



OFICINA DEL COMISIONADO
DE INSTITUCIONES FINANCIERAS

OCIF

GOBIERNO DE PUERTO RICO

DRAFT

**REGULATIONS ON SECURITY STANDARDS AND FOR THE OPERATION OF THE ELECTRONIC
SURVEILLANCE SYSTEM USING SECURITY CAMERAS**

DISCLAIMER: The following English version of this Proposed Regulation is not an official translation. It is provided solely for feedback and reference purposes, and for the benefit of individuals who do not speak or understand Spanish. In case of any discrepancies or interpretation issues between the two versions, the original document in Spanish shall prevail.

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REGULATIONS ON SECURITY STANDARDS AND FOR THE OPERATION OF THE ELECTRONIC SURVEILLANCE SYSTEM USING SECURITY CAMERAS

CHAPTER I

SECTION 1. GENERAL PROVISIONS

Section 1.1 Title

The short title of this Regulation is "Regulation on Security Standards and for the Operation of Security Cameras".

Section 1.2 Legal basis

These Regulations are approved and adopted in accordance with the following legal provisions:

- a. Article II, Section 8 of the Constitution of the Commonwealth of Puerto Rico;
- b. Act No. 4 of October 11, 1985, as amended, known as the "Office of the Commissioner of Financial Institutions Act" ("Act No. 4"), including such laws as may subsequently be adopted to amend or replace it;
- c. Act No. 38-2017, as amended, known as the "Government of Puerto Rico Uniform Administrative Procedure Act" (Act No. 38-2017"), including laws that are subsequently adopted to amend or replace it; and
- d. Act No. 46-2008, as amended, known as the "Public Building Security Act of the Commonwealth of Puerto Rico" ("Act No. 46-2008"), including laws that are subsequently adopted to amend or replace it.

In addition, this Regulation considers the jurisprudence and applicable legislation that requires the adoption of a clear and adequate public policy on the collection, maintenance, use, access and disposal of information collected through the use of security cameras.

Section 1.3. Purpose

These Regulations have the purpose of establishing the control of access of visitors, employees and contractors to the OCIF, providing the minimum security measures that must be observed for the purposes of the protection of its visitors, employees and contractors, as

well as public property, specifically recognizing the use of highly confidential information handled by the OCIF. In addition, this regulation contains provisions on the use and conservation of security cameras, including custody, storage and controls to access the electronic system and storage area for videos, images or sequences. This regulation recognizes and guarantees respect for the dignity of visitors, employees and contractors at the OCIF.

Therefore, the process of access control and the use of the surveillance system through security cameras have the purpose of protecting life and public property; and it is intended to be a deterrent to the commission of unlawful acts and incidents of violence, as well as a tool for the identification of persons who incur in such acts or incidents for referral to the relevant authorities. The security regulations and the surveillance system through security cameras will not infringe constitutionally guaranteed rights, such as the right to privacy and constitutionally protected expressions.

The OCIF certifies that the approval and implementation of this Regulation does not have any additional fiscal impact for the OCIF, nor for the general public. An analysis of the cost-benefit of the Regulation shows that its adoption is a requirement imposed by law and does not imply greater costs for the treasury, nor for the citizenry.

Section 1.4. Scope and Applicability

These Regulations shall apply to all visitors, employees, and contractors visiting the OCIF.

Section 1.5. Definitions

For the purposes of interpreting these Rules, the following words or phrases shall have the meanings set forth in this Section. Provided, that the definitions listed herein include the plural and singular, as well as the masculine and feminine gender of these terms.

- a. **Access to the Application** - It is an application which can be accessed by means of an electronic device through which you can observe live what is being captured and recorded by the security cameras twenty-four (24) hours a day, seven (7) days a week.
- b. **Older Adult** - a person sixty (60) years of age or older.

- c. **Common Areas** - Part of the OCIF facilities, currently located in a private building, where there is no reasonable expectation of privacy, used by OCIF employees or visitors such as: corridors, open work areas, multipurpose room, entrances, exits, kitchen and other areas of the OCIF.
- d. **Surveillance Area** - It will be the designated place in the OCIF facilities where the sequences and images captured by the security system are received and recorded.
- e. **Weapon** - any firearm, knife, or any other type of weapon, regardless of its denomination; sharp, sharp, sharp, or blunt object that can be used as an instrument of aggression, capable of inflicting serious bodily harm; any weapon, regardless of its name, capable of delivering ammunition or ammunition by the action of an explosion (does not include those working devices such as, but not limited to, nail guns used in construction, while used for the purpose of work, art or trade); shotgun, rifle, or firearm designed to be fired from the shoulder; any weapon, regardless of its name, which by the release of gas or a mixture of compressed gases is capable of propelling one (1) or more projectiles.
- f. **Notice** - It will be the specific announcement that must be placed in a visible place, by means of a sticker or any other means, to warn of the existence of the electronic monitoring and surveillance system.
- g. **Security Cameras** - It is the electronic equipment that will be installed in the common areas of the OCIF, which simultaneously captures and records the images. All cameras will be in operation seven (7) days a week, twenty-four (24) hours a day.
- h. **Commissioner** – Commissioner of the Office of the Commissioner of Financial Institutions.
- i. **Contractor** - any person who has a contractual relationship with OCIF, including its representatives or employees.
- j. **Government Dependencies** – Refers to all buildings, offices, and structures that house any of the three branches of the Government of Puerto Rico.
- k. **Employee** - Any person who holds a position or position in the OCIF, including regular and irregular employees, transient, probationary, career, trust, pre-screened job

candidates, and public officials who work in OCIF buildings, offices, and structures.

- l. **Constitutionally protected expressions** - Refers to all peaceful expressions and demonstrations covered by the right to freedom of expression, as established in the Constitution of the Commonwealth of Puerto Rico and the Constitution of the United States of America, as well as by the jurisprudential interpretations given to this right by the Supreme Court of Puerto Rico as well as by the Federal Supreme Court.
- m. **Facilities** - Structure comprising OCIF's common areas and work units; includes the OCIF-leased area on the 6th Floor of the Centro Europa Building, while leased by OCIF, or any other facility where OCIF is located.
- n. **Recording** – It is the capture and storage of images or sequences, on a digital medium or in any other medium, of the situations that occur in the places where security cameras have been installed in the OCIF, so that they can be reproduced.
- o. **Privacy** - It is the reasonable expectation of privacy that any citizen or employee may have in places where he has not waived his right to privacy due to the circumstances of the place or by his own actions.
- p. **Safety Standards** – Refers to the minimum provisions that the OCIF must adopt to enact safety according to particular needs.
- q. **OCIF** – The Office of the Commissioner of Financial Institutions.
- r. **Public Property** - Refers to all property housed in OCIF facilities.
- s. **Hazardous Substance** – Means any substance or mixture of substances possessing one or more of the following characteristics; toxic, potent, corrosive, irritating, combustible, flammable, or generating pressure by decomposition, heat, or other means if such substance or mixture of substances is capable of causing bodily injury or disease as an immediate result of its use or handling, including ingestion.
- t. **Work Unit** - It is the area where the employee's desk is located and in which the employee maintains a reasonable expectation of privacy.
- u. **Electronic Surveillance** - It will be the mechanism established by means of security cameras located in the OCIF Common Areas in order to safeguard the security of OCIF

property, employees and visitors.

- v. **Visitors** - Refers to all citizens who come to OCIF for a legitimate purpose, either individually or collectively.

CHAPTER II

SECTION 2. SAFETY

Section 2.1 Safety Standards

As part of the minimum safety standards in the OCIF, the following conduct is prohibited:

- a. The carrying of weapons of any kind will not be allowed, except those used by duly identified law enforcement officers, those agents stationed in the OCIF, as well as those used by the private security guards of the building where the OCIF is located.
- b. Blunt or sharp objects that can be used as weapons to attack third parties will not be allowed. Objects that are introduced into the OCIF on the occasion of exhibition fairs, handicrafts, recognitions and special events are exempt from this prohibition. In addition, canes, crutches, walkers or other instruments that are used by older adults or people with disabilities are exempt from this provision.
- c. Animals will not be allowed to enter, except those that are properly trained to serve as guides for the blind, audio-impaired, or those that have an impediment that requires their use, as well as those that are trained for security matters, accompanied by a law enforcement officer.
- d. Explosive materials or hazardous substances will not be allowed to enter.
- e. Persons who are hooded, masked, disguised, or otherwise have their faces covered or hidden will not be allowed to enter. Exceptions to the prohibition established in this subsection of the Regulations are those persons who are hooded, masked, disguised or who otherwise have their faces covered or hidden on the occasion of any activity previously authorized by the OCIF, such as exhibition fairs or seasonal festivities. However, in such cases, the people who are going to access the OCIF in disguise must first identify themselves. Exceptions to this provision are undercover agents and/or informants of law enforcement agencies who are required to protect their identity.

Section 2.2 Manifestations

All peaceful public demonstrations will be held in those areas adjacent to the building where the OCIF is located that are recognized as traditional public forums, such as sidewalks, streets, squares, parks, or in public forums designated by law or regulation. Therefore, it is understood that no public demonstrations will be held in the offices of the OCIF, its corridors, common areas or lobbies.

Section 2.3. Labels

When public property allows it, the OCIF must place these minimum safety standards on visible signs, including the reception area, to facilitate their knowledge by the public.

CHAPTER III

SECTION 3. OPERATION OF THE ELECTRONIC SURVEILLANCE SYSTEM THROUGH SECURITY CAMERAS

Section 3.1. Public Notice and Signs

Employees and visitors of the OCIF are hereby notified that the OCIF has installed security cameras in accordance with the provisions of these Regulations.

When public property allows it, a notice will be installed in a visible place in the OCIF Reception Area, by means of a sticker or any other means, to warn of the existence of the Electronic Surveillance System. The Electronic Surveillance System signs shall include the following: "For your security, the Office of the Commissioner of Financial Institutions operates a recording system that operates twenty-four (24) hours a day, seven (7) days a week."

Section 3.2. Standards for the installation, use and operation of the electronic surveillance system

to. Security Cameras:

1. Security cameras have only been installed in common areas, including but not limited to the multipurpose room, where there is no reasonable expectation of privacy. They can be seen and identified at a glance by any employee or visitor

of the OCIF.

2. Security cameras will not be installed in places where an employee or visitor has a reasonable expectation of privacy, such as restrooms, work units, the lactation area, and other private areas where the employee's expectation of privacy is much higher than in common areas.
3. Hidden security cameras that cannot be identified or detected with the naked eye will not be installed.
4. Security cameras will only record images, they will not record any sound or audio.
5. The security cameras will operate twenty-four (24) hours a day, seven (7) days a week.
6. If there is a need to improve electronic surveillance, additional security cameras may be installed or existing ones relocated without the need to amend this Regulation.
7. No person may give the security cameras a use other than that authorized in this Regulation.
8. The transfer or copying of images obtained is prohibited, except in the cases expressed in these Regulations.

b. Electronic Surveillance Through Application:

1. Access to observe the images through the application that is necessary to observe in person or remotely the film sequences or images captured by the security cameras installed at the OCIF, will be assigned by the Commissioner, who will be responsible for their conservation, access control and the disposition of the recorded material.
2. The employee(s) to whom the Commissioner assigns access to the application must comply with the standards of conduct established in Act No. 1-2012, as amended, known as the "Organic Law of the Office of Government Ethics of Puerto Rico" including the laws that are subsequently adopted to amend or

replace it, as well as with the OCIF Regulations.

3. The employee(s) who are assigned access to the application shall maintain a high degree of discretion in the performance of their duties. In the event of observing the commission of any infraction or crime, the employee(s) will immediately contact the corresponding agencies and the Commissioner for the corresponding action. Violation of the rule established herein shall be sufficient cause for the OCIF to take the corresponding corrective or disciplinary measures.
4. No person may use electronic surveillance for anything other than that authorized in these Regulations.

Section 3.3. Access to the Surveillance Area

- a. Access to the Surveillance Area shall be restricted and under no circumstances shall access to said area be permitted to persons other than those authorized by the Commissioner.
- b. Access to the Surveillance Area may only be granted to the Commissioner, the employee(s) to whom the Commissioner assigns access, and law enforcement officers who are conducting an investigation.
- c. The employee(s) who are assigned access to the Surveillance Area must keep a Log of reported incidents that includes the date and time of the incident, the name of the person requesting the recording, who obtains the recording, and to whom it is delivered. In addition, the Registry must indicate the name, position, address, telephone number, date, time of entry and exit of the people who carry out any procedure related to the surveillance system.

Section 3.4. Custody, Storage, Preservation and Disposition of Recordings

- to. The recordings obtained will be used by authorized personnel in criminal or administrative investigations. For the purposes of an emergency situation, administrative investigation or criminal investigation, the recordings obtained must comply with the requirements of chain of custody, data that will emerge from the Registry.

- b. Recorded images or incidents will be retained for a period of sixty (60) days on the digital video recorder (DVR) or any other equipment used for such purposes. The DVR or any other equipment used will be kept in the server room. After this period of time, the recordings will be automatically deleted except for the that the recording is being used as evidence in a criminal or administrative proceeding.
- d. The recording of a specific incident or conduct may only be kept for a period of time in excess of sixty (60) days, when it may give rise to corrective measures or disciplinary actions, the clarification of a crime or the accusation of a person, in which case said recording will remain in the custody of the person in charge.
- e. Recordings to be used in criminal proceedings shall be delivered, by court order, to the law enforcement agency that so requests. In administrative cases, access to a recording will require the written approval of the Commissioner.
- and. The editing, alteration, reduction or modification of the recordings will not be authorized.
- f. The recordings may be delivered to the person who requests them, using any external electronic means.

CHAPTER IV

SECTION 4. MISCELLANEOUS PROVISIONS

Section 4.1 Severance Clause

The provisions of these Regulations are independent and separable. If any word, phrase, sentence, subsection, article, rule, section, title or other provision of these Regulations is declared unconstitutional or null and void by a competent court, the remaining provisions thereof shall not be affected, impaired or invalidated. The effect of the nullity or unconstitutionality shall be limited exclusively to the word, phrase, sentence, subparagraph, article, rule, section, title or provision of these Regulations that has been so declared, and the regulations thus modified by the decision of said Court shall continue in full force and effect.

Section 4.2. Repeal

Any rule, rule or regulation that is in conflict with these Regulations is hereby repealed.

Section 4.3. Validity and Approval

These Regulations shall enter into force thirty (30) days after their presentation to the Department of State of the Government of Puerto Rico, in accordance with the provisions of Act No. 38-2017, including the laws that are subsequently adopted to amend or replace it.

This was approved by the Commissioner of the Office of the Commissioner of Financial Institutions in San Juan, Puerto Rico, today, May ____, 2025.

Lcda. Natalia I. Zequeira Díaz
Commissioner