



Capitol Park IV Condominium Association, Inc.

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MEMORANDUM

TO: ALL OWNERS, CAPITOL PARK IV CONDOMINIUM – VIA HAND DELIVERY
FROM: CPIV BOARD OF DIRECTORS
DATE: MAY 21, 2014
RE: FINAL SURVEILLANCE CAMERA POLICY

The Board is pleased to announce it has finalized the Surveillance Camera Policy for Capitol Park IV Condominium. The Board wishes to thank all owners and residents who took the time to review the policy and provide valuable comments, which have each been incorporated. Specifically,

1. The policy has been clarified to only apply to the monitoring or criminal or civil liability acts under District and federal law.
2. All references to CPIV Bylaws and rules have been removed.

As a reminder, the purpose of this policy is to set the parameters under which any future Surveillance Camera Rule shall be established. Such future rule will outline the process for requesting and accessing the surveillance camera data. At this time, the Board has only adopted a policy, and has not instituted a Surveillance Camera Rule.

To save copying expenses, the Security Camera Policy shall be placed on our website referenced in this letterhead, and a hard-copy will be made available through the On- Site Office for those who may not have computer access.

Again, the Board sincerely thanks each owner who participated in this process.

SURVEILLANCE CAMERA POLICY RESOLUTION

WHEREAS, Capitol Park IV Condominium Association, Inc., (the “Condominium”) is a duly created Condominium Association by virtue of the recordation of its Declaration of Condominium in the Official Records of the Recorder of Deeds for Washington, DC, at Document #197320262, in accordance with the Horizontal Property Act of the District of Columbia, which has been superseded by the District of Columbia Condominium Act of 1976, as amended; and,

WHEREAS, the Condominium has validly adopted its Amended and Restated Bylaws, and validly recorded those same Amended and Restated Bylaws in the Official Records of the Recorder of Deeds for Washington, DC, at Document #2006156574 (hereinafter the “Bylaws”); and,

WHEREAS, Article II, Section B of the Bylaws provides that the Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Condominium and may do all such acts and things as are not prohibited by the Condominium Act, the Declaration, or the Bylaws; and,

WHEREAS, Article II, Section B of the Bylaws further provides that the Board of Directors shall have the power to adopt any Rules or Regulations deemed necessary or desirable at the time, provided such Rules and Regulations shall not be in conflict with the Condominium Act, the Declaration, or the Bylaws; and,

WHEREAS, Article IX, Section D(1)(j) of the Bylaws provides that Unit Owners shall abide by all valid laws, ordinances, zoning regulations, governmental regulations, and Rules and Regulations adopted by the Board of Directors; and,

WHEREAS, Article II, Section C(9) of the Bylaws provides that the Board of Directors shall have the power to enforce by legal means the provisions of the Declaration, the Bylaws, and the Rules and Regulations adopted by the Board of Directors; and,

WHEREAS, Article II, Section C(23) of the Bylaws provides that the Board of Directors shall have the power to do such other things and acts not inconsistent with the Condominium Act, the Declaration, and the Bylaws; and,

WHEREAS, Article XII, Section A(1) of the Bylaws provides that the failure to comply with any of the terms of the Declaration, Bylaws, or Rules and Regulations shall be grounds for legal action to include damages, injunction, fines, sanctions, foreclosure, and any other relief provided for within the Bylaws; and,

WHEREAS, the Capitol Park IV Board of Directors seek to establish a policy to outline the parameters for future surveillance camera use throughout CPIV property;

NOW THEREFORE BE IT RESOLVED, that the Capitol Park IV Association Board of Directors, on behalf of Capitol Park IV Condominium Association, hereby adopts the following **CPIV SURVEILLANCE CAMERA POLICY**:

Section I. Definition

The term “surveillance camera” shall refer to any and all surveillance equipment used to monitor an area within Capitol Park IV Condominium Association property (“CPIV”). It shall also refer to the data obtained through the use of such monitoring equipment.

Section II. Purpose

1. The purpose of this policy is to establish the governing parameters for the creation and adoption of a Surveillance Camera rule by the CPIV Board of Directors, and shall apply to the Board-directed installation of Surveillance Cameras throughout CPIV private property. This policy does not apply to individual owners or their legal tenant(s) who have installed surveillance camera and other personal surveillance systems for the exclusive protection of their individual unit.
2. The purpose and function of the surveillance camera is to monitor the occurrence of criminal and civil liability acts exclusively within CPIV.
3. The primary uses of the surveillance camera will be: (1) to record images for future identification; (2) to report to the CPIV Board any acts that violate the laws of the District of Columbia; and (3) to report to the DC Metropolitan Police and other appropriate legal authorities those activities that violate DC or federal law (hereinafter referred to as an “incident”).

Section III. Policy Statement

1. Surveillance camera use shall not violate any individual’s reasonable expectation of privacy as defined by the District of Columbia and Federal law.
2. Surveillance camera equipment and data will be used in a professional, ethical, and legal manner consistent with this policy and all current and applicable District of Columbia and Federal laws related to the use of residential surveillance camera systems.
3. The Board shall designate the areas for installation of the surveillance camera equipment within CPIV. This may include CPIV general and limited common element areas.
4. The CPIV Board may hire the services of a contractor to maintain the surveillance camera system.
5. Only Board-designated authorized personnel shall have access to the surveillance camera equipment and data.
6. The Board shall establish a process for CPIV residents, their legal tenants, and guests to request the review of surveillance camera data, as well as a process for approval, denial, and appeal of such a request.

Section IV. Surveillance Camera Use, Restrictions, and Retention

1. Pursuant to applicable law and other legal restrictions and prohibitions, surveillance cameras shall not record or monitor sound.

2. The surveillance camera shall be in operation a minimum of twelve (12) hours a day, seven (7) days a week.
3. The surveillance camera data must be retained for a minimum period 30 days, and a maximum period of 60 days, unless the images are needed as part of an incident investigation by the CPIV Board, a resident, legal tenant or their guest, the DC Metropolitan Police Department, or other appropriate legal authority. Otherwise, after 60 days, the data shall be permanently deleted and/or destroyed by authorized personnel.
4. Installation, removal, or replacement of surveillance cameras shall only occur through authorized personnel, and such installation, removal, or replacement must be approved in advance by a majority vote of the CPIV Board.
5. Upon a majority vote by the CPIV Board to pass a "Surveillance Camera Resolution and Rule" under this policy, the Board shall post signs throughout the property in accordance with DC Law that state: *"Notice: This Property and Premises Monitored by Surveillance Cameras."*
6. Surveillance camera data reviewed or otherwise utilized pursuant to formal civil or criminal investigations are subject to all applicable District of Columbia and Federal laws.
7. Surveillance camera equipment and data shall not be used for any other purposes than those stated above, and shall not be reproduced or otherwise conveyed to third parties without the express written permission of the CPIV Board of Directors.
8. Surveillance camera data may be subject to confidentiality restrictions, including but not limited to all applicable provisions of the Electronic Communications Privacy Act of 1986 (ECPA), Pub. L. 99-508, Oct. 21, 1986, 100 Stat. 1848 (1986); and laws and regulations governing Stored Wire and Electronic Communications and Transactional Records Access, 18 U.S.C. Chapter 121. <http://epic.org/privacy/ecpa/>.
9. Violations of this policy may result in criminal prosecution or civil liability claims under the laws of the District of Columbia and Federal government.
10. To allow for future changes in the law and technological advances, this policy may be revoked, revised, or amended at any time by a majority vote of the CPIV Board of Directors.

I hereby certify that this Surveillance Camera Policy Resolution was duly adopted and ratified by the Board of Directors on _____ and that I informed the CPIV Ownership that this Resolution was published on the Capitol Park IV Association website (www.capitolparkiv.com) on this ____ day of _____, 2014.

This policy resolution shall be become effective on _____, 2014.

DATE

PRESIDENT

ATTEST:

DATE

SECRETARY