



Security Cameras in Condominium Swimming Pool Areas

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As the price of security cameras falls and community associations continue to add security cameras to enhance safety within the common elements, the question of whether it is legal (or advisable) to install security cameras around pools often arises.

Whether adding security cameras around pools is legal is one matter to consider – whether it is advisable is an entirely separate matter.

To the question of whether association-installed security cameras around pools and pool decks are legal, the answer is yes. So long as the cameras are *not* installed in any area wherein an individual has a reasonable expectation of privacy, the cameras can be installed (with proper signage).

Whether association-installed security cameras around pools and pool decks are advisable is much more complex. Certainly, the cameras may serve as a deterrent against unruly behavior by pool users and may also help the boards find evidence of violations (use of glass in the pool area, unauthorized guests, etc.). But the additional liability exposure to the association and threat of lawsuit related to those cameras may have the board decide that the cameras are not worth it.

The Reasonable Expectation of Privacy

In general, Illinois prohibits cameras from capturing audio of individuals without their consent. Moreover, Illinois prohibits capturing video images of individuals anywhere they have a “reasonable expectation of privacy” (such as restrooms, locker rooms, or within their personal property). Bearing in mind the two restrictions we have just detailed, the common areas of a condominium or homeowners association are not areas where one has a “reasonable expectation of privacy.” The board can install security cameras in the association lobby, corridor, or pool area.

Potential Liability of Security Cameras

The issue of liability (and the possibility of a lawsuit) stems from those security cameras giving people a false sense of security. For example, a security camera mounted around a pool that is not monitored by a lifeguard (the majority of condo association pools in Illinois) may cause a pool user to see the camera and mistakenly believe that they are protected from any accidents because someone is “watching over them.” That mistaken belief could result in the pool user taking greater risks in the pool than they otherwise would without the camera. Even though the dangers of swimming are generally evident to most people, individuals may try to blame the association for injuries sustained while swimming or, far worse, should a person drown, the surviving family members of the deceased may file a wrongful death lawsuit against the association. Without the camera, it is more difficult for someone to argue the association had a duty to protect the individual when swimming alone and is thus responsible for the injuries or, worst-case scenario, the individual’s death.

ASSOCIATION OPTIONS

To avoid additional liability altogether, the board should avoid installing security cameras in the pool area. However, if the board decides cameras in the pool area are necessary, consider the following guidance:

1. Have clear and visible warning signs in the pool area near the security cameras

If the association has the need for security cameras in the pool area, the board must post bold and conspicuous signs stating that the cameras are NOT monitored in live time and that everyone using the pool does so at their own risk.

2. Remind owners regularly that they are responsible for their own safety

Once the cameras are set up, the association should frequently remind owners and occupants that the cameras are installed to deter rule violations or criminal activity and are not intended to provide enhanced safety for pool users. The reminders should be sent out before and during the pool season (for outdoor pools) and year-round for indoor pools.

BOTTOM LINE

If your board is thinking about setting up security cameras in the pool area, consider the risks and contact your association's attorney before making any decisions. The board should also contact the association's insurance carrier to confirm that it has no issue with installing the security cameras (so as not to compromise insurance coverage). If the board consults the association's attorney and the association's insurance carrier, weighs the costs and benefits, and still determines that a pool area security camera is necessary, the board will then need to take all necessary precautions to minimize the risk of individuals harming themselves (and the association getting mired in a lawsuit).

For any further questions, feel free to contact [Bartzen Rosenlund Kasten](mailto:info@brkchicago.com) at 312.450.6655 or at info@brkchicago.com