

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

Mobile Audio & Visual Recording Devices

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

1. Purpose

SCVHHS maintains and operates County portable audio and visual recording devices, such as hand-held audio recorders and portable cameras, to record official business activities. For example, the image of staff and visitors may be captured at official events. Images of patients, clients and visitors may be captured for identification and facility-security purposes. Audio recordings may be made during events such as committee meetings and investigational interviews to aid in drafting accurate meeting minutes and interview transcripts.

2. Authorized and Prohibited Uses

SCVHHS personnel who use County portable audio and visual recording devices to record, photograph, or videotape individuals shall notify and obtain consent from those individuals prior to recording, photographing, or videoing. In certain circumstances covered by specific written SCVHHS policies, this permission shall be documented in writing, such as when a patient will be photographed for a non-treatment related purpose. For example, per SCVHHS policy, patients must consent in writing to be photographed for outreach or marketing initiatives. SCVHHS personnel shall comply with SCVHHS policies and procedures that instruct the workforce when written permission is required, and with SCVHHS policies regarding capturing and using protected health information (PHI).

SCVHHS shall maintain policies that inform workforce members regarding the privacy rights of employees, customers, and patients when capturing and using individually identifiable images and voice in various circumstances.

County portable audio and visual recording devices shall not be used for personal, non-SCVHHS purposes, or for illegal purposes. They shall not be used to violate an individual's reasonable expectation of privacy, and shall not be used in locations where there is a reasonable expectation of privacy—such as restrooms, changing rooms, lactation accommodation rooms, showers, or other areas where an individual would reasonably expect not to be recorded, photographed, or videoed. County portable audio and video recording devices shall not be used to harass, intimidate, or discriminate against any individual or group.

It shall be permissible for SCVHHS management to access data obtained by mobile audio and visual recording devices to the extent it is necessary to conduct official County business,

including 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.

3. Data Collection

The devices shall record audio, images, and/or video.

4. Data Access

Access to images and audio captured by County portable audio and visual recording devices shall be restricted to appropriate SCVHHS personnel for specific SCVHHS business purposes. All requests must be related to the job function of the requester and be time-limited in nature. In addition, it shall be permissible for Sheriff's Office personnel, Protective Services Office staff members, the County's Labor Relations Department, and the Office of the County Counsel to obtain images or audio/video recordings related to specific administrative, civil, or criminal investigations.

Access to images and audio recordings that contain protected health information (PHI) shall be limited to the extent required by patient privacy laws and regulations.

5. Data Protection

All images and audio recordings taken from these County devices shall be securely stored in a manner and location to prevent unauthorized modification, duplication, or destruction of the data.

6. Data Retention

Images and audio recordings shall be retained and destroyed in accordance with Board-approved SCVHHS record-retention policies. Audio-recordings obtained for the purpose of recording accurate departmental meeting minutes or notes shall be destroyed or erased within 30 days of completion of those minutes or notes. Photographs and other recordings shall be discarded or destroyed upon the expiration date of any signed release/consent agreement.

7. Public Access

Any public requests for information obtained by devices covered by this Policy 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 images, 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 images and audio recordings that contain PHI shall be limited to the extent required by patient privacy laws and regulations.

8. Third-Party Data-Sharing

It shall be permissible for data obtained by mobile visual and audio recording devices to be provided to law enforcement representatives outside SCVHHS if the Department Head or written

designee reasonably believes that data may show behavior or activity that appears to be unauthorized, illegal, or in furtherance of illegal activity.

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 designee, who shall seek assistance as appropriate from the Office of the County Counsel and the Labor Relations Department.

Access to images and audio recordings that contain PHI shall be limited to the extent required by patient privacy laws and regulations.

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 images and voice recordings. SCVHHS personnel shall be informed of this Surveillance Use Policy.

10. Oversight

SCVHHS Department Heads or their written designees shall oversee compliance with this Surveillance Use Policy, including auditing compliance at least annually. SCVHHS shall maintain user access and activity logs that record the access to audio and visual files.

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

Approved as to Form and Legality



Rob Coelho
Office of the County Counsel