WASHINGTON STATE DEPARTMENT OF VETERANS AFFAIRS

POLICY

POLICY NUMBER 160.100

TITLE **USE OF RESIDENT / CLIENT, PHOTOS / VIDEOS ON SOCIAL MEDIA AND MEDIA ACCESS AT STATE VETERANS HOMES**

EFFECTIVE DATE:	December 15, 2016
AUTHORITY:	General authority of the Director of the Department of Veterans Affairs, hereinafter referred to as WDVA, to manage and direct the Agency, RCW 43.60A.040, .050, and .060.
PURPOSE:	To safeguard and protect the privacy of State Veterans Home residents and comply with federal privacy regulations, including HIPAA rules.
APPLICABILITY:	This policy applies to all Department employees, volunteers, contractors, work studies and visitors.
DEFINITIONS:	Media – Communication channels through which news, education, data, promotional messages are disseminated and includes newspapers, magazines, TV, radio, billboards, direct mail, telephone, fax, and internet/social media. Residential Area - Includes resident rooms, dining areas within nursing care buildings, therapy and recreation rooms within nursing care buildings, and any other area where residents of the State Veterans Homes could reasonably expect privacy. Administrative Area - Administrative offices, assembly and recreation areas outside of nursing care buildings
POLICY:	I. WDVA has a legal obligation and an ethical duty to protect the personal privacy of all residents of the State Veterans Homes and Clients of WDVA Programs. **PHOTOS / VIDEOS / RECORDINGS** II. Employees, contractors, volunteers, work studies, and

visitors may not take resident, family or client photos, videos or other recordings on any personal devices.

A. Exceptions:

1 Employees using personal devices for agency business, with a current authorization from WDVA Information Services, may take resident, family or client photos, videos or other recordings for agency use only, as described in Section IV. Photos, videos, or other recordings shall be immediately transferred to an agency device or account or sent to communications@dva.wa.gov for agency use and then shall be deleted from the personal device.

2 Representatives from outside organizations may request permission to take resident, family or client photos, videos or other recordings at organized events to be posted to their official organization website or social media; however, they must verify that the resident, family or client has granted permission for photos, videos or other recordings to be taken.

3 Visitors and family of residents may take photos of their own resident family member or friend.

III. Employees, contractors, volunteers, visitors, and work studies shall not include resident photos, videos or other recordings in any personal social media, website or other online posts. Employees, contractors, volunteers, visitors, and work studies may share WDVA social media, website or other online posts on their personal pages.

IV. During facility or agency events, when developing outreach materials, or when determined necessary by the Activities Department, Superintendent's Office, or Communications Department, resident photos, videos, or other recordings, may be taken and included in agency sponsored media such as social media posts, website content and publications such as brochures with the resident or resident designated representative's permission/written consent. Employees will be designated by the Activities Department, Superintendent's Office, or Communications Department to take photos or videos for these purposes.

OUTSIDE MEDIA ACCESS:

V. Under no circumstances are members of the outside media permitted to enter residential areas of a State Veterans Home without first making arrangements with the Superintendent or designee.

VI. Outside media requests to photograph, video, or interview residents must be made through the Superintendent or designee.

VII. Due to federal privacy regulations, including HIPAA requirements, WDVA is prohibited from disclosing any information regarding any resident, including whether the individual is a resident of a State Veterans Home, without the written permission of the resident or resident designated representative. (In the case of law enforcement or regulatory agency investigations, the Department will adhere to legal requirements which may require the release of resident information.)

VIII. The Communications Director will work with the Superintendent or designee of the facility and the media outlet to determine how to satisfy a media request while safeguarding the privacy rights of all residents.

IX. If a member of a media outlet arrives at a State Veterans Home without making prior arrangements:

A. The Superintendent or designee will be notified and the media will be directed to the Superintendent's Office.

B. If the member of the media arrives outside the Superintendent's regular office hours, they will be escorted to an administrative area of the facility such as an administrative office or waiting area. The Superintendent or designee will be notified and will determine how to proceed.

C. If a member of the media is found after they've already started filming or interviewing residents, the Superintendent or designee will be notified immediately and the media will be asked to discontinue until further direction can be provided.

D. If the Superintendent or designee cannot be located, staff should contact the Communications Director at 360-791-8966.

REVIEW:	This policy will be reviewed every five years and updated as needed.
REFERENCES:	DVA HIPAA Policy 170.000 - 170.500, 42CFR 483.10, 13, & 75, and 38CFR 51.70, 90, & 210.
SUPERSESSION	DVA Policy 160.100, dated June 28, 2013
ATTACHMENTS:	None

Lourdes E. Alvarado Ramos, Director

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Date