

Department of Finance and Administration Policy

Policy Title: Video Camera Use Policy

Policy Number: 1.5

1.0 Purpose

The Arkansas Department of Finance and Administration ("DFA") is committed to protecting the safety and security of its customers, visitors, employees and property. Although DFA is not obligated to monitor employee activities, one component of a comprehensive security plan is the utilization of video camera technology. The use of visible video cameras in public areas is intended to deter crime, enhance overall security efforts, increase the ability of law enforcement to identify and apprehend persons who commit criminal acts, and to protect property.

Implementation of video camera technology must protect individual privacy rights in accordance with state and federal law. This policy is adopted to formalize the acceptable purposes and procedures for the installation and monitoring of video camera equipment and the handling, viewing, retention, storage, dissemination, and destruction of recorded images. This policy regulates the use of video camera technology by DFA to observe and record public areas to enhance safety and security and for other legitimate business purposes while protecting the privacy interests of customers, visitors, and employees.

2.0 Applicability

This policy applies to all DFA employees.

3.0 Definitions

Webcams: A webcam is a video camera that feeds or streams an image or video in real time to or through a computer to a computer network, such as the Internet. Webcams are typically small cameras that sit on a desk, attached to a user's monitor or built into the hardware.

4.0 Policy

DFA may install video cameras as needed to enhance the safety and security of DFA premises. The operation, management, and monitoring of those video camera systems shall be in accordance with the policies established herein. Protection of personal privacy is fundamental in the design and implementation of the video camera system. This policy does not apply to cameras used for administrative hearings or interoffice conversations. This policy also does not address the use of Webcams for general work purposes.

4.1 Authorized Uses

Video cameras may be used to provide and enhance the safety and security of persons on DFA owned or controlled premises and of property and assets owned or controlled by DFA. Video

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cameras and video recordings may be used as evidence that a DFA employee or customer has engaged in behavior that violates State or federal law or DFA policies. DFA may use video cameras as necessary to monitor its business activities which include preventing theft or workplace violence, investigating illegal or improper conduct, monitor traffic volume and other purposes. DFA employees have no reasonable expectation of privacy when they are conducting DFA business or using DFA-provided equipment and systems.

4.2 Responsibilities

The responsibility for video cameras placed in all DFA buildings, other than those used by OAL, shall be the responsibility of the Commissioner of Revenue as set out below. The responsibility for video cameras placed in the OAL building shall be the sole responsibility of the Director of the OAL.

4.2.1 Commissioner of Revenue Responsibilities: Other than those cameras addressed in § 4.2.2. below, the DFA Revenue Security Coordinator Supervisor (RSCS), under the supervision of the Commissioner of Revenue or his designee(s), shall select the video technology to be installed, and shall recommend camera locations, coordinate the operation and testing of the video camera system, monitor the use of that system, oversee the storage of recorded video, and respond to requests for viewing. The location of all video cameras shall be approved by the Commissioner of Revenue.

The Commissioner of Revenue or his designee(s) shall receive and review requests for the installation or removal of cameras and shall review the specific camera locations to ensure compliance with this policy. Any request for installation or removal of a camera shall be made by the DFA Administrator of the affected area and shall include a written explanation justifying the request. The Commissioner of Revenue or his designee(s) shall determine whether an additional camera should be installed or whether the removal of an existing camera is needed.

The RSCS in coordination with the Commissioner of Revenue or his designee(s) shall assess the need for new camera locations and conduct an evaluation of existing camera locations as necessary to ensure maximum protection for property and persons. The RSCS shall propose the relocation of cameras to the Commissioner of Revenue for approval prior to that relocation.

4.2.2 Director of OAL Responsibilities: Responsibilities for the Office of the Arkansas Lottery (“OAL”). The Director of Security, under the supervision of the Director of the OAL, shall select the video technology to be installed for OAL, and shall recommend camera locations, coordinate the operation and testing of the video camera system, monitor the use of that system, oversee the storage of recorded video, and respond to requests for viewing.

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4.3 Camera Placement

Video camera technology will be visible and may be installed and employed, where appropriate, both inside and outside DFA buildings for property protection and personal safety. Property protection includes the placement of cameras with the intent to capture and store video so that if property is reported stolen or damaged, the perpetrator may be identified. Personal safety includes the placement of cameras with the intent to capture and store video so that if a person is assaulted, the video may show the perpetrator. Video cameras may also be used to monitor customer volume to determine whether additional staffing or the use of other resources is needed.

Cameras shall be located to ensure that personal privacy is protected. Video cameras shall not be installed in locations where there is a reasonable expectation of privacy such as restrooms, changing rooms, elevators, and individual offices. However, video cameras may be installed in certain individual office spaces in which high-risk transactions occur. High-risk transactions include cash management functions and storage locations for valuable or sensitive assets.

Cameras may be installed in public areas including building entrances and exits, hallways, office doorways, lobbies, loading docks, common areas of offices, parking lots, and other areas of vulnerability. Audio recording for surveillance purposes is prohibited. If video cameras are equipped with audio capacity, that capacity will be disabled.

All camera installations shall be visible; however, hidden cameras may be used for a limited purpose and for a limited time in relation to a criminal investigation by a law enforcement agency or with the prior authorization of the Commissioner of Revenue or the Director of OAL or his/her designee, for non-criminal investigations of specific instances which may present a significant risk to public safety, security, or property. Decoy, fake, or inoperable cameras shall not be installed (excluding cameras that are inoperable for mechanical reasons). **All recording or monitoring will be conducted in a professional, ethical and legal manner and in accordance with DFA policies as well as state and federal laws.**

4.4 Notice

Notice shall be posted at all building entrances where video cameras are in use informing persons of that fact.

4.5 Unauthorized Activities

Employees are prohibited from unauthorized use, tampering, or otherwise interfering with the video camera system or related equipment. No attempt shall be made to alter any part of a surveillance recording.

Recording and monitoring of personal and activities will not be based on the subjects' personal characteristics, including age, color, disability, gender, national origin, race, religion, sexual orientation, or other protected characteristics. The Commissioner of Revenue or his designee(s) shall also review any complaints regarding the use of video cameras to determine whether this

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policy is being followed. Violations of this policy shall be reported to the DFA Human Resources Manager for appropriate action. Violators are subject to appropriate disciplinary action consistent with DFA disciplinary policy.

4.6 Access and Monitoring

Video camera systems are capable of being recorded continuously by a digital video recording system. Video cameras may be monitored for legitimate safety and security purposes or to determine whether unanticipated customer volume levels require responsive action. All DFA employees shall have access to this policy and provide written acknowledgment and consent that they have read and understood its contents.

The Commissioner of Revenue, the OAL Director of Security or either position's designee shall approve all access to video recordings including live monitoring and extracted video. Video shall only be extracted by the RSCS or the OAL Director of Security who shall both maintain a log to record each instance where access to or use of surveillance records or recordings is provided under this paragraph 4.6 to law enforcement personnel or individuals authorized by the Commissioner of Revenue, the Director of OAL or either position's designee to access recorded video. This logging requirement does not apply to instances where access to or use of surveillance records or recordings is made by an Administrator or his/her designee. The log shall include the name of the person granted access, the access date, the purpose for which access was granted, and any other relevant information. The log shall be maintained for a period of three years.

4.7 Storage and Video Recording Security

Reasonable safeguards shall be employed to protect video recordings from unauthorized users and uses. All surveillance records shall be stored in a secure centralized location for a period not less than 30 days or for a periodicity as determined by the RSCS or OAL Director of Security and shall then be promptly erased or written over, unless retained as part of a criminal investigation, a court proceeding, or other bona fide use as approved by the Commissioner of Revenue or the Director of OAL.

Video cameras and related equipment shall be stored in a secure location with access limited in accordance with this policy. All video images shall be transmitted only via an encrypted network. Video recordings that are in active use or required for an investigation may be maintained in the form in which they were originally created until no longer needed.

4.8 Request for Release of Records

All requests for review of records obtained using video camera technology shall be reviewed by the Commissioner of Revenue or his designee(s) or the Director of OAL or his/her designee. The Commissioner of Revenue or his designee(s) or the Director of OAL shall consult with the DFA General Counsel and with the appropriate DFA Administrator as necessary prior to the release of any records to ensure compliance with this policy.

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4.9 Freedom of Information Act Requests

The Arkansas Freedom of Information Act ("FOIA") provides for the inspection and copying of public records by any citizen. The term "public records" includes films and tapes kept by a state agency that constitute a record of the performance or lack of performance of official functions. Various exemptions to disclosure are contained within the FOIA, the Arkansas Tax Procedure Act, and other state or federal laws. Any request for release of video recordings under the FOIA shall immediately be transmitted to the DFA General Counsel for a determination regarding whether a public record exists within the FOIA, whether such a record would be subject to release, and whether an exemption to disclosure is applicable.

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