



Use of Surveillance Cameras in Residential Programs

Policy Number: RP-26-06

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Applicability: All Licensed Residential Programs

BACKGROUND

Many residential programs use surveillance as a way to promote the health and safety of residents in care, support staff accountability, ensure overall program security, and strengthen investigations. Department of Early Education and Care (EEC) regulations require that residential programs using cameras for surveillance or security purposes must develop policies and procedures related to their use. Through this policy, EEC seeks to outline the requirements for these policies and procedures.

AUTHORITY

- 3.03(7)(e)(12): For programs using cameras/systems for surveillance or security purposes, policy and procedures related to use must be submitted in accordance with Department policy.
- 3.04(5)(d)(5): As a result of regulatory violations involving health and safety, the Department may, in its discretion, require a program to use or modify their video surveillance.

POLICY STATEMENT

All programs using cameras/systems for surveillance or security must develop and follow policies and procedures related to their use. These policies and procedures must be approved by EEC and shall include:

- A statement describing the program's goals and objectives related to the use of cameras/surveillance in the program;

- A description of areas, both indoors and outdoors, under surveillance;
- A description of the program's procedures for notifying residents, staff, and visitors of the use of surveillance cameras. Notification must disclose whether cameras capture both audio and video or video only;
- A description of how the program ensures privacy and confidentiality, including:
 - Who can access surveillance footage and/or recordings;
 - Who has access to monitors used for active surveillance;
 - What measures are in place to ensure information is secure and only those who are permitted have access to footage; and
 - For those programs that record footage, a description of procedures for sharing footage with third parties, including EEC, when necessary for investigative purposes.
- A description of the measures the program uses to ensure residents' privacy during personal activities, such as bathing and disrobing, as well as the methods used to communicate these privacy protections to parents and guardians;
- For programs that record footage, a description of how the program stores recordings, including:
 - How long footage is saved for;
 - Who has access to saved footage;
 - The method by which footage is stored; and
 - What measures are in place to ensure recordings are secure and only those who are permitted can access recordings.
- A description of how staff are trained on the use of surveillance technology.

Programs must provide EEC access to all relevant recorded surveillance footage when requested as part of EEC's licensing or investigation activities. The recorded footage must not be altered.

Changes to program policies on the use of surveillance cameras must be reviewed and approved by EEC before being implemented, as required by 606 CMR 3.04(5)(k).

In accordance with 606 CMR 3.04(5)(d)(5), EEC may require a program to use, or modify their current use of, video surveillance when there are ongoing or unresolved health and safety concerns. EEC will work collaboratively with the program through the process

of establishing or modifying a system of surveillance and developing or amending the required policies outlined above.