

# County of Santa Clara Registrar of Voters Surveillance Use Policy

## Security Cameras

### 1. Purpose

The Registrar of Voters (ROV) maintains and operates security cameras (currently Axis model P3225-30) for the purpose of monitoring access to restricted voting equipment, computer tabulation systems, voting system servers, tabulation scanners, ballots, ballot storage, ballot processing, and ballot printing equipment (together, "Voting-Related Equipment and Ballots"). Information and images produced by the security cameras are intended to assist with the strict security of the ROV's voting system and all its components; respond to specific law enforcement inquiries in compliance with this Policy; and provide law enforcement authorities with images or video clips of behavior or activity that reasonably appears to be unauthorized, in violation of Department or County policy, illegal, or in furtherance of illegal activity.

### 2. Authorized and Prohibited Uses

The security-camera system shall only be used to monitor restricted storage and maintenance areas of the Voting-Related Equipment and Ballots, including ingress to and egress from those areas. To limit any expectation of privacy, a sign shall be posted on-site to indicate the presence of video monitoring.

The ROV Department Head and Assistant Department Heads shall be authorized to review live footage, recorded images, and recorded video footage for the purposes described in Section 1, including assessing or investigating behavior or activity that reasonably appears to be unauthorized, in violation of Department or County policy, illegal, or in furtherance of illegal activity; and to assist with the safety of employees and the public.

Video footage shall be used to assist with on-site safety and the security of the Voting-Related Equipment and Ballots. Video footage for a specific instance or case shall be made available for administrative investigations, as well as to respond to specific law enforcement inquiries or provide law enforcement authorities with images or video clips of behavior or activity that reasonably appears to be unauthorized, in violation of Department or County policy, illegal, or in furtherance of illegal activity.

The security camera system and resulting images and video shall only be used for County business purposes only, not personal purposes; shall be used in a legal manner; shall not be used in areas where there is a reasonable expectation of privacy, such as restrooms, changing rooms, 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 be made into still-shots of specific areas.

### **4. Data Access**

Except as approved through the process below, direct access to the video footage/information/data collected shall be restricted to:

- Department Head/Director of the ROV;
- Assistant Department Head/Director of the ROV;
- Authorized Application Administrator with the County Technology Services and Solutions department;
- Other County personnel designated in writing by the ROV Department Head and/or Assistant Department Head if that designator determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action, or that access is needed for a County business need in compliance with this Policy.

Efforts shall be made to keep the total number of designees with access to the data as low as possible within the constraints of this Policy.

### **5. Data Protection**

All recorded images generated by the security cameras shall be stored in a secure location established or approved by the ROV's Department Head, accessible to only authorized staff members, and configured to prevent unauthorized modification, duplication, or destruction of the recorded images.

### **6. Data Retention**

The ROV shall maintain/retain the video data for a period not to exceed 60 days, unless an approved exception to that 60-day period applies, as described below. At or near the 60-day period, the video footage shall be deleted or destroyed, unless it is specifically retained or copied by the ROV as part of a specific administrative/disciplinary or criminal investigation or proceeding regarding behavior or activity that reasonably appears to be unauthorized, in violation of Department or County policy, illegal, or in furtherance of illegal activity. Video footage that is retained by the ROV for these purposes shall be destroyed no later than one year after the administrative/disciplinary or criminal investigation or proceeding has concluded, unless it is retained for training purposes or the law or County policy require a longer retention.

### **7. Public Access**

Any requests to the ROV for recorded video footage for the purpose of County business shall be promptly submitted to the ROV Director or designee(s) listed above. 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 images or video, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law, after consultation with the Office of the County Counsel as needed.

## **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, but data sharing under this bullet-point shall be permissible with those agencies/individuals only in connection with a specific administrative, civil, or criminal investigation or action; and only with the written consent of the Department Head/Director of ROV or Assistant Department Head/Director of ROV;
- 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.

It shall be permissible for video footage to be provided to law enforcement representatives if the Department Head or Assistant Department Head believe that the footage shows behavior or activity that reasonably appears to be unauthorized, illegal, or in furtherance of illegal activity. If law enforcement representatives request video footage from the ROV, the Department Head or Assistant Department Head shall consider that request in consultation with the Office of the County Counsel to determine if there is a legal requirement, Board Policy, or court order that requires, authorizes, or prohibits the disclosure of that specific footage.

If footage is requested by an employee or an employee representative regarding a specific claim, allegation, or action against a County employee or contractor, the request shall be reviewed by the Department Head or Assistant Department Head or designee with the assistance of the Offices of the County Counsel and the Labor Relations Department.

## **9. Training**

This Use Policy shall be available to and/or distributed to all ROV employees and applicable unions. Any training regarding the security-camera system shall be provided by the vendor, the ROV's System Administrator, or another individual or entity designated by the Department Head or Assistant Department Head.

## **10. Oversight**

Individuals identified in the first three bullet points of the Data Access section of this Policy (Section 4) shall share responsibility to administer and/or monitor the security camera system and compliance with this Policy.

Any employees found to have violated this Policy shall be subject to possible discipline. Violations of this Policy shall be reviewed by one or more employees identified in the Data Access section of this Policy, with the assistance of the Labor Relations Department and Office of the County Counsel.

Approved as to Form and Legality

 12/6/19

Rob Coelho  
Office of the County Counsel