



Office of the Commissioner
Policy Concerning Use of Recording Devices in DHHS Offices

Policy #: DHHS-01-19

Issue Date: 11/05/19

I. SUBJECT

Policy concerning use of recording devices in DHHS offices, including DHHS office public waiting areas and hallways.

II. POLICY STATEMENT

When serving the public in their official capacities and in accordance with their job duties, DHHS employees shall not allow clients to use personal recording devices (including audio recording devices, video recording devices, and cameras) to record the service interaction in DHHS offices or to record public waiting areas and hallways in DHHS offices, unless such recording is expressly permitted by law or expressly authorized by a DHHS supervisor in accordance with this policy. This will ensure the safety and privacy of staff and clients.

III. RATIONALE

Most communications between DHHS employees and clients pertain to confidential and sensitive information. Such information is at risk of inadvertent or purposeful disclosure, publication or other dissemination when it is informally recorded on unsecured personal devices. Such recordings also place at risk the privacy of other DHHS clients and DHHS staff who may be present in common spaces such as reception areas and waiting areas.

IV. PROCEDURE STATEMENT

General Policy:

When clients seek to use personal recording devices during interactions with DHHS staff, the staff member shall explain that to ensure staff safety and to preserve confidential information and the privacy of all DHHS clients, recording is generally not permitted. The staff member may terminate any meeting at which the client refuses to comply with this restriction.

The staff member should fully document the occurrence and report it to their supervisor.

There are limited exceptions for recordings specifically authorized by law, as follows:

Accommodation: A supervisor, in consultation with the DHHS Civil Rights/ADA Coordinator, may approve the use of a recording device for a DHHS client who requests the opportunity to make an audio or video recording or take a photograph as a reasonable accommodation/modification for a disability.

Child Protection Matters: Certain interviews in child protection matters may be audio recorded by a parent. See 22 M.R.S. 4001 et seq., as amended. Also, a parent may take photographs or video recordings of their child/ren during a parent-child visit.

Matters other than Child Protection: Clients may use audio recording devices during interactions with DHHS staff, upon request and with the express permission of a DHHS supervisor.

V. ATTACHMENTS/WEBSITE LINKS

The State of Maine's Personal Use of Social media Policy can be found at:
<https://www.maine.gov/bhr/state-hr-professionals/rules-policies/policy-practices-manual/Personal-Use-of-Social-Media>

The State of Maine's policy addressing workplace response to domestic violence, sexual assault and stalking can be found at:
<http://inet.state.me.us/dafs/policies/domestic-violence-policy101315.pdf>

The State of Maine's policy statement against harassment can be found at:
https://www.maine.gov/bhr/sites/maine.gov.bhr/files/inline-files/Policy_Statement_Against_Harassment_July_2011.pdf

An informational guide on Protection From Abuse and Protection From Harassment, written by the Judicial Branch, can be found at:
https://www.courts.maine.gov/maine_courts/district/pa-ph-guide.pdf

Protection From Abuse and Harassment forms can be found at:
https://www.courts.maine.gov/fees_forms/forms/pa.html

VI. DISTRIBUTION

All Department employees via e-mail and posting on the DHHS intranet.

November 5, 2019

Date



Jeanne M. Lambrew, Ph.D.
Commissioner