

County of Santa Clara Social Services Agency Surveillance Use Policy

Telephonic and Voice Recording Equipment

1. Purpose

The Santa Clara County Social Services Agency (SSA) delivers daily the full range of social services to the most vulnerable of the County population, and is committed to establishing and maintaining service centers and a workplace that are effective, efficient, secure, and safe for its clients and employees. In furtherance of this purpose, SSA and its authorized employees shall use telephonic and voice recording technology to document call center telephonic communications, with advance notice to callers through a pre-recorded message, to audio-record call-center telephonic communications (i.e. phone calls by members of the public with SSA call-center representatives), including, for example, telephonic requests for assistance, case interviews, and welfare fraud investigations.

SSA currently uses Cisco UCCX Finesse and Calabrio technologies.

This policy shall supersede SSA Surveillance Use Policy for Call Center Phone Recording, 2017.

2. Authorized and Prohibited Uses

A pre-recorded message shall inform all callers that all calls are recorded for monitoring and quality control purposes. Incoming calls shall become part of case records, as applicable, which have regulatory retention requirements of two years or more.

The telephonic and voice recording equipment shall be used for County business purposes only, to enable assigned social workers, eligibility workers, and supervisors to accurately capture, report, and validate telephonic communications to better provide critical assistance and services and to monitor the effectiveness of the assistance and services. This technology shall create an accurate record of reports, requests for further processing, and SSA's response and resource allocation. The scope of the recordings shall include, but not be limited to, the following:

- Child Abuse and Neglect Report telephonic voice recordings and telephonic signatures of abuse reports sent to Child Abuse and Neglect Call Center.
- Welfare Fraud Reports and Investigation Data, including telephonic voice recordings and telephonic signatures of fraud reports sent to the Welfare Fraud Call Center, and interviews during investigations.
- Senior Abuse Report telephonic voice recordings and telephonic signatures of abuse reports sent to the Adult Protective Services Call Center.
- Public Administrator/Guardian/Conservator telephonic voice recordings and telephonic signatures of case reports, and digital voice recordings of property inventories.

- DFCS Social Worker Case voice recordings and telephonic signatures of case interviews.
- Eligibility Worker Case voice recordings and telephonic signatures of case interviews.

SSA management and designees shall be authorized to listen to communications and review recordings for the purposes described in Sections 1 and 2 of this Policy, including assessing or investigating behavior or activity that appears to be unauthorized, improper, illegal, or in furtherance of illegal behavior; and to assist with the safety of employees and customers. These recordings shall also be used for training purposes.

Audio recordings for a specific instance or case shall be made available for administrative investigations, as well as to respond to law enforcement inquiries or provide law enforcement authorities or the court with specific recordings regarding potential illegal activity.

The technology and resulting recordings shall be used for County business purposes only, not personal purposes; shall be used in a legal manner; and shall not be used to harass, intimidate, or discriminate against any individual or group.

3. Data Collection

The technology shall collect audio recordings as described in Sections 1 and 2 of this Policy.

4. Data Access

Data access shall be restricted to the following management and staff, as defined below:

- SSA Director and Chief Deputy Director;
- Director of SSA Departments of Central Services, Aging and Adult Services, Eligibility and Benefit Services, and Children and Family Services, with respect to data relating to their department;
- Designated IS Operations staff, including the SSA Information Technology System Administrator or Application Administrator;
- County staff members designated in writing by the SSA Director, Chief Deputy Director, SSA Department Directors, or SSA Information Technology System Administrator or Application Administrator as having a County business need to access the data, in compliance with this Policy;
- Other County personnel designated in writing by the SSA Director, Chief Deputy Director, SSA Department Directors, Director of SSA Central Services, or designated IS Operations staff if they determine that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action.

Efforts shall be made to keep the total number of designees with access to the data as low as possible within the constraints of this Policy.

5. Data Protection

All call center data and other data from the technology shall be stored in a secure location, accessible to only authorized staff members, and password protected. Direct access to the recordings in case files shall be limited to SSA Department Directors, designated managers, the specific workers managing the specific files as part of their assigned caseload, and their supervisors utilizing a secure login and password.

6. Data Retention

All data shall be retained in accordance with the applicable SSA Record Retention and Destruction Schedule based on the nature of the call and the applicable statutory and Schedule-based retention obligation, but in all cases for a minimum of 3 years, before they are destroyed. SSA's current Schedule is 10 pages long and cites to statutes mandating indefinite retention obligations for certain types of data, and other statutes mandating minimum retention periods ranging from two years to seven years or more. Additional data retention requirements shall include:

- Recordings necessary to sustain an intentional program-violation disqualification in any public assistance program shall be retained throughout the lifetime of the individuals involved per State of California Department of Social Services All County Letter (ACL), 11-08;
- Copies of recordings for a specific criminal, civil, dependency, or administrative investigation or proceeding shall be retained for at least the duration of the investigation or proceeding before being destroyed in accordance with any data retention law or policy that applies;
- Copies of recordings retained pursuant to a County Counsel Notice to Preserve Documents/Litigation Hold Request per Santa Clara County Litigation Hold Policy-Board Policy 3.56, shall be retained for at least as long as the Litigation Hold remains in effect.

7. Public Access

All public requests for access to recording data shall be provided in writing to the designated SSA Information System or Application Administrator for consideration. Reasonable efforts shall be made to preserve the data requested until the request has been processed.

If a California Public Records Act request, subpoena, or court order is issued for recorded data, that data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. SSA personnel shall consult with the Office of the County Counsel to ensure legal compliance.

8. Third-Party Data-Sharing

Third party data sharing shall be limited to only the following:

- Law enforcement agencies, County-retained investigative personnel, or other investigative personnel, but data sharing under this bullet-point shall be permissible

with those agencies/individuals only in connection with a specific administrative, civil, or criminal investigation or action; and only with the written consent of the SSA Director, Chief Deputy Director, or SSA Department Directors;

- Parties in litigation involving the County, in response to a subpoena or civil discovery;
- County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation, provided appropriate court orders have been obtained;
- Other third parties, pursuant to a Court Order;
- Other third parties if approved in writing by the SSA Director or Chief Deputy Director, for County business purposes.

9. Training

Personnel involved in the operation of the recording technology and in the access of data from it shall be appropriately trained and shall be made aware of this Policy.

10. Oversight

The SSA Information Technology System Administrator shall be responsible for overseeing implementation of this Policy, and compliance with it. Each SSA department shall designate its own compliance officers who shall assist the Administrator to oversee their respective SSA departments regarding this Policy.

Compliance officers shall create and maintain accurate compliance oversight records that document their monthly review of telephone report records created by the Child Abuse and Neglect Call Center; Welfare Fraud Report Center; Senior Abuse, Public Administrator/Guardian/Conservator, and Special Investigations Unit; Social Workers; and Eligibility Interviewers. The Administrator shall receive and compile oversight records into a monthly report for the SSA Director and Chief Deputy Director. The assigned SSA Information System or Application Administrator shall oversee the administration and operation of all call center recordings and interview recordings by reviewing monthly reports that address call recording volume, purpose, and disposition. The Administrator shall conduct scheduled and random inspections of call center operations and telephone and voice records as the Administrator deems necessary.

Any employees found to have violated this Policy shall be subject to possible discipline, up to and including termination of employment. Violations of this Policy shall be reviewed by the SSA Director, Chief Deputy Director, 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

 11/16/18

Rob Coelho
Office of the County Counsel

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