

## SURVEILLANCE AND MONITORING POLICY

<b>Area:</b> University	<b>Number:</b> Surveillance1
<b>Subject:</b> Surveillance	<b>Issued:</b> 6-1-2011
Applies To: University	Revised: n/a
Sources: VP IT, Director of Public Safety, University Attorney	Page(s): 5

### I. Purpose

Georgia Southern University (University) is committed to enhancing campus safety and protection of University resources by utilizing surveillance technology to deter crime, enhance safety, and protect the property of the University community. The purpose of the policy is to regulate the use of Surveillance Cameras and Surveillance Monitoring or Recording to protect the legal and privacy interests of the University and the University community.

This policy applies to all University personnel, colleges, divisions and departments in the use of Surveillance Cameras on University Facilities, and the conduct of Surveillance Monitoring or Recording.

The existence of this Policy does not imply or guarantee that cameras will be monitored in real time continuously or otherwise.

### II. Policy Statement

The University's use of Surveillance Cameras for Surveillance Monitoring or Recording must be conducted in a professional, ethical, and legal manner.

Surveillance Cameras will only be installed with the approval of a University Vice President or the Director of Public Safety. The Director of Public Safety may authorize any temporary installation as deemed necessary in connection with law enforcement investigation, to enhance security for special events or as otherwise deemed necessary to enhance security or aid law enforcement.

Only authorized personnel, as determined by a University Vice President or the Director of Public Safety will be involved in, or have access to, Surveillance Monitoring or Recordings. All authorized users of Surveillance Cameras and Surveillance Monitoring must comply with the University's Information Technology Appropriate Use Policy. All surveillance equipment must comply with established institutional standards.

All surveillance equipment must be operated in a manner that complies with State regulations.

For FERPA purposes, Surveillance Monitoring or Recordings with information about a specific student are considered law enforcement records unless the University uses the recording for discipline purposes or makes the recording part of the educational record.

Violations of this policy and procedures may result in disciplinary action in accordance with the policies, contracts, rules and regulations governing University employees or State law.

### **III. Exclusions**

This policy does not apply to the use of Surveillance Cameras, or the conduct of Surveillance Monitoring or Recording, or any type of monitoring, covert or otherwise, by the University Police (UP) during criminal investigations.

This policy also does not apply to legitimate academic or research uses of a Surveillance Camera or other uses that have been approved by the University's Institutional Review Board for the Protection of Human Subjects or the Institutional Animal Care and Use Committee.

### **IV. Procedures**

#### **A. Approval of Surveillance Cameras**

Installation and/or placement of Surveillance Cameras in University facilities must be pre-approved by the Director of Public Safety or the appropriate University Vice President.

The Director of Public Safety may designate specific locations and conditions where Surveillance Monitoring is evident to the public to facilitate monitoring of facilities or as a deterrent to unwanted acts.

#### **B. Authorized use**

Only University personnel designated by Director of Public Safety or the appropriate University Vice President shall be authorized to access Surveillance Monitoring or Recordings.

Authorized personnel will be appropriately trained in the responsible use of this information and technology through a training program offered by the Office of Public Safety and Information Technology Services.

The conduct of Surveillance Monitoring or Recording, and the use of Surveillance Cameras, must be in a manner consistent with all University Administrative Policies and Procedures.

Surveillance Camera equipment and Surveillance Monitoring or Recording must comply with University Information Technology Appropriate Use Policy.

The conduct of Surveillance Monitoring or Recording, and use of Surveillance Cameras must be in a manner consistent with Georgia State law O.C.G.A. § 16-11-62 and other statutes. As such, the conduct of Surveillance Monitoring or Recording, and the use of Surveillance Cameras at the University are limited to uses that do not violate a person's "reasonable expectation of privacy", as defined by Georgia law.

All existing uses of Surveillance Cameras and Surveillance Monitoring or Recording that are subject to this policy, will be brought into compliance with this policy. This process will include a request through the appropriate University Vice President or Director of Public Safety to continue using the existing Surveillance Cameras.

### **C. Retention and Release of Information**

Images obtained through Surveillance Monitoring or Recording shall be retained for 21 days and then erased or recorded over unless retained as part of a University investigation or judicial matter or in a civil or criminal court proceeding pursuant to a Preservation Notice issued by the Office Legal Affairs. No attempt shall ever be made to alter any recording. Editing or otherwise altering recordings or still images, except to enhance quality for investigative purposes as ordered by the Director of Public Safety, is strictly prohibited.

Any questions regarding the retention of these images should be directed to the Director of Public Safety.

Recordings used in law enforcement investigations or criminal prosecutions shall be retained until determined and directed by Office of Legal Affairs.

All requests from sources external to the University for the release of information and results obtained through Surveillance Monitoring or Recording must be submitted to the Office of Legal Affairs for release.

### **D. Surveillance Review and Monitoring Panel**

The Director of Public Safety will convene a Surveillance Review Panel comprised of, but not limited to, the following members:

- Representatives of the Student Government Association
- Representatives of the Division of Student Affairs & Enrollment Management
  - Including the Dean of Students or designee.
- Representatives of the Division of Business and Finance
  - Including Director of Human Resources or designee.
- Representatives of the Office of Legal Affairs
- Representatives of the Division of Academic Affairs
- Representatives of the Division of Information Technology Services

The Panel will meet, at a minimum, once per academic year.

The Panel will review existing and new Surveillance Camera locations to ensure that the capabilities and plans for surveillance capabilities are effectively coordinated, address institutional priorities and conform to this policy.

The Panel will review complaints regarding Surveillance Camera locations and determine whether the policy is being appropriately followed. The Panel will consider all relevant factors including without limitation, whether the potential benefit in community security outweighs any possible infringement of individual privacy, and the benefits and implications of monitoring guests as well as University students, faculty and staff.

The Panel will provide recommendations for signs with standard language for placement in those areas where Surveillance Monitoring or Recording is done, as appropriate.

The Panel will review emerging technologies to determine their applicability within the University environment.

The Panel will review this policy periodically and recommend appropriate revisions.

## **V. Definitions**

### **A. Surveillance Camera**

Surveillance Camera means any item, system, camera, technology device, communications device, or process, used alone or in conjunction with a network, for the purpose of gathering, monitoring, recording or storing an image or images of University Facilities and/or people in University Facilities.

Images captured by Surveillance Cameras may be real-time or preserved for review at a later date. Such devices may include, but are not limited to, the following:

- i. Close circuit television
- ii. Web cameras
- iii. Real-time surveillance systems
- iv. Computerized visual monitoring
- v. Cell phones with cameras

### **B. Surveillance Monitoring or Recording**

Surveillance Monitoring or Recording means the process of using a Surveillance Camera to observe, review or store visual images for purposes of protecting property, deterring crime and protecting safety and security.

### **C. University Facilities**

University Facilities means all University areas on University owned, leased or controlled property, both internal and external, and includes offices, common spaces, labs and all other areas.

## VI. Appendix O.C.G.A. § 16-11-62

It shall be unlawful for:

(1) Any person in a clandestine manner intentionally to overhear, transmit, or record or attempt to overhear, transmit, or record the private conversation of another which shall originate in any private place;

(2) Any person, through the use of any device, without the consent of all persons observed, to observe, photograph, or record the activities of another which occur in any private place and out of public view; provided, however, that it shall not be unlawful:

(A) To use any device to observe, photograph, or record the activities of persons incarcerated in any jail, correctional institution, or any other facility in which persons who are charged with or who have been convicted of the commission of a crime are incarcerated, provided that such equipment shall not be used while the prisoner is discussing his or her case with his or her attorney;

(B) For an owner or occupier of real property to use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are on the property or an approach thereto in areas where there is no reasonable expectation of privacy; or

(C) To use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are within the curtilage of the residence of the person using such device. A photograph, videotape, or record made in accordance with this subparagraph, or a copy thereof, may be disclosed by such resident to the district attorney or a law enforcement officer and shall be admissible in a judicial proceeding, without the consent of any person observed, photographed, or recorded;

(3) Any person to go on or about the premises of another or any private place, except as otherwise provided by law, for the purpose of invading the privacy of others by eavesdropping upon their conversations or secretly observing their activities;

(4) Any person intentionally and secretly to intercept by the use of any device, instrument, or apparatus the contents of a message sent by telephone, telegraph, letter, or by any other means of private communication;

(5) Any person to divulge to any unauthorized person or authority the content or substance of any private message intercepted lawfully in the manner provided for in Code Section 16-11-65;

(6) Any person to sell, give, or distribute, without legal authority, to any person or entity any photograph, videotape, or record, or copies thereof, of the activities of another which occur in any private place and out of public view without the consent of all persons observed; or

(7) Any person to commit any other acts of a nature similar to those set out in paragraphs (1) through (6) of this Code section which invade the privacy of another.