

County of Santa Clara
Santa Clara Valley Health and Hospital System
Surveillance Use Policy

Baby Match Technology Used at Santa Clara
Valley Medical Center

This Surveillance Use Policy is for the sole use of the Santa Clara Valley Health and Hospital System (SCVHHS).

1. Purpose

Santa Clara Valley Medical Center (SCVMC) maintains and operates Baby Match technology at the Mother Infant Care Center (MICC) and Pediatrics Unit at SCVMC. After the birth of a baby or upon a baby's admission to SCVMC, a banded tag shall be placed on the child and minimal information (child's gender and last name) shall be entered into the system to identify the child, and the tag shall then be activated. Sensors shall be placed at certain access points in the facility, such as Pediatrics, Labor and Delivery, and Maternity. For safety and security purposes for the child, alerts are sounded for unauthorized movement or if the tag is improperly removed or tampered with. At discharge from SCVMC, the band shall be removed from the child, and the child's information is removed from the system and not stored.

2. Authorized and Prohibited Uses

Use of the Baby Match technology shall be for only the authorized purposes described in Section 1 of this Policy, and shall be further limited to the following: Only authorized workforce members including Labor and Delivery clinical staff, MICC clinical staff, Pediatric clinical staff, Protective Services Officers, Biomedical Engineering staff, and Managers of those Departments shall be permitted to access the Baby Match Technology and related data; and that access shall be for only County business purposes relating to the identity, safety, and security of the child while the child is at SCVMC. It shall be permissible for the vendor to access Baby Match information as needed for the sole purpose of maintaining and evaluating the system. It shall be permissible for management to review information in the system to assess or investigate behavior or activity that appears to be unauthorized, in violation of department or County policy, illegal, or in furtherance of illegal activity. When the alarm is activated, Protective Services or other personnel shall respond to the alarm.

Baby Match technology and its data shall not be used for personal, non-County purposes. The technology and its data shall not be used to harass, intimidate, or discriminate against any individual or group.

3. Data Collection

The data collected shall be limited to whether and when an alarm is set off, tied to the tag issued, which is associated with a specific baby.

4. Data Access

Access to data from the Baby Match Technology shall be restricted to Labor and Delivery nursing staff, MICC nursing staff, Pediatric nursing staff, Protective Services Officers, Biomedical staff, and authorized managers of those Departments. It shall be permissible for Sheriff's Office personnel and Protective Services Office personnel to obtain data relating to specific administrative, civil, or criminal investigations or matters when access to that data is part of their employment duties for the County.

5. Data Protection

Data in the Baby Match system shall be accessible to only authorized staff members and configured to prevent unauthorized modification, duplication, or destruction of the information until it is deleted from the system when the child is discharged from SCVMC. For the limited time data is kept (see Section 6 regarding Data Retention), it shall be kept on a secure encrypted server in a secure location.

6. Data Retention

Data shall be stored in the Baby Match system from birth/admit to discharge. It shall be deleted from the system upon discharge of the child in most circumstances; and if the press of business or other circumstances preclude deletion from the system upon discharge, the data shall be deleted within 48 hours following discharge in all circumstances.

If the data is required to be copied or downloaded for a specific administrative, civil, or criminal investigation or action, it shall be permissible for the data to be retained for the duration of that investigation or action, through any appeals or statute of limitations, and thereafter promptly destroyed or retained if required by law or specific retention policy.

7. Public Access

Members of the public shall not have direct access to Baby Match system data. Any public requests for information regarding Baby Match and its data shall be submitted to the SCVHHS CPRA (California Public Records Act) Coordinator for handling. If a CPRA request, subpoena, or court order is issued for such data, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law, after consultation with the Office of the County Counsel as needed.

Access to protected health information (PHI) shall be limited to the extent required by patient privacy laws and regulations, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) and California's Confidentiality of Medical Information Act (CMIA).

8. Third-Party Data-Sharing

To the extent that the data still remains in the system (prior to patient discharge), it shall be permissible for data from Baby Match to be downloaded or copied and provided to law enforcement representatives outside SCVHHS for a specific administrative, civil, or criminal

investigation or action if the SCVHHS Department Head with oversight responsibility for this Policy or written designee reasonably believes that the information shows behavior or activity that appears to be unauthorized, illegal, or in furtherance of illegal activity. Access to PHI shall be limited to the extent required by patient privacy laws and regulations, including but not limited to HIPAA and CMIA.

Data may be requested by: an employee or an employee representative regarding a specific claim, allegation, or action against the employee; or law enforcement; or a third party seeking compliance with a court order or subpoena. In each of those circumstances, the request shall be reviewed by the SCVHHS Department Head or written designee, who shall seek assistance as appropriate from the Office of the County Counsel and the Labor Relations Department.

9. Training

SCVHHS shall maintain policies that inform workforce members regarding the privacy rights of employees, patients, clients, members, customers and visitors when capturing and using individually identifiable information.

10. Oversight

SCVHHS Department Heads for departments with access to Baby Match technology or their written designees shall oversee compliance with this Surveillance Use Policy. The Biomedical Department shall be responsible for ensuring that the data in the Baby Match system is accessed, maintained, and expunged appropriately and according to this Policy and federal and state law.

Any employee found to have violated this Surveillance Use Policy shall be subject to possible discipline. Violations of this Surveillance Use Policy shall be reviewed by the SCVHHS Department Head and/or their designee(s), with the assistance of the Labor Relations Department and the Office of the County Counsel.

Approved as to Form and Legality

 12/31/19

Rob Coelho
Office of the County Counsel