



Regulation For the Use of Security Cameras and Surveillance

2020

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TABLE OF CONTENTS

ARTICLE	TITLE	PAGE
1	Title.	3
2	Legal Basis	3
3	Purpose.	3
4	Relationship with Other Rules and Regulations	4
5	Definitions.	4
6	Applicability.	6
7	Electronic Surveillance and Security System	6
8	Security Camera System Operating Period.	7
9	Public Notice on the Use of Security Cameras and Recordings	8
10	Installation, Handling and Use	8
11	Prohibited Uses of the System	10
12	Storage, Disposition and Conservation of Recordings	10
13	Interpretation of this Regulation.	12
14	Interpretation of Terminology and Phrases	12
15	Investigations and Processes to Examine Recordings	12
16	Handling of Complaints	14
17	Repeal and Previous Provisions	15
18	Amendments	15
19	Separability Clause	15
20	Effective Date	16

Article 1 - Title.

This regulation will be known as *the Regulation for the Use of Security Cameras and Surveillance* of the Institutional Trust of the Puerto Rico National Guard.

Article 2 - Legal Basis.

This regulation is established in accordance with the provisions of Law No. 23 of July 23, 1991 known as the "Law of the Institutional Trust of the Puerto Rico National Guard". In addition, the public policy established by Law No. 38 of June 30, 2017, as amended, known as the "Law on Uniform Administrative Procedures of the Government of Puerto Rico", Law No. 46 of April 29, 2008, known as the "Law on Security for Public Buildings of the Commonwealth of Puerto Rico", which establishes as a public policy to promote and standardize the minimum degree of security for all public buildings in order, in turn, to safeguard the safety of its visitors and employees working in all units of the Government of Puerto Rico, as well as protecting the integrity of public property.

Article 3 - Purpose.

This Regulation is adopted with the aim of establishing the rules to govern and guide the operation of a security and electronic surveillance system through cameras at FIGNA facilities. It also aims to establish controls for accessing the system and the server area that stores recorded security videos, as well as related to the custody, disposal, storage, preservation and use of recordings. This system seeks to promote the personal safety of FIGNA employees, contractors and visitors, as well as to ensure the property and property of those individuals at FIGNA offices. The camera surveillance system aims to be a deterrent for the commission of criminal acts, as well as a tool to identify those who have committed crimes against the property and/or personnel of FIGNA.

Article 4 - Relationship with Other Rules and Regulations.

The provisions of this Regulation shall not be construed in isolation, but in conjunction with other laws and regulations, in force or approved in the future, which apply to the Trust.

Article 5 - Definitions.

The terms used in this regulation shall have the meanings expressed herein. Considering that the gender includes both male and female.

- a. **"Trust"** - Refers to the Institutional Trust of the Puerto Rico National Guard.
- b. **"Building"** - Structure that houses Offices, Service Centers and/or any other real estate belonging to or administered by FIGNA in or outside Puerto Rico.
- c. **"Premises"** - Refers to exterior areas and internal facilities of the building, parking area and any area surrounding FIGNA buildings where service work is performed, as well as any temporary office located in the buildings(s).
- d. **"Common Areas"** - Part of the premises that are used by visitors or FIGNA staff where the expectation of privacy is zero such as parking lots, internal and/or external corridors, stairs, elevators, open work areas, entrance/exit doors, among others.
- e. **"Notice"** - Written announcement, poster or sign placed in the places where one or more security cameras that warn about them are installed. It serves to communicate to employees and/or the public that facilities are being recorded and/or monitored for security purposes.
- f. **"Video Camera"** - An electronic device that simultaneously captures and records moving images through lenses, located within the building and trust grounds. All video cameras will

be up and running 24 hours (7/24/365). Some cameras are fixed and others will have the ability to zoom in, move from left to right and from top to bottom.

- g. **"Contractor"** - Any person, natural or legal, its representatives or its employees, who maintains a contractual relationship with the Trust, including staff hired for miscellaneous services and those working under professional and/or advisory service contracts.
- h. "Employees" - Includes those who hold positions or positions in the Trust, which may include regular and irregular employees, transitional appointees, those in probation, and trusted employees.
- i. **"Expectation of Privacy"** - Everyone's right to protection from the law from abusive attacks to their honor, reputation and private or family life.
- j. **"DVR" (Digital Video Recorder)** - Digital recorder whose function is intended to record, store and play back images captured by video cameras.
- k. **"Monitor"** - Electronic equipment that provides visual data to observe in real time the activity captured by the video cameras; and, in which you can observe what in turn has been captured and recorded by the security cameras.
- l. **"Electronic Surveillance System"** - Mechanism established in the facilities of the Trust in its Central Office, to protect and ensure the safety of employees, their contractors, tenants, visitors, as well as the general public visiting the offices or the building, as well as to protect and ensure all public and private property, whether furniture and property, whether in the aforementioned facilities or that brought with them by the aforementioned persons.

- m. **"Identification Card"** - Card issued by the Trust to employees and contractors who daily or at certain periods of time perform functions in the facilities of the Trust and/or support centers. The card contains a person's photo, name and title.
- n. **"System Administrator"** - A person appointed by the Executive Director to perform the functions set out in this Regulation in relation to the electronic security and surveillance system.
- o. **"Regulation"** - Refers to the Regulation for the Use of Security Cameras and Surveillance of the Institutional Trust of the Puerto Rico National Guard.
- p. **"Visitor"** - Any person who is not an employee or contractor of the Trust, including tenants, as defined by this Regulation, who goes to the building to perform any function or visit the building.

Article 6 - Applicability.

The provisions of this Regulation shall apply to employees and contractors of the Trust, visitors or suppliers entering the building and to any person accessing the building, headquarters or other facilities of the Trust and/or requesting access to the electronic surveillance system or the information generated by the trust.

Article 7 - Electronic Surveillance and Security System.

- a. As a security measure and for the protection of employees, contractors, visitors and public property, an electronic security and surveillance system recorded through the use of audio-free video cameras is established in the Trust. Recordings generated from this system will not be used to assess, in any way, the productivity of FIGNA employees.

- b. Regardless of the previous, recordings may be used to identify persons who may have committed criminal acts and/or are preparing to commit or engage in behavior and/or activities aimed at the commission of a crime, even if it is not directed, against the property or persons of FIGNA, its employees, visitors and contractors based on criminal conduct.
- c. This system has the sole purpose of recording any activity, legal or illegal, that threatens the safety and integrity of the property and the people who work and visit the Trust.
- d. As a secondary purpose the system is established to collaborate and cooperate with law enforcement agencies, in the prevention of criminal acts and assist in investigations leading to the clarification of criminal acts.
- e. Video cameras will be located in common areas of the Trust building at Muñiz Air Force Base in Carolina, Puerto Rico, and any other facilities of the Trust in Puerto Rico, which will allow you to observe and record any activity that takes place in these Areas.
- f. If the need arises to improve security aspects, additional cameras can be installed, or existing ones relocated.
- g. Video cameras don't record audio.
- h. The monitor to observe the recorded images will be installed in the Server Room.
- i. Recorded images will be saved to the DVR for a period of 30 calendar days.

Article 8 - Period of Operation of the Security Camera System.

The security and surveillance system will operate twenty-four (24) hours a day, seven (7) days a week, 365 days a year, subject to any unforeseen mechanical damage.

Article 9 - Public Notice on the Use of Security Cameras and Recordings.

- a. Any place where the video cameras operate, in and around the building's premises, notices will be placed indicating that a recording system is operated around the clock, 24 hours a day, seven (7) days a week. The purpose will be to notify FIGNA employees, as well as contractors, visitors and the general public about the installation of surveillance cameras and video recordings for their overall security and the Trust's property and property of others, as deterrents to the commission of illegal acts, criminal acts or misconduct. These notices shall inform that the area is or may be monitored, as follows:

"Security and Surveillance System: A recording system is operated twenty-four (24) hours a day, seven (7) days a week".

- b. Notices will be located in all areas where security and surveillance cameras are installed, and anywhere else that FIGNA Management deems necessary.

Article 10 - Installation, Handling and Use.

- a. The Administrator of Information Technology or that person designated by the Executive Director shall operate and administer the established surveillance system, through the use of security cameras. In addition, it will be responsible for providing the necessary maintenance so that the equipment can operate effectively and can be maintained in optimal conditions, either by contracting the services "outsourcing" or providing the same with internal personnel, depending on the availability of trained personnel to perform this task.
- b. If there is a need to improve surveillance, the Trust may install additional security cameras or relocate existing ones. In such cases, it is required to install them in accordance with the procedures and policy set out in this Regulation and no additional notification shall be

required unless their installation is for a purpose other than that provided for in this Regulation.

- c. Security cameras shall be located in visible locations and shall be ethically operated. They should not be used to bring any person closer to or to the activities of these persons, unless there are **grounds** for believing that a criminal act is being committed.
- d. The electronic surveillance system through the use of security cameras will have the capacity to cover, monitor, record and/or monitor the interior of the Trust building, including halls, interior corridors, stairs and elevators, document archiving areas, area where the Trust's servers are located and any other location determined by FIGNA for security reasons.
- e. Security cameras will not be placed in offices, cubicles, conference rooms, bathrooms or any other type of place or office where there is a reasonable expectation of privacy.
- f. Images are recorded in digital format. Where there is information of possible illegal acts or where the existing situation warrants it, the Trust may program the camera system to record one or more scenes on an ongoing basis.
- g. The images may be observed in real time, in cases where an activity that may give scope to the commission of a crime or the indictment of a person is observed, an entry should be made on the observed conduct and notified to the Trust's administrative area. This annotation should include the date, time, place, and a summary of what was observed. In addition, you must indicate whether any person or the Puerto Rico Police were notified.

Article 11 - Prohibited Uses of the System.

- a. No person shall be authorized to give the video camera system a use other than that authorized in this regulation. Only the Chief Executive Officer, the Executive Director or any person appointed by them shall have the authority to request copies for an investigation.
- b. Prohibited uses of the camera system include:
 1. Surveillance using security cameras for the purpose of monitoring the productivity of Trust employees in their work areas.
 2. Surveillance using hidden security cameras.
 3. Surveillance through the use of security cameras in offices, conference rooms and health services. No audio surveillance equipment will be installed.

Article 12 - Storage, Disposition and Conservation of Recordings.

- a. The custody and arrangement of digital recordings shall be carried out by the System Administrator, the Executive Director, and any other person designated or authorized by the Executive Director, who shall act in accordance with this Regulation.
- b. Recordings in the Trust's electronic security system will be stored and stored on the DVR for a reasonable period of not more than thirty (30) days, to allow time for incidents to be reported in the areas covered by the system and whose images could have been recorded by video cameras. Once the recording deadline elapses, the system will automatically erase the expired day in memory to continue recording the current day and reuse the space on the DVR's hard drive.
- c. The recording of a specific situation may be maintained for a period of more than thirty (30) days, where there is information in it that serves:

1. The investigation of directed or constitutive acts of the commission of a crime;
 2. The indictment of a person for a crime; when allowed by this Regulation.
 3. In these cases, the recording will be stored in a security file in the office of Information Technology.
 4. The recordings will be stored until the Executive Director, with legal recommendation, determines that they have lost their usefulness.
- d. The disposition of recordings shall be made monthly, except in cases where they are needed as evidence of a criminal or administrative investigation or that a request for inspection is carried out, in which case they will be kept for the period necessary to meet said purpose.
1. If the recording is part of an administrative file, it must be kept for the same period in which the agency is required to keep the file.
 2. In the case of recordings that may be related or from which claims may arise against FIGNA or third parties, they must be kept for one year from the date of the event and/or from the date of receipt of a letter of Extrajudicial Claim in FIGNA. These letters of claim can be renewed annually so if a renewal is received to the prescriptive term; you have to preserve the recording for the same time.
 3. The aforementioned recordings may be disposed of only after receiving a recommendation from the legal office and written authorization from the Executive Director.
- e. In relation to recordings obtained through video cameras to be used in criminal or administrative proceedings, where it is claimed that any employee, visitor or contractor has

violated any applicable legal provision or regulation, an official record will be kept detailing the whole process from obtaining the digital recording to the final disposition of it.

Article 13 - Interpretation of this Regulation.

The interpretation and administration of this Regulation shall be governed by the Laws of the Government of Puerto Rico and shall be interpreted in accordance with the Same.

Article 14 - Interpretation of Terminology and Phrases.

The terminology and phrases used in this Regulation shall be interpreted, according to their context and the meaning sanctioned by ordinary use, with the exception of those defined in Article 5-Definitions of this Regulation.

Article 15 - Investigations and Processes for Examining Recordings.

- a. The information collected and / or recorded through the security and surveillance system will have a **restricted** and **limited** use, its circulation will be controlled, and its retention or conservation will be limited. The IT or System Office Administrator and any other personnel authorized by the Executive Director are the only persons with full access to the system, including recorded and archived material.
- b. Any other assigned personnel will only have access to the operation of the monitor installed in a location intended for those purposes, so they will not have access to the recorded and/or archived material.
- c. Any visitor, contractor or employee against whom criminal, civil or administrative action is brought based on a recording may request to examine it. The visitor, contractor or employee must submit a request for examination of the recording to the Executive Director.

1. The request shall be made in writing to the Executive Director, be substantiated and refer to the action taken against him.
 2. The request should state in detail the reasons for examining a recording and indicating the date, time and place to examine.
- d. Once a written request is received to examine a recording, the Executive Director, with a legal recommendation, will determine whether to grant the recording. It will then communicate the determination to the person, in writing by sending a letter by regular, certified mail or by personal delivery.
- e. When the Executive Director grants permission to examine a recording, the examination will be conducted at the Trust's premises during business hours.
1. The Information Technology (IT) System Administrator or person appointed by the Executive Director shall coordinate the date, time and place of the presentation.
 2. During the examination, the petitioner and his/her lawyer, and any other person authorized by the Executive Director, may be present.
- f. If a recording is allowed to be examined, only the part or parts of the recording that are relevant to the matter at issue will be shown, unless an order ("subpoena") of a court with jurisdiction or an administrative body with quasi-judicial functions is brought forth, stating otherwise.
- g. A copy of the recordings of the surveillance system may only be provided for official purposes, as a result of criminal or administrative proceedings, carried out by law enforcement officers, employees or officials empowered to perform investigative functions,

by order of a court with jurisdiction or an administrative body authorized by law to carry out investigative and/or adjudicative proceedings.

- h. The delivery of duplicate recordings to the investigative authorities or authorized persons must be recorded on an official receipt signed by the Executive Director and/or the personnel designated by the Executive Director, as well as by the recipient of the copy. In addition, you must include the date and time of delivery.

Article 16 - Handling of Complaints.

- a. Any incident, dispute, complaint, grievance or claim based on the application and interpretation of the provisions of this Regulation shall be filed using the following procedure:

- 1. **Internal.** Where the complainant is a regular employee or contractor for professional services, he or she shall request an investigation by regular or electronic mail from the Executive Director. In said email you must specify by date and time the reason for the incident and it should be as specific as possible.

- 2. **External.**

- (a) External situations may result from a court request through an order ("subpoena").

This legal document will be reviewed by FIGNA's legal counsel to obtain an authorization to review the video. No copies will be provided and the applicant with his/her lawyer will appear with two FIGNA representatives, one appointed by the Executive Director and the other from the Information Systems Area, to serve as witnesses of the proceeding.

(b) The complainant must include in his application the time and timeframe that he/she wishes to review, which will not extend for more than an hour. Any copy of a video segment must requested after reviewing the video segment that has been reviewed jointly with FIGNA staff.

Article 17 – Repeal and Previous Provisions.

This is the first time that a "*Regulation for the Use of Security Cameras and Surveillance*" has been established for the Institutional Trust of the Puerto Rico National Guard. However, any Administrative Order or official document related to the subject is repealed. Any prior communication, verbal or written or part thereof that conflicts with this Regulation, is void after it enters into force.

Article 18 - Amendments.

The provisions of this Regulation may be amended at any time, as required by the Trust's operations and in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law on Uniform Administrative Procedures of the Government of Puerto Rico."

Article 19 - Separability Clause.

If any part of this Regulation is annulled or declared unconstitutional, the decision, opinion or judgment for that purpose delivered shall not affect, prejudice or invalidate the remainder of this Regulation. The effect of that judgment shall be limited to the part thereof which has thus been annulled or declared unconstitutional. If the application to a person or a circumstance of any part of this Regulation is invalidated or declared unconstitutional, the decision, opinion or judgment for that effect given shall not affect or invalidate the application of the remnant of this Regulation to persons or circumstances in which it can be validly applied.

Article 20 – Effective Date.

Upon approval by the Board of Directors, this Regulation will take effect immediately upon completion of the State Department filing process, in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law on Uniform Administrative Procedures of the Government of Puerto Rico".

APPROVED:

José J. Reyes Peredo
President
Board of Directors
Institutional Trust of the
Puerto Rico National Guard

I, Andrés Ruíz, Secretary of the Board of Directors of the Institutional Trust of the Puerto Rico National Guard (FIGNA), **certify** that this Regulation for the Use of Security Cameras and Surveillance was duly approved by the Board of Directors of FIGNA at the meeting held on February 12, 2020. As provided by the State Department, it shall enter into effect immediately after its proper filing in the State Department, in accordance with the provisions of Law No. 38 of 2017, as amended, known as the "Law of Uniform Administrative Procedures of the Government of Puerto Rico".

Andrés Ruíz
Secretary
Board of Directors
Institutional Trust of the
Puerto Rico National Guard