assess conformance with noise abatement procedures at Reid-Hillview Airport and San Martin Airport; to assist staff with the investigation of noise complaints or an incident/accident at one of the airports; and to determine the number of operations (take-offs and landings) at San Martin Airport, which does not have an air traffic control tower.

It shall be authorized for Roads & Airport personnel to use NOMS radio recordings, as well as publicly-available flight-tracking information from other sources, to investigate noise and operations complaints and aircraft accidents and incidents.

NOMS and its recordings shall be used in a legal manner, and shall not be used to harass, intimidate, or discriminate against any individual or group. NOMS and its recordings shall not be used for personal or other non-Airport related purposes.

#### **3. Data Collection**

NOMS records audio from aircraft radio communications. Those communications are automatically recorded by a computer recording system, and usually include the aircraft identifier, location, altitude, flight direction, and pilot's intentions.

#### **4. Data Access**

Access to the recorded data from the NOMS recording system shall be available to all Airports Department staff members as an electronic audio file. The Federal Aviation Administration (FAA) utilizes the data for only specific accident or incident investigations and they do not have direct access to the files.

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## **5. Data Protection**

The archived radio recordings shall be stored on a password-protected and secure server in a secured server room. Day-to-day access to the data shall be limited to authorized Airport staff members.

## **6. Data Retention**

All data from NOMS shall be archived for at least 180 days and no more than 365 days before being recorded over, with the following exceptions: copies of data relating to the investigation of a specific aircraft accident or incident, or a specific administrative or criminal investigation, action, or case, shall be made and retained for a longer period as needed for that investigation, action, or case.

## **7. Public Access**

Any public requests for NOMS data shall be submitted to the Department's CPRA (California Public Records Act) Coordinator for handling. Reasonable efforts shall be made to preserve the data requested until the request has been processed.

If a California Public Records Act request, subpoena, or court order is issued for recorded data, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. Airports personnel shall consult with the Office of the County Counsel to ensure legal compliance.

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

It shall be permitted for NOMS data to be provided to law enforcement, the FAA, and National Transportation Safety Board representatives for assistance in specific airport and aircraft accident and incident investigations.

If data is requested by law enforcement or by a third party seeking compliance with a court order or subpoena, the request shall be reviewed by an authorized Roads & Airport representative or written designee, who shall seek assistance as appropriate from the Office of the County Counsel to ensure legal compliance.

## **9. Training**

Department staff members who are granted access to the NOMS system shall be trained in data access and data handling procedures. Data access training shall include review of this Surveillance Use Policy.

## **10. Oversight**

The Department's Executive Managers and the Director/Assistant Director of County Airports shall oversee compliance with this Surveillance Use Policy. Each time the system is accessed it shall be noted in an access log and filed in the Airports Administration. At the end of each fiscal year, the Department's Deputy Director or written designee shall audit all logs for misuse, including failure to comply with this Policy.

Any employee found to have violated this Policy shall be subject to possible discipline. Alleged violations of the Surveillance Use Policy shall be reviewed by the Department Head and written designee(s) with the assistance of the Labor Relations Department and the Office of the County Counsel.

Approved as to Form and Legality

Handwritten signature of Rob Coelho and the date 11/16/18.

Rob Coelho  
Office of the County Counsel