

# **Privacy and Usage Guidelines for Video Surveillance Technology by and for West Loch Fairways Homeowner's Association**

## **1. Introduction**

Video surveillance is one of the tools used by the Association to attempt to deter conduct that violates the law and Association rules. It is the Association's intent to avoid using video surveillance technology in a manner that infringes on the legitimate privacy rights of individuals who visit or recreate at monitored sites.

## **2. Purpose**

The purpose of this document is to describe the policies and practices used by the Association when installing video surveillance equipment at designated sites.

## **3. Authorities**

- Hawaii Community Association Law: Section 514A-82.3 Fiduciary Duty
- Declaration of Covenants, Conditions, and Restrictions, Section 5.05(b)(5) to contract and pay for or provide such other services as the Association may deem necessary for the benefit of West Loch Fairways and the Owners;

## **4. Definitions**

**"Video surveillance technology"** refers to cameras and equipment that monitor or record the activities of individuals in or at Association Common Areas, including, but not limited to: video cameras; closed circuit television cameras; still frame cameras; digital cameras; and, time-lapse cameras and recorders. These devices may be used to create records, including video, photographic or digital images but will not be monitored on a continuous basis by association personnel.

**"Personal information"** means recorded information about an identifiable individual.

A **"record"** is defined as photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means but does not include a computer program or any other mechanism that produces records. This means that video recordings are included under the definition of a record.

**"Transitory records"** are records that are created to be used or stored only for a limited period of time for the completion of a routine action or the preparation of an ongoing record. Transitory records are records of a temporary usefulness that are not an integral part of an administrative or operational record series.

## **5. Applicability and intended audience**

These guidelines apply to Association Directors, employees, and the Association Property Management Company.

## **6. Designated responsibilities**

The Association Board of Directors is responsible for ensuring the Association's policy and procedures comply with the purpose of this document. The Association Board of Directors is responsible for ensuring that the collection, use, retention, and disclosure of personal information comply with this document. The Association Board of Directors appoints a contact who has responsibility for answering questions from employees and members of the Association regarding the Association Board of Directors' use of video surveillance technology, specifically the collection, use, retention, access, and disposal of personal information collected by the video surveillance system.

The site manager(s) is (are) responsible for the operation of video surveillance technology and administration of records within that program area and complying with the provisions of this document but will not monitor the video surveillance technology on a continuous basis.

## **7. Written Policy**

So long as video surveillance equipment is used by the Association, the Association shall develop and maintain written policies and procedures covering the use of video surveillance systems to ensure that personal information is managed in accordance with the purpose of this document. The written policy shall be reviewed annually.

## **8. Collecting personal information**

No personal information may be collected by or for the Association or any other individual or entity unless that information exists as a transitory record and is requested in accordance with the Hawaii Revised Statute(s) for the purposes of law enforcement.

## **9. Managing records created by video surveillance technology**

A record of personal information shall not be made except under the direction of the President and Vice President, Association Board of Directors upon the request of law enforcement to assist in the investigation of a reported crime. The site manager(s) must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal. If any record of personal information is made available to law enforcement, a signed receipt must be obtained. Any record of personal information no longer required shall be disposed of in a manner that makes it impossible to obtain personal information.

## **10. Notification**

The Association shall notify individuals entering the Association property that video surveillance technology is in use through the use of clearly written and prominently displayed signs. Notification by sign to this effect is recommended.

## **11. Implementing video surveillance systems**

The Association shall conduct a privacy impact assessment on any existing or planned video surveillance system:

In this section:

Privacy impact assessment means an assessment that is conducted to determine if a new enactment, system, project or program is limited to a video surveillance system that has the purpose of deterring violations of the law and Association rules that may adversely affect Association Common Area property, members of the public and Association members.

The Association Board of Directors must conduct the privacy impact assessment and discuss the results at a monthly meeting prior to implementing the program. The Association Board of Directors shall evaluate the privacy implications of the proposed video surveillance system and ensure that security requirements are met in the least intrusive manner possible. They shall also take into consideration whether the surveillance is a necessary and viable deterrent.

## **12. Camera location, operation and control**

The Association Board of Directors shall ensure that the location, operation and control of any video surveillance system meet the intent of this document. Access to the operation and control of any video surveillance system is restricted to current Board of Directors and site manager(s) only. Association personnel will not be expected or required to monitor the video surveillance technology on a continuous basis.

Access to the video surveillance technology shall be documented.

At no time shall Association video surveillance technology be intentionally positioned or operated in a manner that allows for a transitory record of activities within households within the Association.

## **13. Operational times**

Video surveillance technology shall be in operation 24/7 unless temporarily halted due to mechanical or electronic failure, vandalism, an act of God, loss of electrical power, or planned maintenance or as otherwise determined by the Board of Directors.

#### **14. Audits and reviews**

The Association Board of Directors shall review annually the use of video surveillance technology to ensure it is done in accordance with this document. All site managers shall be advised that the system is subject to audit and that they may be called upon to justify the operation of the video surveillance technology to the Board of Directors.

#### **15. Conclusion**

The use of video surveillance technology by the West Loch Association Board of Directors is to assist in deterring violations of the law and rules that affect individuals, assets, and property of the Association and members of the Association. It is hoped that public knowledge of the use of such technology will sufficiently deter undesired actions. If, however, a transitory record will assist law enforcement in investigation and prosecution of a previously reported criminal activity, a recording shall be made available to the proper authorities if possible.