Academic Senate Oct. 1, 2018

**Proposed Policy & Rule 3-234 Building Access & Surveillance Systems**

Dept. of Public Safety—Chief Dale Brophy

Facilities Management—Director Cory Higgins

Contact: Exec Assistant—Karen Janicki

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[*Status quo:*  ]

Existing 1996 Policy only covers physical keys & locks, not modern technology of electronic key-card building access systems, key-card use records, or video surveillance systems. *I.e.,* no current U-Regulations govern already widespread & rapidly expanding technologies for building access & area surveillance systems. No clear U-Regulations on who can install access & surveillance systems in various areas, who pays initial & ongoing costs, what data is recorded, how data is stored & secured, & who can access for what purposes.

Data currently being collected by various dispersed systems includes records of key-card swipes & of issued keys (building access systems) & permanent fixed-location video cameras at entry-points, hallways, common-usage rooms, and some outdoor gathering spaces.

Some larger systems & records managed centrally by DPS. Most smaller local systems managed by specific building “facility stewards”, with minimal coordination & little central oversight.

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[*Proposal objectives:* ]

Combination of revised basic Policy & more detailed Rules

Establish new process requiring multitude of smaller systems to be centrally registered & meet criteria. Then more effectively regulate both (i) centrally managed Public Safety direct-monitored systems, & (ii) dispersed smaller systems managed by building stewards & departments.

Clarify balancing very carefully protecting privacy, while protecting persons & property from criminal activity (physical assaults, property theft or damage).

Guiding principles= Respect Privacy, Provide Safety & Security, Notice and Transparency.

Regulate storage & permissible use of recorded data (key-card swipe tracking, video). Track & manage physical keys & key-card permissions.

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[*Legal requirements*]

Must comply with federal & state laws. Clery Act=campus safety. FERPA= student records. HIPAA=patient privacy. GRAMA- Utah Government Records Access Management Act.

GRAMA: Utah statute specifically governs UU as a “governmental entity,” directly controls how UU responds to records requests from individuals, law enforcement agencies, news media, etc. Controls bases for withholding entire records, or redacting specific information (e.g., blur out faces in videos).

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[*Project phases & timing*]

Project near-term goal tasks: 1st Phase get regulations basic framework approved & start implementing registration process. (Can’t set all details with current level of knowledge & experience—must have some flexibility to adapt with experience.) Then 2nd Phase report back to Senate after experience of startup period and propose further revising Regulations then if needed. 3rd Phase consider regulations on other topics—e.g., mobile surveillance such as drones & body cameras.

Timing: Utah Legislative Audit recently performed at all USHE institutions, criticized and requires improvements of building access systems. Important for UU response to be ready & in place well before January legislature session. UU response includes having revised Regulations fully approved (Senate & Trustees) & implementation well underway.

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[*Consultations & Contacts:*]

Current draft Regulations developed through broad consultation--- and after input from Executive Committee, working with a sub-committee assigned by Exec Committee to further refine the draft, will bring to next Senate meeting.

Advising subcommittee appointed by Exec Committee:

Prof. Randy Dryer—Exec Committee member, former Chair of Board of Trustees, Law & Honors faculty, expertise in Privacy Law, government records law, etc.

Prof. Leslie Francis—Exec Committee member, past Senate President, Law, & Philosophy, & Medicine faculty, expertise in Privacy Law, FERPA, HIPAA.

Prof. Bob Flores—Senate Policy Liaison, past Senate President, Law faculty.

Working with:

Dale Brophy, Chief of Policy & Director of Public Safety

Cory Higgins, Director Facilities Management

Office of General Counsel

Further info & recommendations: c/o Executive Assistant Karen Janicki, Facilities Management (801) 581-7389 [karen.janicki@fm.utah.edu](mailto:karen.janicki@fm.utah.edu)