

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

**NicView Camera 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**

NicView is a small camera system placed at bed spaces in the Neonatal Intensive Care Unit (NICU) that allows parents and family members of babies in the NICU who consent in writing to the use of NicView to view the baby in real time through a secure online portal from a remote location, using a SCVMC-NICU-provided username and password. The cameras shall capture the image of only the baby being viewed, and not any other patients, visitors, staff members, or data. The NicView camera system shall not store images. Although NicView has the capacity to capture audio, to prevent the possible disclosure of protected health information or other confidential information from the NICU, the audio function for NicView shall not be activated.

Santa Clara Valley Medical Center (SCVMC) currently maintains and operates the following types of NicView cameras in the NICU at SCVMC: HD / 1,280 x 720 Pan-tilt Wireless Network Camera (BL-VT164W), HD / 1,280 x 720 Pan-tilt Network Camera (BL-VT164).

**2. Authorized and Prohibited Uses**

Use of the NicView camera system shall be limited to only the following:

- authorized SCVHHS workforce members, including NICU staff, for County business purposes only relating to patient care;
- the vendor, to maintain and evaluate the system only;
- authorized parents and family members, using a SCVMC-NICU provided username and password, and those the authorized parents and family members provide access to.

NicView cameras and the NicView camera system 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 to harass, intimidate, or discriminate against any individual or group. To prevent the possible disclosure of protected health information or other confidential information from the NICU, the audio function for NicView shall not be activated. The SCVHHS medical team shall have sole discretion to determine when and for how long to

put the NicView cameras into “stand by” mode, and to place the NicView cameras into “stand by” mode, which includes but is not limited to periods of “hands-on” care.

### **3. Data Collection**

The NicView system shall not collect or store images. Live-stream images of the baby in the bed space where the camera is used shall be transmitted securely over the internet.

### **4. Data Access**

Access to live-stream data shall be restricted to authorized SCVHHS workforce members, including NICU staff, in addition to the parents and family members of the baby being viewed if those parents and family members have the username and password to see their baby/relative. NICU staff member shall provide that username and password only to authorized parents and family members.

### **5. Data Protection**

The NicView system shall not collect or store images. Within SCVMC, NicView shall be accessible to only authorized staff members and configured to prevent unauthorized copying of live-streamed data. SCVHHS shall maintain a robust privacy program to ensure confidentiality and compliance with federal and state laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) and California’s Confidentiality of Medical Information Act (CMIA).

### **6. Data Retention**

The NicView system shall not collect or store images.

### **7. Public Access**

There shall be no public access to the NicView live-stream, beyond authorized parents or relatives with a SCVMC-provided username and password. Any public requests for information regarding NicView 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 live-stream 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 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**

It shall be permissible for live-stream data from NicView to be 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 believes that the information shows behavior or activity that appears to be

unauthorized, improper, illegal, or in furtherance of illegal activity. In 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. Access to protected health information 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).

## **9. Training**

Training for the operation of NicView shall be provided by designated NICU personnel. Training shall include a review of the SCVMC NicView policy, demonstration and hands-on practice using the system. NicView users shall receive training on issuing usernames and passwords to family members who sign a consent and agree to the use of this service. Instructional handouts and teaching materials shall be given to family members at the time they are issued a username and password. SCVHHS employees with access to NicView shall be advised of this Surveillance Use Policy.

## **10. Oversight**

SCVHHS Department Heads for departments with access to NicView technology or their written designees shall oversee compliance with this Surveillance Use Policy.

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

 10/31/18

Rob Coelho  
Office of the County Counsel