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| <p style="text-align: center;"><b>STATE OF VERMONT</b><br/><b>AGENCY OF HUMAN SERVICES</b><br/><b>DEPARTMENT OF CORRECTIONS</b></p>   | <p style="text-align: center;"><b>Recorded Meetings</b></p> |                               | <p style="text-align: center;"><b>Page 1 of 4</b></p> |               |                   |                   |                                |             |                |
| <p style="text-align: center;"><b>CHAPTER: MANAGEMENT INFORMATION SYSTEMS</b></p>   | <p style="text-align: center;"><b>#253</b></p>              | <p><b>Supersedes: New</b></p> |   |               |                   |                   |                                |             |                |
| <p><b>Local Procedure(s) Required:</b> No<br/> <b>Applicability:</b> All staff (including contractors and volunteers)<br/> <b>Security Level: "B"</b> – Anyone may have access to this document.</p>  |   |                               |   |               |                   |                   |                                |             |                |
| <p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>05/02/2022</u></td> <td style="width: 33%; border: none;"><u>05/16/2022</u></td> </tr> <tr> <td style="border: none;">Nicholas J. Deml, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table> |   |                               |   | <u>SIGNED</u> | <u>05/02/2022</u> | <u>05/16/2022</u> | Nicholas J. Deml, Commissioner | Date Signed | Date Effective |
| <u>SIGNED</u>   | <u>05/02/2022</u>   | <u>05/16/2022</u>             |   |               |                   |                   |                                |             |                |
| Nicholas J. Deml, Commissioner  | Date Signed   | Date Effective                |   |               |                   |                   |                                |             |                |

**PURPOSE**

This policy addresses the practice of recording meetings in which business is conducted by the Vermont Department of Corrections (DOC). DOC strongly discourages the recording of meetings.

**AUTHORITY**

State of Vermont Agency of Human Services Policy #3.02, *Recording Meetings*.

**POLICY**

DOC recognizes that recordings of meetings are public records. Recordings may be inspected or copied by anyone at any time under Vermont’s Public Records Act (PRA). Only information contained in recordings exempt under the PRA may be withheld from disclosure. Additionally, it is costly and time consuming to redact audio and video recordings of meetings, so recorded meetings must be formal and well planned to ensure that the recordings contain no exempted materials, such as confidential information, proprietary vendor information, or incidental recordings of the children and family members of staff working from home.

The PRA may also apply to recordings made by State contractors. State contractors have been required to respond to public record requests in the past. See *Prison Legal news v. Corrections Corp. of America*, No. 332-5-13 WNCV, 2014 WL 2565746 (Vt. Super. Jan. 10, 2014); *Whitaker v. Vermont Information Technology Leaders, Inc.*, No. 781-12-15 WNCV, 2016 WL 8260068 (Vt. Super. Oct. 16, 2016).

A copy of the meeting (the "Record Copy") shall be stored on a State system in a file location where it can be easily identified and located for record retention purposes.

## **GENERAL PROCEDURES**

### **A. Policy Against Unauthorized Recordings**

1. DOC staff who wish to record a meeting, or to instruct a contractor to record a meeting, shall receive prior approval from the Records Officer. Once authorized, notice to participants must be provided prior to and during all recorded meetings.
2. The DOC generally considers contractor records to be subject to disclosure under the PRA once they can be directly accessed by DOC staff. This includes documents on the contractor's SharePoint and any recording of a meeting that is reviewed by DOC staff in the course of DOC business.

### **B. Roles and Responsibilities**

1. DOC staff are responsible for requesting that meetings be recorded, delivering notice to participants, and ensuring proper storage of recorded meetings.
2. The Records Officer is responsible for:
  - a. Ensuring that DOC's records are retained in accordance with its Public Records Policy and assisting in identifying record schedules applicable to recordings of meetings.
  - b. Reviewing requests to record meetings, with assistance from General Counsel as necessary.
3. The Records Liaison is responsible for fielding questions from staff regarding record maintenance and the retention and destruction of recorded meetings.

### **C. Requesting to Record a Meeting**

1. Any request to record a meeting must be approved by the Records Officer with the exception of recordings intended for training purposes.
2. Staff shall contact the Records Officer to request approval for recording of a meeting and copy their supervisor on the request.
3. Requests shall be submitted at least 10 business days prior to the time of the meeting. This period may be shortened in exceptional circumstances.
4. Staff that wish to record a meeting shall include the following information in their request:
  - a. The subject matter of the meeting;
  - b. The expected participants; and
  - c. Why other methods of documenting the meeting are not practicable.
5. As needed, requesting staff shall also work with the Records Officer to determine a records schedule applicable to the meeting record and a storage location for the recorded copy of the meeting.

#### **D. Notice Requirements for Recording of Meetings**

1. Unannounced or covert recording of meetings carries potential legal risks and does not align with the level of transparent, responsible, professional conduct expected of DOC staff.
2. To ensure that meeting attendees, especially phone participants and the visually impaired, are properly notified and prepared to have their participation recorded, staff shall follow these steps every time a meeting is to be recorded:
  - a. Notification in writing to attendees
    - i. Staff shall notify all attendees that the meeting will be recorded, in writing:
      - a) At the time the meeting is scheduled; and
      - b) By a reminder, within 48 hours before the meeting.
    - ii. The following notice shall be provided:

This meeting will be recorded. This recording and all paper and electronic copies of materials presented or shared on the screen will be subject to Vermont's Public Records Act, 1 V.S.A. § 315 et seq., and will be made available to the general public upon request. Participants are responsible for ensuring that no confidential or proprietary information is presented or discussed in the meeting and associated materials. This recording may not be deleted or destroyed except as provided under DOC's record retention schedule.

- b. Visual and spoken notification
        - i. Staff shall read the following message aloud at the start of the recording:

THIS MEETING IS BEING RECORDED

This recording and all paper and electronic copies of materials presented or shared on the screen will be subject to Vermont's Public Records Act, 1 V.S.A. § 315 et seq., and will be made available to the general public upon request.

Participants are responsible for ensuring that no confidential or proprietary information is presented or discussed in the meeting and associated materials.

- ii. If the meeting is recorded on video, staff shall also display the above notification on-screen the first time it is read aloud.
- c. Staff shall also provide a reminder that the meeting is being recorded if they open up the floor for questions or comments.

#### **E. Conducting a Recorded Meeting**

1. When sharing screens or attending on camera, staff shall ensure that no unnecessary confidential information is included in the recording. This may include:
  - a. Closing all unused programs, documents, and browser tabs;
  - b. Not sharing their screen while browsing file folders to open or save documents; and
  - c. Closing Outlook and disabling all on-screen notifications.
2. Staff shall also be mindful of personal information that may be recorded, such as:
  - a. Family photos from their physical background if they are appearing on camera;
  - b. Family photos used as their desktop background if they share their screen; and
  - c. Family members who are seen or heard speaking in the background.
3. Staff shall conduct recorded meetings with the same level of formality as meetings open to the public.