

**SUBJECT: ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY**

Purpose: City of Madison Departments have identified a wide variety of legitimate business reasons to use Surveillance Technology. This Administrative Procedure Memorandum (APM) ensures that there is consistency among all City Departments in the acquisition and the use of Surveillance Technology. [Madison General Ordinance \(MGO\) Section 23.63](#) establishes definitions, policies, and processes regarding the acquisition of Surveillance Technology.

Definitions: Refer to MGO Sec. 23.63(2) for definitions pertaining to Surveillance Technology. Capitalized terms used in this APM are defined in MGO Sec. 23.63(2).

Approval Process: Pursuant to MGO Sec. 23.63(4), all Departments must comply with this section prior to any use of new Surveillance Technology or any substantial change of use of existing Surveillance Technology. All requests to purchase, acquire, or contract for the use of new Surveillance Technology or to substantially change the use of existing Surveillance Technology will need to be approved as follows:

1. As part of the annual budget request, Departments will notify the Mayor, Common Council leadership, and the Information Technology Director of any requests to purchase, acquire or contract for the use of new Surveillance Technology. If the Mayor or Common Council leadership request that a Department notify residents, the Department will collect feedback and comments from residents. If requested by the Mayor or Common Council leadership, the Department will hold a public meeting. The Department will post on their website a notice of the intent to obtain or use Surveillance Technology. Surveillance requests through the annual budget request must include the information found in MGO Sec. 23.63(4)(a).
2. If a Department needs to acquire or contract for Surveillance Technology outside the budget process, the Department is required to submit a resolution to the Common Council that includes the information found in MGO Sec. 23.63(4)(a).
3. If a Department needs to move a camera location on the City-wide enterprise camera system, or activates new camera functions not previously approved, or adds a new camera of a previously-approved type, the Department will notify the Mayor and Common Council leadership and the Alder(s) of the affected district(s) unless exempt under the definition of Surveillance Technology in MGO Sec. 23.63(2). The Mayor, Common Council leadership, or Alder(s) of the affected district(s) will coordinate with the Department to notify the residents, including creating a variety of notification and outreach mechanisms for residents to submit feedback and comments. The Department will hold a public meeting if requested by the Mayor, Common Council leadership, or the Alder of the district where the camera is located. Sensitive Surveillance Technology and data that is not suitable for public release are excluded from this requirement, see MGO Sec. 26.63(6)(d).

In the event of an exigent situation requiring urgent acquisition, a Department may acquire and use Surveillance Technology without prior approval. The Department will apply for approval after doing so, and will follow the formal approval process described above and remain compliant with [APM 3-20 \(Software Acquisition Policy\)](#) and [APM 4-7 \(Policy for the Procurement and Disposal of Electronic Products\)](#). Refer to MGO Sec. 23.63(6) for examples of exigent situations that allow for acquisition without prior approval (i.e., Federal Disposition Programs and Emergency Situations), and the timeline for when the Department must apply for approval.

Reporting Process:

1. Each Department will conduct an annual review of its Surveillance Technology and ensure compliance with MGO Sec. 23.63.
2. Each Department will complete an Annual Surveillance Technology Report which will be submitted to the Common Council through a resolution. The Annual Surveillance Technology Report will include:

- a. An inventory of current Surveillance Technology and the applicable policies;
  - b. How the Department has used the data collected by its Surveillance Technology;
  - c. How any Surveillance Data is being shared with other entities;
  - d. How well Surveillance Data management protocols are safeguarding individual information; and
  - e. Whether the Department has received any complaints or concerns about its Surveillance Technology use and the resolution of said complaints.
3. All Departments will submit their Annual Surveillance Technology Report to the Common Council Office by June 1 of the subsequent year.
  4. The Common Council Office will compile all submitted Annual Surveillance Technology Reports and submit the reports via a resolution to the Common Council by July 1.

Roles and Responsibilities: The following outlines the roles and responsibilities of the various parties involved in Surveillance Technology.

**Department of Information Technology (IT):** IT shall, in accordance with APM 3-20 and APM 4-7, collaborate with the Department in obtaining Surveillance Technology to ensure that the technology meets the Department's business needs and complies with the City's technological standards and policies.

In regards to the City-wide enterprise camera system, IT shall manage network connectivity issues, coordinate problem remediation, and facilitate requests for maintenance and replacement of devices. IT shall design, manage and maintain the network infrastructure to support the system. In coordination with IT, Departments that have staff capable of maintaining camera devices may provide their own maintenance and problem remediation support.

**Departmental Responsibility:** Departments will submit acquisition approval through the budget process or via a resolution to the Mayor and Common Council. Departments shall follow the formal approval process described above and remain compliant with APM 3-20 and APM 4-7.

After approval, the Department will provide notification of the Surveillance Technology on the Department's website. Sensitive Surveillance Technology and associated data that is not suitable for public release are excluded from this requirement (see MGO Sec. 23.63(2) for definition of "Sensitive Surveillance Technology").

Departments will ensure that signage is posted in public entryways to all City properties, providing notice that Surveillance Camera Technology is in use.

Departments will ensure that all new staff receive training regarding their Department's Surveillance Technology policies and the appropriate use.

The Department is the owner of audio and video recordings, and is responsible for compliance with all Wisconsin Public Records Laws, the City's Record Retention policy, and timely production of video if requested as part of a public records request. See [Records Retention /Disposition Authorization GS000051](#) for the policy that governs the retention of surveillance video.

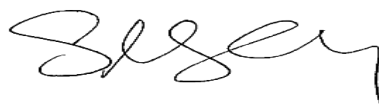
**Departmental Policy:** Each Department that chooses to use Surveillance Technology must adopt a written policy on said use. The Department will post their Surveillance Technology policy on their Department website. Department policies must address the following considerations:

1. Circumstances which necessitate the use of Surveillance Technology;

2. The training protocols the Department will utilize;
3. The position(s) responsible for the account management and administration of the Surveillance Technology;
4. The position(s) responsible for receiving complaints regarding the Department's use of Surveillance Technology;
5. The process for determining roles and access to Surveillance Technology;
6. The process to ensure access to Surveillance Technology is revoked when the employee no longer has a job-related need to said access;
7. The position(s) responsible for training staff and reviewing staff access and use of the Surveillance Technology;
8. Ensuring that the Madison Police Department will be provided with immediate access to all data recordings that may constitute evidence of a crime, unless otherwise prohibited by law;
9. The time period that downloaded or saved audio and video will be retained in accordance with the City's Records Retention Policy, and differentiate between recorded/streamed and downloaded or otherwise saved, see [MGO Sec. 3.70\(3\)\(b\)6.a](#);
10. Ensuring that the Surveillance Technology may not be used to visually or audibly monitor the interior of private dwellings where a reasonable expectation of privacy exists, absent a court order or lawful justification; and
11. Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil or criminal litigation.

Exceptions: Refer to MGO Sec. 23.63(6) for exceptions to the approval process outlined in this APM.

Authority: The authority of this APM shall be vested in the IT Director and their designated employee.



Satya V. Rhodes-Conway  
Mayor

APM No. 3-17  
May 10, 2021