

**A. PURPOSE**

This policy addresses the public's right to record in the Library and the Library's use of digital surveillance and recording to protect the health, safety and security of its facilities. It likewise sets forth limitations on the use of recording devices in the Library, such as where doing so invades reasonable privacy expectations or violates the Library's Patron Code of Conduct.

**B. DEFINITIONS**

1. Camera – For the purposes of this policy, “camera” is considered any technological device capable of capturing images, through digital or traditional means, via video recording and/or still photography. Examples include cell phones, tablets, video cameras, still cameras, tape recorders, dictaphones, and other recording devices.
2. Privacy – Freedom from interference or intrusion; the right to be left alone.
3. Confidentiality – The protection of sensitive information and documents.
4. First Amendment Audit – The filming or recording by an individual of a public space and/or public officials.
5. Limited Public Forum – A designated public forum which is limited to certain classes or types of speech.

**C. POLICY**

1. Digital Surveillance
  - a. Elkhart Public Library uses security cameras to monitor the overall health, safety and security of library visitors, employees, property and resources.
  - b. Notices shall be posted at each library location's front door, informing visitors that security cameras are in use.
  - c. Security cameras shall not be placed or used in restrooms, as both employees and visitors have a reasonable expectation of privacy in those locations.
  - d. The Library's Administrative Leadership Team, the Health and Safety Coordinator, and Security staff shall have access to active camera views and recordings. The Director or Health and Safety Coordinator may assign authorization to other employees on a limited basis.
    - (1) Recordings and still images from such may be used as supporting information in the enforcement of adopted policies, the Library Patron Code of Conduct, and/or in compliance with local, state or federal laws.
    - (2) The Health and Safety Coordinator shall be responsible for the secure storage of security recordings and still images.

- (3) Library employees shall not display, share or reproduce security recordings or still images without the Director's consent.
  - e. Public requests for security recordings or still images from such shall be reviewed and handled in accordance with the Indiana Public Records Act.
  - f. Law enforcement requests for security recordings or still images from such shall be referred immediately to the Director and Health and Safety Coordinator for consideration.
    - (1) Security recordings or still images from such shall not be released to law enforcement without an official order, such as a subpoena. Exceptions may be made in urgent situations when public health and safety is at risk, or in situations involving active criminal investigations not connected to the library and/or the use of library services.
    - (2) In consideration of privacy and confidentiality of a library user or visitor, the Director shall determine if legal review is needed prior to compliance with a court order.
  - g. Library employees are subject to employment policies, procedures and guidelines. While the Administrative Leadership Team does not actively monitor employees on cameras, it may use security recordings or still images from such to resolve grievances, complaints and performance issues.
  - h. Due to file size and expense of digital storage, security recordings may be kept only for a short period of time. The Director, the Health and Safety Coordinator, or Security staff must approve all requests to preserve recordings in anticipation of future security needs or legal use.
2. Community Interest Recordings and Photographs
- a. Elkhart Public Library uses video recordings and still photographs to support strategic initiatives, promote events and activities, and generally increase community awareness.
    - (1) The Chief Marketing Officer and Communications Manager are responsible for the production, editing, content and use of video recordings and still photographs. For additional information, please refer to the Social Media Policy.
    - (2) Library employees who are informed by visitors that they do not wish to be recorded or photographed by the library must notify the Communications Manager immediately.
  - b. Elkhart Public Library welcomes news media to observe, record, capture images, and report on events, activities and initiatives occurring at the library. Library employees must notify the Communications Manager immediately of any visitor expressing concern about the presence of the news media.
  - c. Public requests for recordings or still photographs created and/or taken by library employees shall be reviewed and handled in accordance with the Indiana Public Records Act.
3. Patron Recordings
- a. Library visitors have the right to record and take photographs on library property, which is a public space.

- b. Visitors and employees have no reasonable expectation of privacy while they are in the library, with the exception of restrooms and – in limited instances – meeting rooms and conference rooms.
  - (1) Library employees shall not ask visitors to stop recording. If another individual questions or objects to such recording, employees will explain that members of the public have the right to record and take photographs in public spaces, including the library, subject to reasonable expectations and restrictions contained in the Library's Patron Code of Conduct
  - (2) Library employees shall not intervene if one visitor asks another to stop recording or taking photographs, unless the situation rises to the necessary enforcement of the Library Patron Code of Conduct.
  - (3) Library employees shall enforce the Library Patron Code of Conduct when an individual recording or taking photographs commits a violation, including but not limited to disruptive behavior, physical contact, and/or harassment.
    - (a) This provision prohibits recording and/or taking photographs through windows into library meeting rooms and conference rooms when the individual has not been invited to participate in the particular meeting, conference, or program.
    - (b) Library employees shall contact Security staff and/or law enforcement as needed to resolve conflicts.
- c. Library employees shall provide the same level of public service while being addressed by an individual recording as they would provide to any other library patron, whether or not the person announces the conducting of a First Amendment Audit. For additional guidance on First Amendment Audits, see EPL's First Amendment Audit and Recordings in the Library directive.
  - (1) When approached by an individual making a recording, a library employee must not leave that individual unattended. The employee may call for a supervisor to assist.
  - (2) Employees may remind an individual making a recording that the library is a limited public forum and explain what is allowed and restricted by the Library Patron Code of Conduct.
  - (3) In the event of a stated First Amendment Audit, the library staff members shall submit a written, detailed report through their supervisor(s) to the Assistant Director for review on the day of the occurrence.
- 4. Violations of this policy by employees may result in disciplinary action, up to and including termination.

#### D. ADOPTION

- 1. Adopted by the Elkhart Public Library Board of Trustees: January 17, 2023
- 2. Supersedes Digital Surveillance Policy adopted Feb. 17, 2015.