

County of Santa Clara Facilities and Fleet Department Surveillance Use Policy

Telematics, A Vehicle Fleet Management Tool

1. Purpose

Telematics is a technology used for sending, receiving, and storing information related to remote objects, like vehicles. It supports improved management, maintenance, and repair, thus making the use of County Fleet vehicles more efficient and safer than vehicles without this technology. More specifically, Telematics provides information that meets the State of California's smog requirements, thus eliminating having to perform biannual checks on Fleet vehicles; monitors engine performance; and sends real-time vehicle-computer trouble-codes and vehicle information to Fleet Management.

This information is gathered using Morey 5500 GPS devices, which transmit information to the service provider's servers.

2. Authorized and Prohibited Uses

Telematics and its data shall be used for only County business purposes. Specifically, per the Board of Supervisors Comprehensive Vehicle Policy, for County vehicles, Telematics shall be used "to determine vehicle speeds, location, routes, usage, idling frequency and on board diagnostic information." Telematics and its data shall also be used for the administration and management of County vehicles, including their safe and efficient operation; and to assist in assessing and responding to a complaint or claim against the County. Telematics shall not be used for any other purposes, including personal purposes.

3. Data Collection

In addition to the data described in the Purpose and Authorized and Prohibited Use Sections of this Policy, Telematics shall provide real-time location of County vehicles, a bread-crum trail of locations the vehicle has been, the disposition of the vehicle, and posted speed limits and maps of the area where the vehicle is located.

4. Data Access

Data stored on the vendor's server shall be accessed by only authorized County employees provided with an authorized user credential by the vendor. County employees with the ability to log onto the vendor's server shall be limited to the County Fleet Manager, Fleet Operations Manager, and Fleet Logistics Supervisor. Access to the vendor's server shall not be granted to other County employees.

Accessed data shall be made available via either a paper or electronic report to only the following:

- Director, Facilities and Fleet Department (FAF);

- FAF Deputy Directors;
- Fleet Manager;
- Fleet Operations Manager;
- Fleet Logistics Supervisor;
- An Agency or Department Head or Executive Manager, regarding a County vehicle related to their department;
- Other County personnel designated by an individual identified above to the extent that individual determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action;
- The County's vendor for Telematics (currently Fleetmatics, a subsidiary of Verizon).

5. Data Protection

Telematics data, including paper and electronic reports, shall be stored securely and protected through server/facility access-control and/or encryption. FAF shall control data access.

Information gathered shall be stored on secure vendor and/or County servers, which shall utilize multiple industry-standard tools to protect data and maintain data security, including, for example, geographically dispersed, highly secure, access-controlled and monitored server locations.

6. Data Retention

Telematics data shall be retained for the duration of the County's contract with the Telematics vendor in accordance with that contract, after which it shall be destroyed unless the County contracts to further preserve that data for a County business purpose.

During the County's contract with the vendor:

- Telematics data shall be generated for County vehicles until they are no longer part of the County inventory;
- Telematics data shall remain readily available to FAF for one year after it is generated, and thereafter the County may access the data from the vendor for a fee.

Paper and electronic reports of data shall be authorized to be retained until the County vehicle at issue is no longer part of the County inventory, and any business need for retention has ended. If the paper and electronic reports are determined by County management to be reasonably necessary to a specific criminal, civil, or administrative investigation or action, those reports shall be authorized to be retained until the investigation or action has ended.

7. Public Access

The public shall not have direct access to data. Data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. Public requests for Telematics data shall

be submitted to the FAF Director or a Deputy Director, for response in accordance with the California Public Records Act and other applicable state or federal laws.

8. Third-Party Data-Sharing

The County's agreement with the Telematics vendor shall not authorize the vendor to share data with third parties, unless FAF authorizes that third-party data sharing in writing.

Third-party data-sharing from Telematics shall be limited to the following:

- Law enforcement representatives if the FAF Director or a Deputy Director believes the data shows activity that appears to be unauthorized, improper, illegal, or in furtherance of illegal activity;
- Law enforcement agencies as part of their investigations related to specific vehicles, provided that the law enforcement representative submits a written request to the FAF Director or a Deputy Director and provides a search warrant, subpoena, or court order;
- Data may also be shared with parties in civil litigation involving the County, in response to a subpoena or civil discovery; to the County Personnel Board, arbitrator, Court, or administrative entity regarding a specific administrative investigation, action, or litigation; or as otherwise required by law. After receiving such a request for this data, the FAF Director, Deputy Director, Agency or Department Head, or other authorized individual with access to the data shall consult with the County Counsel's Office to determine whether the law requires disclosure of the data.

If such data is requested by an employee representative regarding a specific claim, allegation, or action against a County employee or contractor, the request shall be reviewed by the FAF Director, Deputy Director, or delegated manager, with the assistance of the Office of the County Counsel and Labor Relations Department.

9. Training

This Use Policy shall be available to and/or distributed to County employees. Departments shall be responsible for informing their employees that County vehicles are monitored.

10. Oversight

The FAF Director or designee shall oversee compliance with this Surveillance Use Policy. Employees identified in the Data Access section of this policy shall administer and/or monitor the Telematics data including providing access to authorized members of law enforcement. Alleged violations of this Surveillance Use Policy shall be reviewed by one or more employees identified in the Data Access section of this policy with the assistance of the Office of the County Counsel and Labor Relations Department.

Approved as to Form and Legality

 9/4/18

Rob Coelho, Office of the County Counsel

Facilities and Fleet Department
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