

POLICY NUMBER

160.100

TITLE USE OF RESIDENT / CLIENT, PHOTOS / VIDEOS ON SOCIAL MEDIA AND MEDIA ACCESS AT WDVA HOMES AND FACILITIES

EFFECTIVE DATE:	January 24, 2022
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, Transitional Housing Program Clients, WDVA clients and staff, and comply with federal privacy regulations, including HIPAA rules.
APPLICABILITY:	This policy applies to all WDVA employees, volunteers, contractors, work studies and visitors.
DEFINITIONS:	<p><u>Media</u> – 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.</p> <p><u>Residential Area</u> - Includes resident and client rooms, dining areas within nursing care buildings, therapy and recreation rooms within nursing care buildings, and any other area where residents and clients could reasonably expect privacy.</p> <p><u>Administrative Area</u> - Administrative offices, assembly, and recreation areas outside of nursing care buildings and Transitional Housing Program buildings.</p>
POLICY:	<ol style="list-style-type: none"> 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.

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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 Representatives from outside organizations may request permission from the activities department or program staff members 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.
 - 2 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, Administrator’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 representative’s permission/written consent. Employees will be designated by the Activities Department, Administrator’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 or client areas of the Transitional Housing Program without first making arrangements with the Administrator, THP Manager, Communications Department, or designee.

- VI. Outside media requests to photograph, video, or interview


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residents must be made through the Administrator or designee and notify the Communications Department prior to conducting the activity.

- 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 representative. (In the case of law enforcement or regulatory agency investigations, WDVA will adhere to legal requirements which may require the release of resident information.)

- VIII. The Communications Director will work with the Administrator, THP Manager, 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 and clients.

- IX. If a member of a media outlet arrives at a State Veterans Home or THP without making prior arrangements:
 - A. The Administrator, THP Manager, or designee will be notified, and the media will be directed to the Administrator's Office or other appropriate location. The Administrator, THP Manager, or designee will notify the Communications Department.
 - B. If the member of the media arrives outside the regular office hours, they will be escorted to an administrative area of the facility such as an administrative office or waiting area. The Administrator, THP Manager, or designee will be notified and will determine how to proceed. The Administrator, THP Manager or designee will notify the Communications Department.
 - C. If a member of the media is found after they've already started filming or interviewing residents or clients, the Administrator, THP Manager, or designee will be notified immediately, and the media will be asked to discontinue until further direction can be provided. The Administrator, THP Manager, or designee will notify the Communications Department.
 - D. If the Administrator, THP Manager or designee

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cannot be located, staff should contact the Communications Director at 360-791-8966.

X. If a member of a media outlet arrives at a WDVA Office or Facility without making prior arrangements, the media representative should be asked to wait in an administrative area and the Communications Department should be notified immediately.

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.

SUPERSESSSION DVA Policy 160.100, dated Dec. 15, 2016.

ATTACHMENTS: None

Lourdes E. Alvarado Ramos, Director

Date