



Virginia Beach Department of Emergency Medical Services



RISK MANAGEMENT

Photographic, Video Graphic, Audio & Digital Reproduction Policy

PURPOSE: The purpose of this policy is to establish a uniform expectation for the preservation of confidentiality and evidence and to preserve the public's trust in our operations.

APPLICABILITY: This policy applies to all members of the Department of Emergency Medical Services, regardless of duty status, governing the photographic, video graphic and /or audio recording of any victims (patients) equipment or personnel while at a call for service in which the patient(s) would perceive a sense of privacy and where HIPAA Privacy Rules apply.

POLICY STATEMENT:

Federal and state privacy laws create a strict environment regarding the obligation of Department personnel to maintain the privacy of our patients and citizens. Additional federal and state laws provide for the transparency of government and govern the protection and access to governmental information, including photographic, video graphic and audio records.

Personal cameras, video or audio equipment

Use of personal cameras, video or audio equipment--whether stand-alone or integrated into a personal device--while on duty or when performing any patient care functions for or on behalf of the Department is strictly prohibited.

Official activities

- 1) While on duty, personnel are only permitted to use cameras or other picture taking, image generating or audio recording devices that are authorized and issued by the Department. Department issued devices are intended to be used for medical purposes only such as to document the position of vehicles and patients at the scene of an accident or to document mechanism of injury for use by the receiving facility to assist in

- guiding treatment. No other picture, video or audio taking devices including personal electronic devices, PDA's, cameras, or other personal computers (not issued or authorized by the Department for patient care purposes) shall be used by personnel while on duty.
- 2) All on-scene photography shall be for clinical and/or documentation purposes only and conducted only at the direction of a Chief Officer.
 - 3) Any photographs containing individually identifiable information are covered by the HIPAA Privacy Rule and must be protected in the same manner as patient care reports and other such documentation.
 - 4) Any on-scene images or recordings and any other images or recordings taken by a member in the course and scope of their employment are solely the property of the City and *not* the property of the individual member. This includes any image or recording inadvertently taken with a staff member's personally owned cell phone camera or other digital imaging or recording device.
 - 5) No images or recordings taken by a member in the course and scope of their function may be used, printed, copied, scanned, e-mailed, posted, shared or distributed in any manner without the express, written approval of the EMS Chief or his designee. This prohibition includes, but is not limited to:
 - a. Sharing via social media
 - b. Posting on web sites (public or private)
 - c. Forwarding to news media
 - d. Sharing with friends or colleagues
 - e. Sharing with other public safety or health care professionals.
 - 6) Any on-scene images or recordings and any other images or recordings taken by a member shall be immediately forwarded to the Division Chief of Administration to be properly catalogued, reviewed and stored. The medium where this image was originally stored must be permanently purged after transfer.

Members who are found to be in violation of this policy may be subject to corrective action.

RELATED ADMINISTRATIVE DIRECTIVES:

City of Virginia Beach AD 2.09 Information Security and Privacy Office Charter

City of Virginia Beach AD 2.10 Records Management Guidelines

City of Virginia Beach AD 8.02 Health Insurance Portability and Accountability Act of 1996

ORDERED:



1/20/2017

EMS Chief

Date