

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

Referred to: The Laws, Rules and Government Services Committee (Chairman Levine and Legislators Collins, Kovacs, Murray, Nolan, Peters, and Uchitelle)

Deputy Chairman of the Laws, Rules and Government Services Committee, Jason Kovacs, and Legislator Abe Uchitelle offer the following:

WHEREAS, Resolution No. 405 of 2018 established a County policy requiring notice of certain recordings by elected officials and County personnel; and

WHEREAS, since 2018, the technologies available to record, transmit, transcribe, analyze, and retain communications and images have expanded substantially and now include fixed and mobile surveillance cameras, vehicle-mounted and employee-facing cameras, automated transcription services, biometric identification systems, and artificial-intelligence-based analytics; and

WHEREAS, the existing policy does not adequately distinguish between the recording of a communication and the use of surveillance or employee-monitoring technology, and it does not establish clear standards for authorization, notice, access, retention, disclosure, security, or oversight; and

WHEREAS, pursuant to 18 United States Code Section 2511(2)(d) and New York Penal Law Article 250, a recording may be lawful when made with the consent of a participant, but compliance with federal or state criminal law does not, by itself, determine whether a recording is appropriate as a matter of County policy; and

WHEREAS, the Ulster County Legislature finds that recordings and surveillance technology may serve legitimate governmental purposes, including public safety, security, transparency, training, documentation, investigation, and the preservation of evidence, but that their use must be limited, authorized, secure, and subject to meaningful oversight; and

WHEREAS, the Legislature further finds that covert or employee-facing surveillance presents heightened risks to individual privacy, labor relations, public confidence, and the integrity of County operations; and

WHEREAS, the Legislature recognizes that independently elected officials, including the County Comptroller, possess legal powers and responsibilities that may include the conduct of lawful investigations free from interference by the County Executive or another County officer; and

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

WHEREAS, the Legislature further finds that recordings created or obtained for an official County purpose constitute governmental records regardless of whether they were created using County-owned equipment, personally owned equipment, or a third-party service, and must be preserved and maintained within an appropriate official records system; now, therefore, be it,

RESOLVED, that Resolution No. 405 of 2018 is hereby repealed and replaced in its entirety by the policy set forth below; and, be it further

RESOLVED, that the following policy is hereby established:

SECTION 1. PURPOSE AND SCOPE.

This policy governs the recording of communications concerning County business and the acquisition, deployment, operation, and use of surveillance and employee-monitoring technology by the County of Ulster.

It applies to County officers, employees, departments, units, agents, interns, volunteers, and contractors when acting on behalf of the County, using County resources, or performing County business. It applies to independently elected County officials and their offices to the fullest extent permitted by the Ulster County Charter, state law, and the lawful authority of each office.

This policy establishes minimum Countywide standards. A department or elected office may adopt more protective requirements that are consistent with law, collective bargaining agreements, and this policy.

SECTION 2. DEFINITIONS.

For purposes of this policy:

- A. Automated analysis means the use of artificial intelligence, machine learning, facial recognition, voice recognition, biometric identification, behavioral scoring, emotion recognition, or similar technology to identify a person or infer characteristics, conduct, intent, or risk from a recording or surveillance feed.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

- B. Communication means a telephone call, radio communication, videoconference, online meeting, interview, conversation, or other exchange of spoken or electronic information between two or more persons.
- C. Covert surveillance means surveillance conducted through a device that is intentionally concealed or without notice reasonably calculated to inform persons that surveillance is occurring.
- D. Employee-facing technology means a camera, microphone, telematics system, screen-capture tool, location-tracking system, or other technology configured or used primarily to observe, listen to, track, evaluate, or record a County employee while working.
- E. Official records system means a County-controlled or elected-office-controlled system, repository, server, device, account, or physical location authorized for the secure maintenance of official governmental records.
- F. Private communication means a communication made under circumstances in which one or more participants reasonably expect that the communication is not being recorded or disclosed beyond its intended participants. The term does not include statements made during a public meeting, public hearing, press conference, or other proceeding expressly open to the public.
- G. Recording means the creation or retention of an audio, video, photographic, digital, or written record by technological means, including automated transcription. A real-time transmission that is not retained is not a recording solely because it is transmitted.
- H. Surveillance technology means a fixed, portable, mobile, vehicle-mounted, wearable, networked, or remotely accessible device or system used to observe, photograph, listen to, locate, monitor, or record persons, conduct, vehicles, or places. The term does not include routine information-technology security logs that do not capture the content of communications.
- I. Covered Person means County officers, employees, departments, units, agents, interns, volunteers, and contractors when acting on behalf of the County, using County resources, or performing County business.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

- J. Office possessing lawful investigative authority shall mean and shall be limited to the Comptroller and offices whose investigative power is conferred by the Charter or state statute. The term does not include the County Executive, any department or unit of the executive branch, or the County Legislature, whose covert surveillance shall be governed by Section 4(D).

SECTION 3. RECORDING OF COMMUNICATIONS

- A. Except as authorized by Section 6, no Covered Person shall intentionally record a private communication concerning County business without providing clear notice to every participant before recording begins. This requirement applies whether the person uses County-owned equipment, a personal device, or a third-party service.
- B. Notice is sufficient when a participant clearly announces that the communication will be recorded or transcribed, or when an automated system gives an audible or visible notice reasonably calculated to reach every participant. Whenever practicable, the notice shall be included in the recording.
- C. Notice does not by itself require every participant to consent. If a participant objects, the person responsible for the recording shall state whether the recording will continue and, when reasonably practicable, offer an alternative means of participation that is not recorded. Nothing in this policy creates a right to prevent a recording that is required or expressly authorized by law.
- D. A recording made for one stated purpose shall not be materially repurposed for employee discipline, automated analysis, public dissemination, or another unrelated purpose unless that use is authorized by law and this policy.
- E. Authorization to create a video or photographic recording does not constitute authorization to record audio. Audio recording must independently comply with this policy and all applicable federal and state laws.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

SECTION 4. SURVEILLANCE AND EMPLOYEE MONITORING

- A. No County department, unit, officer, employee, agent, or contractor shall acquire, install, activate, or materially expand surveillance technology unless the use has a documented governmental purpose and has been authorized in writing as provided in this section.
- B. Except for technology or activity subject to an exception under Section 6, written authorization must be issued by the responsible department head or elected official and approved by the County Executive or the County Executive's designee.

For technology used principally by or within the legislative branch, approval shall instead be given by the Chair of the Legislature after consultation with the Clerk of the Legislature and legislative counsel.

The written authorization shall identify:

The governmental purpose and the locations, persons, vehicles, or activities expected to be observed;
Whether audio, video, location, biometric, or other data will be collected;
Whether employees or members of the public will be recorded;
The persons authorized to access, export, copy, or disclose the resulting records;
The applicable retention period and security controls;
The anticipated duration of the use;
Whether personally owned equipment or a third-party service will be used; and
Whether consultation or collective bargaining with any employee organization is legally required.

- C. Except when covert surveillance is specifically authorized under subsection D or Section 6, conspicuous notice shall be posted at the monitored location or otherwise provided to affected persons.
- D. Except for a lawful investigation conducted pursuant to Section 6, covert surveillance directed at a County workplace or County employee may be used only when:

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

There is a documented and particularized basis to investigate suspected criminal activity, theft, serious misconduct, fraud, waste, abuse, or a substantial threat to health or safety;

Less intrusive means are reasonably unavailable or inadequate;

The scope and duration of the surveillance are narrowly tailored to the documented investigative basis; and

Written approval is obtained in advance from the County Executive and County Attorney.

For the legislative branch, approval shall instead be obtained from the Chair of the Legislature after consultation with legislative counsel.

Covert surveillance shall not be used for routine supervision, attendance monitoring, productivity measurement, political purposes, retaliation, intimidation, or the investigation of activity protected by whistleblower, labor, civil-rights, or anti-retaliation law.

E. Legislative authorization of certain surveillance programs.

1. A surveillance program shall not be activated unless its surveillance use has been authorized as provided in this subsection when the program:

- a. Systematically monitors County employees;
- b. Uses employee-facing cameras;
- c. Captures audio on a continuing basis; or
- d. Uses automated analysis or biometric identification.

2. Where the program is acquired, funded, or expanded under a contract, change order, or appropriation that requires approval of the County Legislature, authorization shall be given in the resolution approving that contract, change order, or appropriation, which shall expressly identify the surveillance use being authorized. Approval of a contract, change order, or appropriation that does not expressly identify the surveillance use shall not constitute authorization under this subsection.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

3. Where no approval of the County Legislature is otherwise required, the responsible department head or elected official shall, not less than 45 days before activation, file a copy of the written authorization issued under Section 4(B) with the Clerk of the Legislature and the chair of the committee having jurisdiction. The program may be activated upon expiration of the 45-day period unless, within that period, the County Legislature adopts a resolution disapproving the surveillance use. Activation shall be stayed while a disapproval resolution is pending before the County Executive under Charter § C-12 and, if the resolution is vetoed, until the Legislature has acted on the veto within the time allowed by the Charter.

4. For a program used principally by or within the legislative branch, authorization shall be given by resolution of the County Legislature.

F. A department may temporarily use surveillance technology without prior legislative approval when necessary to respond to an imminent threat to life, health, safety, or critical County property.

The use must be approved by the County Executive or the County Executive's designee, be limited to the duration of the emergency, and be reported in writing to the Chair of the Legislature and the chair of the committee having jurisdiction within five business days.

G. Notwithstanding Section 4(D) or Section 6, other than Section 6(1), no surveillance technology or recording device shall be installed, deployed, or used in any restroom, toilet, bathroom, washroom, shower, changing room, locker room, or similar location described in Penal Law § 250.45 in which persons have a reasonable expectation of privacy.

SECTION 5. DATA GOVERNANCE, OFFICIAL CUSTODY, AND OVERSIGHT

A. Recordings and surveillance data created, received, maintained, or obtained in connection with County business are governmental records regardless of:

Who owns the equipment used to create the record;

Whether the record is stored on County-owned or personally owned equipment;

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

Whether the record is maintained by a County department, elected office, employee, contractor, or third-party service; or

Whether the record has been transferred into a central County information system.

Such records shall be collected, accessed, retained, disclosed, and destroyed in accordance with applicable records-retention schedules, the Freedom of Information Law, discovery obligations, litigation holds, collective bargaining agreements, and other applicable law.

B. Access shall be limited to persons having a legitimate governmental need. Systems shall use reasonable security controls, and the responsible department or elected office shall maintain an access or audit log when the technology permits.

Recordings shall not be copied to personal accounts or devices except when expressly authorized for an official purpose and protected by equivalent safeguards.

C. Unless a longer period is required by an applicable records-retention schedule, law, contract, litigation hold, pending investigation, claim, audit, or documented operational need, routine surveillance footage that does not document an incident shall be deleted within 90 days.

D. Notwithstanding Section 6, other than Sections 6(1) and 6(2), no recording Or surveillance data may be subjected to automated analysis or biometric identification without express authorization by resolution of the County Legislature, except cybersecurity tools operating solely on technical system data and not on the content of a person's communication.

The requirement of this subsection is satisfied by authorization under Section 4(E)(2) or by expiration of the period provided in Section 4(E)(3) without disapproval.

Resolution No. 521

October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

E. Use of personally owned equipment. Any recording created or obtained on personally owned equipment for an official County investigation or other official County purpose shall be transferred, as soon as practicable, to a secure official records system under the custody of the department or elected office conducting the investigation or performing the governmental function.

The original file and all reasonably available associated metadata shall be preserved. The transfer shall be documented sufficiently to identify:

The date and time of the recording;

The device used, when reasonably ascertainable;

The person who created, obtained, or maintained the recording;

The date and method of transfer;

The official repository into which the record was transferred; and

Any person who accessed, copied, altered, transmitted, or received the recording.

The original recording shall not be edited, overwritten, compressed, deleted, or otherwise altered before a verified official copy has been created and any applicable preservation, retention, discovery, audit, or litigation requirements have been satisfied.

F. A recording created or maintained for an official investigation conducted by the County Comptroller shall be placed under the official custody and control of the Comptroller's office. Official County custody does not require that the recording be surrendered to the County Executive, County Attorney, Department of Information Services, or another office outside the Comptroller's office.

Nothing in this policy requires the County Comptroller to disclose or surrender investigative material to the County Executive or another County officer except as required by law, court order, subpoena, applicable audit authority, the Freedom of Information Law, or another legally binding obligation.

G. The use of an official records system under the custody of an independently elected official shall satisfy the official-custody requirements of this section, provided that the system maintains reasonable security, preservation, access-control, and records-retention protections.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

- H. No County officer, employee, department, or elected office shall destroy, conceal, alter, withhold, or fail to search for a responsive recording because it is stored on personally owned equipment or outside a central County records system.

SECTION 6. EXCEPTIONS AND PROTECTED ACTIVITY

This policy does not prohibit:

1. Recording or surveillance undertaken pursuant to a warrant, court order, subpoena, statute, or other binding legal requirement;
2. Activity undertaken by the Ulster County Sheriff or the District Attorney, or by personnel of either office acting at their direction, in the performance of authorized law enforcement, prosecutorial, corrections, internal-affairs, officer-safety, or criminal investigative duties. Such activity shall not require authorization from, or notice to, the County Executive, the County Attorney, or the County Legislature. Nothing in this policy requires either office to disclose confidential investigative methods, sources, or techniques except as required by law, court order, or subpoena;
3. A lawful official investigation by the County Comptroller, or another office possessing lawful investigative authority, provided that:
 - a. The activity is within that office's legal authority;
 - b. The activity relates to a particular, documented investigation, and does not otherwise constitute programmatic or continuing surveillance ;
 - c. The scope, method, and duration are reasonably tailored to the purpose of the investigation;
 - d. Audio recording independently complies with applicable federal and state law;
 - e. The resulting records are maintained in accordance with Section 5; and
 - f. The surveillance is not conducted for a political, retaliatory, intimidating, or otherwise unlawful purpose.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

An investigation satisfying this paragraph shall not require authorization from the County Executive, the County Attorney, or another official outside the investigating office. Nothing in this exception authorizes an independently elected official or any other person to act beyond the legal authority of the office;

4. Recordings created by the Public Defender or assigned counsel in connection with the representation of a client, subject to applicable law and professional obligations;
5. 911, emergency-dispatch, emergency-radio, detention-facility, body-worn-camera, or similar public-safety systems operated pursuant to law and an adopted written policy;
6. Recording a public meeting, public hearing, press conference, training program, or public event when recording is announced, reasonably apparent, customary, or otherwise protected by law;
7. Security cameras in or around County facilities when their presence is disclosed by conspicuous notice and their use complies with Sections 4 and 5;
8. A recording made with the express consent of every participant;
9. A recording reasonably necessary to document an emergency, a threat to health or safety, or a request for emergency assistance;
10. A recording or transcription provided as a reasonable accommodation or accessibility service; or
11. Activity protected by a collective bargaining agreement or by federal, state, or local labor, civil-rights, whistleblower, anti-retaliation, or evidence-preservation law.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

Every solicitation and contract for recording, surveillance, monitoring, transcription, or automated-analysis technology entered into after the effective date of this resolution shall require compliance with this policy.

No contractor may retain, sell, monetize, mine, train an algorithm on, or use County recordings or surveillance data for a purpose unrelated to the County contract.

Each contract shall address:

- County ownership or control of the resulting data;
- Information security;
- Breach notification;
- Use of subcontractors;
- Access controls;
- Return or destruction of County data;
- Audit rights;

- Records retention;
- Compliance with the Freedom of Information Law and lawful discovery demands; and
- Compliance with other applicable federal, state, and local laws.

SECTION 8. ADMINISTRATION AND ENFORCEMENT

- A. Before implementing technology that may affect terms and conditions of employment, the County shall provide notice to affected employee organizations and satisfy any consultation or collective-bargaining obligations required by law or agreement.
- B. A suspected violation shall be reported to the appropriate appointing authority and, when appropriate, the County Attorney, Personnel Director, County Comptroller, or Chair of the Legislature.
Corrective or disciplinary action shall be taken only in accordance with applicable law, civil-service protections, collective bargaining agreements, and the authority of independently elected officials.
- C. Any allegation concerning an independently elected official shall be referred

Resolution No. 521

October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

to the person, office, entity, or governmental body possessing legal authority to investigate or act upon the alleged violation. Nothing in this policy grants the County Executive supervisory or disciplinary authority over another independently elected County official.

D. Nothing in this policy:

Creates a private right of action;
Alters the evidentiary admissibility of a recording;
Expands or limits disclosure under the Freedom of Information Law;
Expands the investigative authority of any County officer or office;
Authorizes conduct otherwise prohibited by law; or
Restricts any power or independence granted to an elected official by the Ulster County Charter or state law.

SECTION 9. EFFECTIVE DATE AND TRANSITION

- A. The prohibitions on undisclosed recording, unauthorized covert surveillance, automated analysis, and new employee-monitoring programs shall take effect upon the effective date of this resolution. No employee-monitoring program or employee-facing technology shall be implemented except in compliance with Section 8(A).
- B. Existing surveillance technology. Except for technology or activity subject to an exception under Section 6, surveillance technology in use on the effective date of this resolution may continue in use, provided that:
1. Within 120 days after the effective date of this resolution, written authorization is issued and approved as provided in Section 4(B), and a copy is filed with the Clerk of the Legislature and the County Comptroller;
 2. Where the technology constitutes a program described in Section 4(E)(1), the filing required by paragraph 1 shall serve as the filing required by Section 4(E)(3), and the County Legislature may disapprove its continued use as provided in that paragraph; and
 3. No material expansion, new automated analysis, or new employee-facing use occurs without the authorization required by this policy.

Resolution No. 521 October 20, 2026

Repealing Resolution No. 405 Of 2018 And Establishing A Comprehensive Ulster County Policy Governing The Recording Of Communications And The Use Of Surveillance And Employee-Monitoring Technology

Technology for which authorization has not been issued within the 120-day period, or whose continued use has been disapproved, shall be deactivated. Information whose disclosure would compromise a lawful investigation, security plan, or privileged communication may be filed in confidential form.

- C. Nothing in this section authorizes the destruction of a record that is subject to a records-retention schedule, pending Freedom of Information Law request, subpoena, audit demand, litigation hold, investigation, claim, or other preservation obligation.
- D. If any provision of this policy is held invalid or unenforceable, the remaining provisions shall remain in effect.

and, be it further

RESOLVED, that the Clerk of the Legislature shall transmit a copy of this resolution to the County Executive, County Comptroller, County Sheriff, County District Attorney, County Clerk, County Attorney, Public Defender, Personnel Director, Director of Information Services, all County department heads, and the recognized employee organizations representing County employees; and, be it further

RESOLVED, that this resolution shall take effect immediately, subject to the transition provisions stated herein.

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws, Rules and Government Services on _____.

FINANCIAL IMPACT:

NONE