

# County of Santa Clara Procurement Department Surveillance Use Policy

## Audio Recorders

### 1. Purpose

The Procurement Department may use County-owned audio recorders to record pre-bid/pre-proposal conferences in order to capture pertinent details of questions posed by interested respondents and to help ensure Procurement staff relay consistent responses in any potential addenda to the solicitation.

As of the date of this Policy, the Procurement Department uses the following makes and models of digital audio recorders: Sony ICD-PX440 and Sony ICD-SX750 integrated circuit (IC).

### 2. Authorized and ~~prohibited uses~~ Prohibited Uses

~~a) Authorized – To record pre-bid/pre-proposal conferences and for other~~ The audio recorders shall be used for only the County business purposes of recording proceedings of pre-bid/pre-proposal conferences, as authorized by the Director of Procurement

~~b) Prohibited – Not to be used for personal use~~

or written designee. The

### ~~3. Data collection~~

~~At this time, the audio recorders are~~ shall be used only in a legal manner and with verbal notification to record proceedings of all parties attending the pre-bid/pre-proposal conferences as needed.

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### ~~4. Data access~~

~~Procurement staff accesses and uses~~ audio recordings from the audio recorders shall be used to compile questions and answers from pre-bid/pre-proposal conferences. Procurement staff transcribes relevant and/or required information into a Request for Proposals (RFP), which may be used to create a solicitation addendum, which is then posted on the County's bid management website for public access.

The audio recorders shall not be used for non-Department or personal purposes, and shall not be used to harass, intimidate, or discriminate against any individual or group.

### 3. Data Collection

The audio recorders shall capture audio data from pre-bid/pre-proposal conferences, such as information pertaining to the solicitation addressed at the conference, business requirements, County contractual requirements, solicitation timeline, solicitation requirements, and questions regarding the proposed scope of work.

#### **4. Data Access**

The Procurement Department contract manager or designee shall have access to the audio recordings from the audio recorders. Other personnel may also be granted access by the Director of Procurement or designee in writing (e.g., memo, email).

#### **5. Data Protection**

Audio recorders ~~are~~ shall be maintained in a secure location by the Procurement Department Information Systems Analyst (ISA) of the Manager (ISM), or equivalent position. The Procurement Department. ~~Procurement staff members, contract manager~~ shall be required to check-out the audio recorders from ~~ISA, and then check them back in to ISA when they have completed using them.~~ the ISM, which shall include a formal acknowledgement of this Policy and its requirements, and to return the audio recorder to the ISM with all content deleted upon completion of use.

#### **6. Data Retention**

Captured audio data shall be transcribed by the Procurement contract manager or designee within a reasonable timeframe following the conclusion of the pre-proposal/pre-bid conference, but no longer than by the close of the respective solicitation/bid. Transcribed data ~~becomes~~ shall become part of the RFP solicitation and ~~is~~ shall be retained per the County's Records Retention Policy. ~~After the recorded information is compiled into questions and answers for the RFP addendum,~~ Procurement staff shall delete ~~or record over the~~ pre-bid/pre-proposal conference recording from the audio recorder following the transcription of the audio data.

#### **7. Public Access**

~~Audio recordings~~ The public shall not ~~be retained after~~ have direct access to the recorded information is compiled into questions and answers for audio data, ~~but the RFP addendum.~~ The transcribed information from the audio recorders shall be available through the County's ~~publically~~ publicly available bid management website ~~and also~~ as addenda to the solicitation/bid documents and may be requested through a California Public Records Act (CPRA) request. If a California Public Records Act request, subpoena, or court order is issued for audio data, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. Procurement personnel shall consult with the Office of the County Counsel to ensure legal compliance.

#### **8. Third-Party Data-Sharing**

Audio recordings ~~are~~ shall not ~~be~~ shared with third parties. ~~Audio recordings are used to document questions and answers from the pre-bid/pre-proposal conferences and to create the written RFP addendum. That addendum is~~ without approval from the Director of Procurement. Any addenda resulting from the use of recorded audio data shall be posted to the County's bid management website(s) for the public to access.

## 9. Training

Procurement ~~managers shall train~~Department staff members ~~on the proper RFP processes, including the use of audio recorders as needed. Procurement staff~~ using the audio recorders and having access to information data contained on the audio recorders shall be given a copy of this Surveillance Use Policy ~~and other policies relevant to their responsibilities.~~

## 10. Oversight

~~The Information Systems Analyst (ISA) of the Procurement Department shall oversee Procurement staffs' check-out of the audio recorders for use, and check-in of the audio recorders once the process of recording and documenting is completed. Procurement~~Procurement Department management shall oversee compliance with this Surveillance Use Policy. The ISM or equivalent position of the Procurement Department shall maintain a user access and activity log to track usage of audio recorders, including the Procurement staff member's name, respective solicitation or bid identifier, and the date and time of check-out and check-in.

Any employee found to have violated this ~~Surveillance Use Policy~~ may ~~shall~~ be subject to possible discipline. Alleged violations of the Surveillance Use Policy shall be reviewed by Procurement staff with the assistance of the Labor Relations Department and the Office of the County Counsel.

Approved as to Form and Legality

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Rob Coelho  
Office of the County Counsel