****

|  |  |
| --- | --- |
| Use of Recording Devices | Related Policies:Photography and Digital Imagery Policy |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* |
| Applicable KY Statutes: KRS Ch. 526; KRS Ch. 531.90 to 531.100 |
| OSHA: |
| NFPA Standard:  |
| Date Implemented: | Review Date: |

**Purpose:** To protect the privacy rights of all members of the department by limiting the secret recording of audio and/or video in the workplace, including in the fire stations, at emergency incidents, drills, meetings and training. This policy will also serve to promote a professional atmosphere and protect patient privacy under HIPAA.

**Policy:** It is the policy of the Fire Department to respect the privacy rights of all members of the department by limiting the use of secret recording devices in the workplace, subject to the exceptions provided.

**Procedure**

1. While on duty or while representing the Fire Department in any activity, no member of the department may secretly, and without the knowledge and consent of all persons being recorded, use any camera, camera phone, video recording device, audio recording device, or clandestine electronic sound enhancing (eavesdropping) device to overhear, capture, record, or transmit live to another location, the image or voice of another member or person. The act of secretly placing a device capable of making such a recording in the workplace shall be considered a violation of this policy even if it cannot be proven that it actually recorded or transmitted.
2. No member of the department while on duty shall take any photo, video or audio recording of another person in a restroom, locker room, bedroom, or other room designated for changing clothes under any circumstances. Furthermore, personnel are expressly prohibited from taking any images of another person in any location where a person has a reasonable expectation of privacy, including a bathroom, bedroom, locker room, changing area, or any other location where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed, filmed, or videotaped by another; or a place where one would reasonably expect to be safe from hostile intrusion or surveillance.
3. Nothing within this policy shall be construed to prevent the use of cameras, camera phones, video recording devices, and audio recording devices by a law enforcement agency or this Department, during the lawful collection of evidence during a criminal or administrative investigation, nor does it prohibit the Department from maintaining such electronic surveillance devices on fire department property and/or in fire department vehicles, as the Fire Chief deems necessary to ensure the safety, security, and welfare of all personnel.
4. Violations of this policy are considered to be extraordinary breaches of other people’s legitimate expectations of privacy, and may subject an offender to termination without the necessity for progressive discipline.