Camera's, PDAs, and Video Equipment

Points to Cover

• **Application.** Describe the scope of the policy. Will the policy apply to employees and visitors? Just employees? Just visitors?

• **Areas.** Identify the areas where cameras are forbidden. To which locations inside the facility should the policy apply? Research and development? Human Resources? Medical records? Bathrooms?

• **Equipment.** What equipment is covered? Will the policy apply to camera phones only? To camera PDAs? To camcorders? To video equipment? To all cameras? To handheld scanners? To flash drives? To flash memory cards? To flash camera cards?

• **Ownership.** State if you claim any ownership of images taken with company equipment or on company premises.

• **Related policies.** Consider referencing other policies like confidentiality, investigations, security, privacy and harassment. For example, can the company use hidden cameras to investigate suspected wrongdoing? Are parking lots under video surveillance to provide security?

• **Enforcement.** Who will enforce the policy? Human Resources? Security? Supervisors? All of the above? Will you confiscate banned images?

• Will you permit exceptions for the “no camera” policy? Can visitors bring cameras with permission? Can employees use cameras for celebrations?

• **Discipline.** Will you fire employees who violate this policy? Will you confiscate banned images? Will you confiscate banned equipment?

Legal Points

• **Harassment.** Camera phones or camera PDAs can be used to capture and send sexually suggestive images. They can be used to harass members of protected groups.

• **Privacy.** “Candid” pictures can be the basis for an invasion of privacy claim.

• **Trade secrets.** If trade secrets can be easily photographed, then the company may not be able to assert that it maintained the information in confidentiality and may not be able to claim that the information is a trade secret.

Things to Consider

1. Purpose. Does the business have particular proprietary concerns? Are you concerned about privacy? Harassment?

2. Publication. How will you publicize the policy? Signs at entrances? Signs at areas were cameras are forbidden? Employee bulletin boards? Employee handbooks?

3. Problems. By having a policy, will you create a problem where none existed?

Sample Policy

To safeguard its confidential information and to reduce the opportunities for illegal harassment, the company regulates the use of electronic equipment used to capture images such as camera phones, camera PDAs, video equipment, cameras, handheld scanners, flash drives, and any other device capable of capturing or storing an image in its facilities.

Employees and visitors are not to bring or use imaging equipment in areas posted with “No cameras or similar equipment allowed,” or into areas where personal privacy is generally acknowledged, including dressing rooms, bathrooms, etc.

In other areas or at company-sponsored events, employees and visitors may use cameras and similar equipment with permission, as long as they do not disrupt the workplace, annoy others, or violate a company policy. For example, the company’s prohibition against harassment extends to include the use of electronic equipment such as camera phones and camera PDAs. Employees and visitors are not to use electronic equipment to create or convey offensive, harassing, vulgar, obscene, or threatening images or communications. Similarly, transmitting sexually oriented messages or images at work using camera phones is forbidden.

Electronic equipment on the company’s premises or at company-sponsored events may not be used to defame, embarrass, or disparage the company, employees, customers, vendors, or competitors.

Privileged or confidential material, such as, but not limited to, trade secrets or attorney-client communications, are not to be photocopied, scanned, photographed, or otherwise copied except by authorized personnel in the furtherance of company business.

Keep the lens cover closed when the camera is not in use.

Point the lens away from others when the phone or PDA is in use.

Ask permission from your supervisor before photographing anything or anyone at work or at a company function.

Ask permission of anyone you photograph at work or at a company function.

Ask permission of your supervisor and any person photographed to transmit or post any images.

At company functions or special celebrations, the company may designate an employee to capture the event on film. Employees and any guests will be asked for permission before their picture is taken, displayed, or transmitted.

Employees are to report any violations of this policy.

Employee’s belongings, including electronic equipment, briefcases, backpacks, satchels, jackets, and purses are subject to inspection to ensure compliance with this policy. Any images taken or present on company property relating to company business are considered company property. Any images found in violation of this policy are subject to confiscation.

Violation of this policy can result in discipline, up to and including termination of employment.

Alternative or Additional Provisions

No personal cameras or other equipment capable of capturing images are permitted on company property or at company functions.

Cameras, camera phones, and camera PDAs are permitted only in public areas of the company's facilities.

Images of employees may be captured and used only with their permission.

Employees who bring personal electronic equipment capable of capturing images (e.g., cameras, scanners, camera phones, camera PDAs) to work are to log in such equipment at the reception desk.

Areas monitored by company cameras will be posted with appropriate notices.