

County of Santa Clara Social Services Agency Surveillance Use Policy ~~For Call Center Phone Recording~~

Telephonic and Voice Recording Equipment

1. Purpose

The Santa Clara County

~~1.~~ The mission of the Social Services Agency (SSA) is to provide resources and opportunities in a culturally responsive manner in order to enhance the quality of life in our community by protecting, educating, and empowering individuals and families. Some SSA services are provided by telephone through three SSA Call Centers — in the Department of Employment & Benefit Services (DEBS), the Child Abuse & Neglect Center where the child-abuse hotline is operated (CAN Center), and within Adult Protective Services (APS). In those Call Centers, SSA uses technology to record and track inbound and/or outbound calls for various County-related purposes such as customer service, call quality, and fraud prevention. The technologies at issue are **audio-recording technology** and a **technology that logs data** for the Call Centers (identifying the phone that was answered, length of call, etc., but not recording audio).

2. AUTHORIZED AND PROHIBITED USES

The Call Center recording technology and its data (i.e., audio recordings) may be used to record and track inbound and/or outbound calls for the County-related purposes identified in the Purpose section of this Surveillance Use Policy, as well as:

- to record clients' consent for specific programs administered by SSA;
- to assist in fulfilling the requirements of Affordable Care Act (ACA) and horizontal integration as defined in ACIN I-60-13;
- to assist in the determining the content of phone call;
- to assist in monitoring and assessing call quality (service-quality assessment/improvement);
- to assist in resolving a citizen or employee complaint or an internal affair or other County or law enforcement investigation;
- to assist in the identification, investigation, and prevention of fraud;
- to assist with SSA investigations;
- to help emergency services personnel respond to emergency events;
- to assist in gathering evidence for criminal actions;

~~—other lawful County SSA functions consistent with the uses identified above.~~

~~The recording technology and its data shall not be used for illegal purposes. SSA employees shall not use or disseminate data from the recording technology system, except for official County business purposes.~~

~~The Call Center data-tracking technology may be used to determine the number of calls received, the number of calls answered, the number and length of calls to a specific work station, telephone numbers to/from the work station, the availability of a work station to respond to calls, and related matters tied to tracking operations and operational efficiency. It may also be used for the following purposes:~~

- ~~—to assist in resolving a citizen or employee complaint or an internal affair or other County or law enforcement investigation;~~
- ~~—to assist with monitoring and assessing call volume and responsiveness;~~
- ~~—other lawful County SSA functions consistent with the uses identified above.~~

~~The call-recording technology and the data-tracking technology shall not be used for personal, non-SSA purposes, or for illegal purposes. They shall not be used in a manner to violate an individual's reasonable expectation of privacy.~~ 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. ~~No attempt shall be made to alter any audio recordings or call-center tracking data from the technologies.~~

3. Data Collection

~~The Call-Center Recording technology records shall collect audio:~~

~~The Call-Center Data-Tracking technology collects data on the phone answered, length of call, telephone number to/from the phone, time of day/night the phone is recordings as described in use, Sections 1 and related data tied to call volume, length, and availability of the phone for use of this Policy.~~

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~~4.~~ **DATA ACCESS**

~~Access to Call Center recording data and Call Center tracking data~~ **Data Access**

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

- ~~• Information Services Department personnel and designees;~~
 - ~~• SSA Call Center Applications Engineers and their designees;~~
 - ~~• Call Center managers, supervisors, and special operational units and their designees;~~
 - ~~• SSA Executive Managers and their designees~~
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- To be designated access, designees shall have a 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 information data, in compliance with this ~~Surveillance Use Policy~~;
 - Other individuals shall not access, monitor, download or review audio recordings except in the event of emergency or other requests by County personnel designated in writing by the SSA Executive Management or designees. 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 audio recordings and call center data and other data from the tracking technology shall be stored in a secured, encrypted system and 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 consistent in accordance with the applicable department policies; and SSA Record Retention and Destruction Schedule based on the nature of the call and the

applicable state and federal laws, 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:

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6. DATA RETENTION

- All audio 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 and call-center tracking data that are not copied and retained as part of an for a specific criminal, civil, dependency, or administrative or criminal investigation or related case may proceeding shall be retained for up to 48 months, and then 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 or case purposes may be retained for as long as needed for personnel, or other investigative personnel, but data sharing under this bullet-point shall be permissible with those matters, before being

destroyed 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;

~~7.~~ PUBLIC ACCESS

~~SSA Executive Managers may share call-center data summaries (number of calls, number of answered calls, etc.) in public meetings before the Board of Supervisors. Any public requests for recorded audio or call-center data shall be submitted to the department's CPRA (California Public Records Act) Coordinator for handling. Data may be made available to the extent required by law, policy, or County agreement, after consulting with the Office of County Counsel.~~

~~8.~~ THIRD-PARTY DATA SHARING

~~Access to data from the technologies may be provided to law enforcement representatives if an individual authorized to access the data believes that the data may show suspicious or illegal activity, and it is lawful to share the data. 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 an SSA Executive Manager or designee, who shall seek assistance as appropriate from the Office of the County Counsel and the Labor Relations Department.~~

~~9.~~ TRAINING

- ~~• SSA personnel authorized 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. use, Training

Personnel involved in the operation of the recording technology and in the access, and oversee the technologies of data from it shall be appropriately trained regarding the technologies' purpose, use and prohibited uses, and access; and shall receive a copy be made aware of this Surveillance Use Policy.

10. OVERSIGHT Oversight

The SSA Information ~~Systems Department~~ 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 the Call-Center technologies at issue in this Surveillance Technology Policy. SSA Executive Managers and designees, and SSA Call Center Managers shall oversee compliance with this Surveillance Use Policy. 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.

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Any ~~employee~~ employees found to have violated this ~~Surveillance Use Policy (including, but not limited to accessing data that they have not been authorized to access) may~~ Policy shall be subject to possible discipline. Alleged violations, up to and including termination of employment. Violations of this ~~Surveillance Use Policy~~ shall be reviewed by ~~an~~ the SSA ~~Executive Manager~~ 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

Rob Coelho

Office of the County Counsel