

**Office of the County Counsel Equal Opportunity Division
Audio Recorders**

Annual Surveillance Report for July 1, 2022 – June 30, 2023

1. DESCRIPTION OF HOW THE TECHNOLOGY WAS USED

During the reporting period, the Equal Opportunity Division (EOD) within the Office of the County Counsel had two digital audio recorders to record, with the consent of those recorded, oral statements during EOD's investigative interviews. One recorder was stored for use at EOD's office located at 2310 N. First Street, Suite 101, San José, and the other was stored at EOD's office located at 333 W. Julian Street, 2nd Floor, San José.

EOD staff did not use the audio recorders during the reporting period of July 1, 2022 through June 30, 2023.

2. DATA SHARING WITH OUTSIDE ENTITIES

There was no data from the digital audio recorders shared with any outside entity.

Audio recorders are only used by authorized staff within EOD. If an outside entity requests access to an audio file or any transcription thereof, EOD management, in consultation with the Lead Deputy County Counsel for EOD, assesses the request for disclosure. Any such data sharing request from an outside entity is tracked by the EOD management team.

3. COMMUNITY COMPLAINTS OR CONCERNS

The Office of the County Counsel did not receive any complaints or notifications of any concerns regarding the digital audio recorders during the reporting period.

In the event that a complaint or concern is submitted by a member of the public, EOD employees are instructed to notify the EOD Director and the Lead Deputy County Counsel for EOD.

4. NON-PRIVILEGED INTERNAL AUDITS AND POLICY VIOLATIONS

During this reporting period, the Equal Opportunity Supervisors reported on the usage of the audio recorders.

The Office has also implemented a check-out process for the audio recorders to track the users and purpose. Staff are provided with a copy of the Surveillance Use Policy for the

audio recorder at time of check-out and are required to sign a Surveillance Use Policy Acknowledgement Form to confirm they have read and understood the Policy and agree to comply with the requirements detailed in the Policy.

5. EFFECTIVENESS IN ACHIEVING ITS IDENTIFIED PURPOSE

The audio recorders were not used during the past reporting period. However, EOD retains the audio recorders for use as needed for EOD investigative interviews. When needed, they are an effective tool for documenting an interview. The audio recordings are uploaded to the applicable case file in the EOD case management system, which has security permissions limiting who can access.

6. PUBLIC RECORDS ACT REQUESTS

Public records requests are tracked by the Office's Public Records Act Coordinator.

There were no Public Records Act requests for the recordings during the reporting period.

7. COSTS INCURRED FROM JULY 1, 2022 – JUNE 30, 2023

There were no costs related to EOD's audio recorders during the reporting period. The audio recorders were purchased several years ago and there have been no maintenance costs.