



Sample Video/Photo Recording Devices Standard Operating Policy

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1910

Purpose

This Standard Operating Procedure (SOP) provides guidelines for the prudent and consistent use of video, photographic, and audio recording devices such as, but not limited to, fire helmet cameras, pocket cameras, cell phone cameras, eyeglasses cameras, digital audio recorders, and similar recording devices by fire department personnel in connection with the transaction of official business or in the scope of employment. The purpose of this policy is to protect the confidentiality of fire department members, patients, and the public, the careers of fire department members, the reputation of the fire department, and the operations of the fire department.

Scope

This SOP discusses the benefits, operation, use, function, maintenance, permission, and consent aspects of the video, photographic, and audio recording devices. For the purpose of the policy, the term video recording devices is all inclusive of helmet-mounted cameras pocket video cameras, pen video cameras, eyeglasses cameras, cell phone cameras, digital audio recorders, and similar portable devices that record video, photographic, and/or sound files. The Fire Chief has the final authority to determine if a video recording device is subject to this policy.

Benefits

The benefits of a video recording device such as a helmet camera include documentation of events so the fire department may use the video and sound files for evaluation of current practices and procedures for efficiency and effectiveness, for determining if firefighter have mastered firefighting skills and evolution, for determining if fire personnel use all personal protective equipment as required, for training purposes, for fire investigation purposes, for documentation of events on fire and emergency scenes, for quality assurance/quality improvement review, and for "hot wash" critiques of the fire department's operations on emergency responses. The fire department has a duty to weigh the potential benefits against the potential risk and liability should the files be misused.

Ownership of the Video, Photographic, and Sound Data Files

- Any video, photographic, and/or sound files gathered on scene of an incident, on the training ground, in and around the fire station, and in connection with the transaction of official business or in the scope of employment are and remain the property of the fire department.
- All video, photographic, and/or sound files gathered on scene of an incident, on the training ground, in and around the fire station, and connection with the transaction of official business or in the scope of employment are reviewable by the fire department administration and may be sequestered if they are likely to be used as evidence.
- Video, photographic, and/or sound files may not be distributed or shared in any manner without prior approval for the Fire Chief.
- Video, photographic, and/or sound files may not be posted, uploaded, emailed, distributed, or shared on such as but not limited to Facebook, YouTube, or etc.

Compliance with the Open Records Act

Any video, photographic, or audio recordings made in connection with the transaction of official business or in the scope of employment are public records under Tennessee Code Annotated § 10-7-503(a)(1)(A) with the exceptions identified under Tennessee Code Annotated § 10.7.504(29)(u) Confidential Records Exception;. Retention of all images and recording files shall be governed by the department's records retention policy and the Tennessee Open Records Act.

Prior Approval Required Before Use

Prior approval from the Fire Chief is required before a fire department member may use any video, photographic, and/or digital audio recording device such as, but not limited to, a helmet camera.

Use of the Recording Device

If approved for use, the use of the video, photographic, and/or digital audio recording device shall not

delay any fire suppression or rescue activities. If time permits, the video, photographic, and/or digital audio recording device may be used on responses except for Emergency Medical only calls and direct patient care.

Limited Use of the Recorded Images and Files

If approved for use, the use of the video, photographic, and/or digital audio recording files shall be limited to normal fire department and law enforcement investigations and documentation, training and public relations, and not-for-profit use. Recorded images and files may not be used for profit, commercial use, nor to endorse any product or service.

HIPAA Compliance and Privacy Requirements

- The video, photographic, and/or digital audio recording device may not be used to video or record private medical information or records
- The video, photographic, and/or digital audio recording device may not be used to record direct patient care.
- The video, photographic, and/or digital audio recording device may be used on rescue incidents. If the video, photographic, and/or digital audio recording device inadvertently records a patient care event, the fire chief will have the final authority in the use or purpose of the video, photograph, or audio files.

Eavesdropping and Illegal Activities

The video, photographic, and/or digital audio recording device shall not be used for any illegal activities such as eavesdropping, listening to, or recording private conversations, or making secret or hidden photographs. Members found guilty of violating this policy will be terminated immediately.

Voluntary Consent to Use Video and Sound Files

An individual may give consent to use their name, photographic or audio/visual likeness, voice, and oral statements obtained in a video of a rescue, other emergency event, training exercise, etc. for use in training, education, or any other usage desired by the fire department. The consent shall be voluntary on the part of the individual. The individual must complete and sign the proper consent form. The person giving the consent must be over the age of 18; a minor may never consent to the use of their name and photographic likeness.

_____ **Fire Department**
Video, Photo, and Sound Files Usage Consent Form

I, _____ (print name) give consent to the _____ Fire Department to use my name, photographic and/or audio/visual likeness, voice, and oral statements in all forms and media in the video and sound files obtained on ____/____/____ for training, education, recruitment, uploading, downloading, and any other lawful purposes. This authorization is continuous and I can withdraw this authorization in writing at any time.

I understand and agree that I will not be compensated in any way for the use of my name and photographic or audio/visual likeness.

By signing this form, I waive and release the _____ Fire Department and his/her/its officers, agents, employees, and heirs from any claim or liability relating to the use of my name, likeness, identity, voice, photographic image, audio/visual image and oral or recorded statements.

I am an adult, 18 years or older, and I have read and understand this agreement and I freely and knowingly give my consent to the _____ Fire Department as described herein.

Name (print): _____

Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____

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Signature: _____

Date: _____

Fire department rep: _____

Date: _____

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