

CCTV MONITORING & PRESERVED FOOTAGE POLICY		POLICY	
		Document Number:	SSS-SE-PL-0001
		Version Number:	01

1.0 Purpose:

Santa Clara Valley Transportation Authority (“VTA”) uses Closed Circuit Television (CCTV) to monitor its premises, bus and light rail vehicles, as well as light rail platforms to provide for the security and safety of its staff and the public and conduct its business. This Policy will serve as guidance to VTA for the use of CCTV security systems and outline responsibilities of respective staff when handling and utilizing CCTV Footage.

2.0 Scope:

This Policy applies to VTA Board Members and employees, as well as any VTA consultants, contractors and agents with respect to the use and monitoring of CCTV Footage.

3.0 Responsibilities:

- 3.1** System Safety & Security Management is responsible for providing safeguards for personnel with access to CCTV systems and Footage, authorizing access to CCTV systems, and ensuring that the CCTV systems are used in accordance with this Policy.
- 3.2** Protective Services is responsible for overseeing the CCTV systems and coordinating the use of CCTV monitoring and recording for safety, security and business purposes at VTA.
- 3.3** The Office of the General Counsel is responsible for responding to California Public Records Act requests and other requests pursuant to law.
- 3.4** Division Supervisors and Superintendents are responsible for authorizing the review of CCTV Footage for safety, security and/or business purposes.

4.0 Policy:

4.1 CCTV Monitoring

VTA will comply with state and federal law in the monitoring and treatment of CCTV Footage. Additionally, CCTV monitoring and recording shall be conducted in accordance with all existing VTA policies, including the non-discrimination policy, sexual harassment policy and other relevant policies.

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Legitimate safety, security and business purposes for CCTV monitoring include, but are not limited to the following:

- a. Protection of persons, property and buildings (e.g., may include things such as building perimeter, entrances and exits, lobbies and corridors, receiving docks, buses, light rail trains, light rail platforms, etc.);
- b. Video surveillance of public areas (e.g., parking lots and facilities, transit stops, streets and ways, commercial areas, public gatherings, etc.);
- c. Criminal investigations (e.g., robbery, burglary, theft, etc.);
- d. Protection of pedestrians (e.g., pedestrian and vehicle traffic activity, etc.); and
- e. Investigations (i.e. disciplinary, accident, customer complaint, criminal, etc.);
- f. Legal holds; and
- g. Any purpose that serves VTA's business needs.

VTA will maintain a secure database of all VTA owned and controlled camera locations and provide signage to indicate the presence of CCTV cameras where appropriate. Monitoring and use of Footage shall be conducted in a manner that properly balances VTA's legitimate safety, security and/or business purposes with the public's reasonable expectation to privacy.

When authorized employees are viewing Footage on a video monitor, the monitor will be in a position that cannot be viewed by others.

4.2 *Preservation of Recorded CCTV Footage*

CCTV Footage may only be preserved in connection to one or more of the purposes defined in Section 4.1 of this Policy. Unless existing Footage is preserved, new Footage will be captured over the previous Footage. The availability of non-Preserved Footage shall generally not exceed 30 calendar days.

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4.3 Requests for CCTV Footage

4.3.1 Law Enforcement Requests

VTA will provide local law enforcement agencies with CCTV Footage upon request in connection with any ongoing criminal investigation, as required by law.

When requesting Footage from VTA, local law enforcement agencies are required to submit the request in the form similar to the attached **CCTV Data Release Form** for approval and record keeping purposes.

4.3.2 Requests from VTA Staff for Legitimate Business Reasons

A supervisor or superintendent's authorization is required before VTA staff may use CCTV Footage to conduct an investigation (e.g. disciplinary, customer complaint, accident/incident, etc.).

4.3.3 California Public Records Act (CPRA) Requests of Footage

Outside of the aforementioned categories, CCTV Footage may be subject to the CPRA in a variety of contexts. Any request for CCTV Footage that is unrelated to a law enforcement matter or VTA's business reasons, will be referred directly to the General Counsel's Office for response and processing.

4.3.4 Subpoenas

Subpoenas and any other requests made pursuant to law must be directed to the General Counsel's Office for response and processing.

4.4 Reporting to VTA's Board of Directors

VTA staff shall provide an annual report to the Board of Directors at the end of any calendar year where Footage is preserved pursuant to section 4.1(g) of this Policy. The report shall include a description of the Preserved Footage, the identity of the requesting staff, the date of when the request was made and a statement articulating VTA's business need for the Footage.

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4.5 *Retention of Preserved CCTV Footage*

Except Footage specifically awaiting review by local law enforcement agencies, where a legal hold has been placed on the Footage or where staff has articulated that the Footage is required for a legitimate business reason, all Preserved Footage shall be destroyed in accordance with VTA's Record Retention Schedule, Policy and Procedure. The retention schedule pertaining to Preserved Footage captured by VTA's CCTV program is also attached herein.

4.6 *Misuse of CCTV Footage*

Any interception, duplication, transmission, diversion, or use of Footage and CCTV technologies for purposes other than the legitimate safety, security, and/or business purposes contemplated by this Policy is prohibited. Violation of this Policy may result in disciplinary action consistent with VTA's rules and regulations.

5.0 *Definitions:*

- 5.1** “Closed Circuit Television” (CCTV) is a generic term used to describe a variety of video surveillance technologies. More specifically, CCTV refers to a system in which one or more video cameras are connected in a closed circuit or loop, with the images produced being sent to a central television monitor or recorded.
- 5.2** “Footage” refers to video recording captured by VTA's CCTV system. Such video recordings are generally deleted after 30-days unless they are preserved (see Sec. 5.3-“Preserved Footage.”)
- 5.3** “Preserved Footage” refers to video recording that is downloaded and stored.
- 5.4** “Reasonable Expectation of Privacy” is an element of privacy law that determines in which places and in which activities a person has a legal right to privacy (e.g. in a home, personal automobile, etc.).

6.0 *Summary of Changes:*

Initial release of this Policy.

CCTV MONITORING & PRESERVED FOOTAGE POLICY**POLICY**

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7.0 Approval Information:

<i>Prepared by</i>	<i>Approved by</i>
 Robert Fabela General Counsel	April 7, 2016 see attached certified copy Board of Directors

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

**REQUEST OF LAW ENFORCEMENT AGENCY FOR RELEASE
OF RECORDED AUDIO/VIDEO DATA**

1. DATE OF REQUEST:

2. DESCRIPTION OF INCIDENT LEADING TO REQUEST:

Date:

Time:

Location:

3. REQUESTING LAW ENFORCEMENT AGENCY:

4. CASE/EVENT NUMBER(S):

5. CERTIFICATION OF OFFICER:

On behalf of the above-named law enforcement agency, the undersigned officer has requested from Santa Clara Valley Transportation Authority (VTA) a copy or copies of available video and audio data related to the incident described above. I certify that this incident is subject to an official investigation by my law enforcement agency and that the copied video and audio data and any reproductions of any kind made from the video will be used for no other purpose than to assist in that investigation. *It is understood and agreed that the recorded video and audio data and all reproductions made from the video will remain the property of VTA and shall not be copied or released to anyone without VTA's General Counsel's prior written authority. Please contact 1-408-321-7581.*

My law enforcement agency agrees to indemnify VTA for any damage or injury that may arise from the unauthorized use or release of the recorded video and audio data.

The above-named law enforcement agency understands that VTA, as a public agency, is subject to the California Public Records Act (CPRA).

By:

Print Name:

(Sign above and include rank, badge number and contact number of requesting officer.)

RELEASE OF AUDIO/VIDEO DATA TO LAW ENFORCEMENT AGENCY

On _____ at approximately _____ hrs., I released to the officer identified above a copy or copies of the following recorded video and audio data:

DATE OF INCIDENT	CAR/TRAIN NUMBERS	BUS/BLOCK NUMBERS	LRT STATION TRANSIT CENTER or FACILITY	TIMEFRAME

By: _____

Print Name:

(Sign above and include title and extension of authorized VTA staff member.)

REFUSAL TO RELEASE AUDIO/VIDEO DATA TO LAW ENFORCEMENT AGENCY

On _____ at approximately _____ hours, I refused to release a copy or copies of the requested audio/video data to the officer identified above for the following reason(s):

By: _____

Print Name:

(Sign above and include title and extension of authorized VTA staff member.)///

VTA RECORD RETENTION SCHEDULE

Record Series #	Business Area	Retention Category and Content	Example of Records	Optional: Fill in for Record Type if (C, H, V)	Office of Record	Active: Years to Retain in Dept.	InActive: Years to Retain Offsite	VTA Retention Period	Legal Retention Period	Citation	Comments
RETENTION CODES: AU = Audit; CL= Closed/Completion; CU= Current; Death = Death; In = Indefinitely; LE = Last Entry; LOS= Life of System/Asset ; P= Permanent; S= Superseded; T= Termination											
RECORD TYPES: C = CONFIDENTIAL H = HISTORICAL V = VITAL											
PS01	Protective Services	General & Administrative (ATU, SEIU, and AFSME) and Management Records	Fare Inspector (Fi) Daily Attendance Log, Fi Uniform Allotment, Fi Attendance Program Employee Development And Training Records (in FEATS d/b), Daily Work Schedules And Areas Worked, Fare Inspector Division Files (Including Discipline, Attendance, FMLA, Fi Overtime Requests Forms, Vacation, Floating Holiday, Employee Incentive Plan, Calendars And Holiday Sign-Ups) Equipment Distribution Records, Industrial Injury Documentation, SOP, Work Instructions, Policies And Procedures, RV Program Includes RV Parking Permit Records, Key Control/Gfi/Tvm, Access Control Logs, National Transit Database (Safety and Security) annual report and backup documents. California Public Utilities Commission Annual Safety and Security Report. Security Badge Access Request Forms	C	Protective Services	2		CU + 2	CU + 2	Gov't Code 34090	Internal Documentation For Court / Fare Enforcement Records are confidential. Trigger for all records in this category is end of current year except for SOP, Work Instructions, Policies And Procedures. SOP, Work Instructions, Policies And Procedures are retained for 2 years after superseded. all records active in department for two years except: - Key Control/Gfi/Tvm 1 yr active and 1 yr inactive in warehouse. - Access Control Logs 1 month active and then inactive and moved to warehouse. Category contains Security Sensitive Information

VTA RECORD RETENTION SCHEDULE

Record Series #	Business Area	Retention Category and Content	Example of Records	Optional: Fill in for Record Type if (C, H, V)	Office of Record	Active: Years to Retain in Dept.	InActive: Years to Retain Offsite	VTA Retention Period	Legal Retention Period	Citation	Comments
PS02	Protective Services	Court / Fare Enforcement Records	Notice To Appear Citations Written Warnings FEAT Information	C	Protective Services	3		CU + 3	CU + 2	Gov't Code 34090	Category contains Security Sensitive Information. Trigger for all records in this category is end of
PS03	Protective Services	Security Incident Reports and Occurance Reports	Security Incident Reports in Industry Safe Occurance Reports for Bus and Light Rail	C	Protective Services	2		CU + 2	CU + 2	Gov't Code 34090	Category contains Security Sensitive Information. Occurance Reports contain Privacy info. Trigger for all records in this category is end of current year.
PS04	Protective Services	Lost And Found Program	Lost And Found Property Receipt Log (Paper); Found Property Report (Paper); Lost And Found Database		Protective Services	1	1	CU + 2	CU + 2	Gov't Code 34090	Trigger for all records in this category is end of current year.
PS05	Protective Services	CCTV Program	Includes downloaded data on Crime, Employee Discipline, Risk Management Events - Cctv/Camera Data Cd/Dvd Of The Event Data Pack Requests Failure To Capture Log If The Equipment Failed Or Was Out Of Service Law Enforcement Release Forms	C	Protective Services	3		CU + 3	CU + 2	Gov't Code 34090.8	Admin decision: retain for 3 years. Liability events are held in Enterprise Risk Management and Operations. Consider confidential b/c of privacy issues for youth. Trigger for all records in this category is end of current year.
PS06	Protective Services	CCTV Program Major Events Or Serious Crime Records	Includes downloaded data for Major Events Or Serious Crime (Fatality, Suicides, Homicide, etc)	C	Protective Services	P		P	P	Gov't Code 34090 California Penal Code799	Major Events Or Serious Crime Documents (including video and audio, if captured on equipment) retained permanently.

Version 2.0

Approved by General Counsel October 8, 2015



SANTA CLARA
Valley Transportation Authority

Date: March 21, 2016
 Current Meeting: April 7, 2016
 Board Meeting: April 7, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
 Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of System Safety & Security, Steven Keller

SUBJECT: Closed-Circuit Television (CCTV) Policy

APPROVED ACCEPTED ADOPTED AMENDED DEFERRED REVIEWED
 Santa Clara Valley Transportation Authority
 Board of Directors
 Elaine F. Baltag, Board Secretary
 BY: Thalia Young
 DATE: 4/7/16

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Review and adopt the CCTV Monitoring & Preserved Footage Policy.

BACKGROUND

Public agencies across the state of California have increasingly implemented Closed-Circuit Television (CCTV) systems for safety, security and business purposes. Public transportation agencies have placed cameras strategically in the interior and exterior of agency buses, light rail vehicles, facilities, property and platforms. The ability to monitor and preserve footage when necessary has been instrumental in deterring crime as well as aiding in criminal, disciplinary and risk management fact-finding investigations.

Public agencies such as Los Angeles County Metropolitan Transportation Authority (LA Metro), San Francisco Municipal Railway (SF Muni) and Sacramento Regional Transit (SacRT) have developed protocols for the handling of CCTV footage, including but not limited to requiring law enforcement agencies to submit formal requests for video, dealing with public record requests on a case-by-case basis and requiring supervisory approval of the respective department for video requested for a legitimate business reason. Presently, VTA staff follows similar protocols for the handling of CCTV footage and with Board approval ~~will establish a policy~~ formalizing these protocols.

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DISCUSSION:

The Policy will be applicable to VTA Board Members, divisions and employees, as well as any VTA consultants, contractors and agents with respect to the monitoring and use of video footage collected from CCTV systems on VTA's buses, trains, platforms and premises. In addition, the Policy will set forth responsibilities for System Safety & Security, Protective Services, the Office of the General Counsel and Division Supervisors and Superintendents. Protective Services within System Safety & Security will be the monitoring and record-keeping division for the CCTV system and footage.

The Policy will ensure that VTA complies with state and federal law in the monitoring and treatment of CCTV footage as well as remain compliant with its own policies, including the non-discrimination policy, sexual harassment policy and other relevant policies.

The Policy will set forth that VTA shall use its CCTV system only for legitimate safety, security and business purposes and provide the following delineated list for VTA staff as guidance for what purposes CCTV monitoring may take place:

- Protection of persons, property and buildings;
- Video of public areas;
- Criminal investigations;
- Protection of pedestrians;
- Investigations;
- Legal holds; and
- Any purpose that serves VTA's business needs.

By providing the above-referenced list, VTA will balance VTA's concern for security and safety as well as legitimate business needs with the public's reasonable expectation of privacy. As such, VTA presently provides signage on light rail trains, buses and stations informing the public of the possible presence of CCTV cameras, and will continue to do so. Although not required by law, the posting of signage has been a common practice of many public transportation agencies throughout the state of California and the Country.

VTA's CCTV system is set up in such a way that unless footage is preserved ("downloaded") for one of the purposes listed above, new footage will override the previous footage approximately every three weeks, depending on the age of the equipment in place. The Policy will provide that the availability of unpreserved footage (footage not downloaded from the CCTV system) will generally not exceed 30 days. The purpose of this provision is to avoid unnecessary monitoring and preservation of miscellaneous footage that does not serve one of the legitimate purposes for which VTA implemented the CCTV system. Footage preserved for legitimate purposes will be destroyed in accordance with VTA's Record Retention Schedule, Policy and Procedure.

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Accordingly, the Policy will provide guidance to VTA concerning requests for footage and how the footage should be handled. For example, the Policy will allow law enforcement agencies to request footage by submitting a CCTV Data Release Form. Being that time is crucial to criminal investigations, the goal here is to allow law enforcement agencies to request and view video footage in an efficient manner, without additional obstacles that may delay an investigation, but to nonetheless require certain standards to be met, as monitored by VTA. Requests from internal VTA staff will need to come from a supervisor or superintendent as to identify a proper business reason. The General Counsel's Office will oversee requests made under the California Public Records Act on a case-by-case basis and determine whether the public interest served by not disclosing the footage outweighs the public interest served by disclosure of the footage. In addition, staff shall direct all other requests made pursuant to law to the General Counsel's office for response and processing.

Lastly, the Policy will allow System Safety & Security management to make decisions regarding the CCTV technology and safeguards for handling of that technology so that VTA may continue to prioritize the safety and security of the public as well as the best interests of VTA.

FISCAL IMPACT:

No fiscal impact as a result of this action.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

This item was reviewed at Administration & Finance Committee on March 17, 2016. Present was Board Chair Baker, Vice Chair Nguyen, Member Chavez, and Alternate Member Carr. The Committee was supportive of this policy. Board and Committee Member Chavez made the following request:

- Staff reference and attach the VTA records retention Policy.
- Staff embed this policy into any VTA policy and practices relating to how VTA manages and maintains data.
- Staff consider including this policy as appropriate in procurement packages so that vendors understand VTA's privacy needs.
- Staff provide an annual report to the Board of Directors in any calendar year that CCTV video is captured or used as outlined in CCTV Monitoring & Preservation Policy section 4.1 under the bullet point which reads: "Any purpose that serves VTA's business needs."

Prepared by: Steve Keller, Director of System Safety & Security
Memo No. 5476

ATTACHMENTS:

- UPDATED CCTV POLICY (FINAL) (PDF)
- Retention Policy - Protective Service_FINAL_02 12 2016 (PDF)

I certify that the foregoing instrument is a true and exact copy of the original on file in the Secretary of the Board of Director's office.

Date

Glenn Baker
4/8/16