

**PROPOSED POLICY COMMENT PERIOD
OPEN UNTIL 1/6/25**

LEISURE VILLAGE ASSOCIATION

SURVEILLANCE CAMERA POLICY

Effective _____, 2024

Leisure Village Association (“Association”) requires a clear and consistent policy regarding the administration of surveillance cameras installed within the community. These locations include common area facilities, management office, gates, trees and landscape areas. The following policy is intended to provide clear guidelines and procedures for camera installation, use of cameras, storing footage, responding to requests to view footage, and collection of license plate data, in order to protect the value and desirability of ownership within the Association.

These guidelines have been adopted by the Board in the exercise of its duty to maintain and enhance the value of the Development, as well as the property and financial interests of all Owners, by expressing a consistent policy for the Board to address concerns regarding the Association’s exterior surveillance cameras (“Surveillance Cameras”) consistent with the requirements of the law and the Association’s Governing Documents. These guidelines shall also apply to any repair, replacement or other modification of an approved existing camera.

The surveillance cameras have the purpose of enhancing security and safety of the Association, including through the potential identification of vehicles entering, traveling through, or exiting the Association.

GOVERNING LEGAL AUTHORITY

The Amended and Restated Declaration of Covenants, Conditions and Restrictions (the “CC&Rs”) provides that the Association:

“shall have the power, and responsibility, to manage and maintain the Common Areas and to discharge the other duties and responsibilities imposed on the Association by the Governing Documents. In the discharge of such responsibilities and duties, the Association shall have all of the powers of a non-profit corporation organized under the laws of the State of California in the ownership and management of the Property and the discharge of its responsibilities hereunder for the benefit of its Members, subject only to such limitations upon the exercise of such powers as are expressly set forth in the Governing Documents. The Association and Board

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shall have the power to do any and all lawful acts which may be authorized, required or permitted to be done under and by virtue of the Governing Documents, and to do and perform any and all acts which may be necessary or proper for, or incidental to, the exercise of any of the express powers of the Association for the peace, health, comfort, safety or general welfare of the Owners. (Art. V, § 5.4(A).)

Further, while Owners, Residents, and Invitees of a Lot are responsible for their own personal safety and the security of their property in the Development,

“[t]he Association may, but shall not be obligated to, maintain or support certain activities within the Development designed to enhance the level of safety or security which each person provides for himself and his property, but neither the Association nor any board member, Manager, agent or employee, shall in any way be considered an insurer or guarantor of safety or security within the Development, nor shall such parties be held liable for any loss or damage by reason of failure to provide adequate security or ineffectiveness of security measures undertaken.” (CC&Rs: Art. V, § 5.4(C)(1).)

Additionally, note that:

“No representation or warranty is made that any systems or measures, including any mechanism, gate, or other system for limiting access to the Development, cannot be compromised or circumvented, nor that any such systems or security measures undertaken will in all cases prevent loss or provide the detection or protection for which the system is designed or intended. Each Owner acknowledges, understands, and shall be responsible for informing all Tenants, Residents and Invitees of its Lot that the Association, its Board and committees, are not insurers or guarantors of safety and security and that each person within the Development assumes all risks of personal injury and loss or damage to property, including Lots and the contents of Lots and Residences, resulting from acts of third parties.” (CC&Rs: Art. V, § 5.4(C)(2).)

COMMON AREA SURVEILLANCE CAMERA STANDARDS

1. Scope

Surveillance cameras shall not constitute an increase in security nor guarantee safety of persons or property within the Development; rather individual

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owners, residents and their guests shall be solely responsible for protection of his/her/its property and for ensuring his/her/its own safety. The Association and its Board, agents or representatives are not required to monitor or view live surveillance or recorded surveillance footage.

2. Installation, Placement and Maintenance

Surveillance cameras monitoring the Development, including without limitation, the guard gate, may be installed at the discretion of the Board. The primary purposes of the surveillance cameras are to: (i) increase and maintain surveillance within the premises, (ii) identify, monitor and enforce the governing documents, (iii) deter vandalism and other criminal acts, and (iv) to improve the desirability and property values of the Development as a whole.

Surveillance cameras are positioned so as not to willfully intrude on an owner's property or privacy. Surveillance cameras and equipment shall not be tampered with or altered by owners, residents or their guests. The Association shall be responsible for maintenance, repair and replacement of cameras and equipment located in the Common Area.

3. Member Access to Recordings

Access to live video surveillance and/or any recorded video shall be limited to the Board, the Association's manager, security personnel and/or other Association authorized agents. Owners and tenants are not entitled to review or obtain copies of video recordings, if any, unless the Association is otherwise instructed by law enforcement, subpoena or court order. In the event the Association is required by law, subpoena or court order to release the video recordings, the requesting owner shall reimburse the Association for any and all actual costs incurred in the production and/or copying of same and the Association may recover the amount of its actual costs by levying a Special Assessment.

4. Other Access to Recordings

If access to video surveillance is requested for the purpose of law enforcement investigation due to criminal activity or potential criminal activity, pertinent footage related to the investigation will be provided to the law enforcement officials. Information gathered or collected, and records retained by the Association, will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

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5. Custody and Retention of Video/Audio Recordings

Surveillance footage may not be actively monitored but may be reviewed if there is a complaint of potential illegal activity in the Association or violation of the governing documents, or to address a maintenance, property damage or serviceability issue.

Unless otherwise instructed by a court order, subpoena or law, the Association is under no obligation to keep, maintain or store video recordings. Video surveillance footage may automatically be erased or overwritten by the recording device when capacity of the device has been exhausted or upon expiration of the retention period. Specific video recordings relating to evidence or investigations required to be retained, or which the Board determines to retain in its sole discretion, may be copied onto portable media and stored by the Association's managing agent or legal counsel.

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**RESTRICTIONS ON ACCESS TO ANY GATHERED LICENSE PLATE
INFORMATION & PRIVACY POLICY**

The purpose of this privacy policy is to ensure that the collection, use, maintenance, sharing and dissemination of any Automated License Plate Readers ("ALPR") information is consistent with respect for individuals' privacy and civil liberties and to comply with the provisions of California Civil Code Section 1798.90.51 et seq. In accordance with applicable law, this policy is available to members of the public in writing, upon request to the Association.

Should the Association gather any license plate data from the surveillance cameras or license plate readers, access to such information shall be limited to authorized individuals who are Association Board members, community management, security personnel, authorized agents of the Association, legal counsel or others specifically designated by the Board to have access and who fulfill the following requirements in concert with Cal. Civ. Code § 1798.90.52(a)(14):

- a. Authorized individuals must familiarize themselves with and abide by state and local requirements for use of a license plate reader system.
- b. Authorized individuals must protect their username and password from unauthorized access to ensure that any database of collected information is accessed only for authorized persons for legitimate purposes.
- c. When accessing information, authorized individuals must record the following information:
 - i. Their username and, as applicable, the organization or entity with whom the accessing individual is affiliated.
 - ii. The date and time of access.
 - iii. The query that is used to search for information.
 - iv. The purpose regarding why the information is sought.
- d. In the unlikely event of an information breach, the authorized individual must notify all individuals who are believed to have been affected or are believed to have had their information compromised.

Surveillance footage is collected from common areas where there is no reasonable expectation of privacy.

Should the Association employ ALPR for the purposes set forth in Section 2, above, the data may be used: (1) to determine violations of the Association's governing documents and enforcement thereof; (2) to identify and track vehicles accessing portions of the community; (3) to respond to inquiries of law enforcement agencies or as otherwise required by law.

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Any license plate information collected using ALPR technology will remain on file for owners and guests/invitees of owners and populated into that owner's online portal account until they sell/transfer their Lots in the Association, upon which time it shall be automatically purged from the system, except that specific recordings relating to evidence or investigations required to be retained, or which the Board determines to retain in its sole discretion, may be copied onto portable media and stored by the Association's managing agent or legal counsel. For guests/invitees entering the Association's community without an affiliation to any Lot (e.g. Association vendors and employees), their license plate information will remain on file indefinitely.