CONFIDENTIALITY & WORKPLACE CONDUCT POLICY

Effective Date: October 1, 2025

Owner	Human Resources
Reviewer(s)	Human Resources
Approver(s)	County Manager
Applicable Policies	Grievance Policy, Respectful Workplace Policy
Applicable Documents	N.C. Gen. Stat. § 153A-98
Storage Location(s)	DCo Services Hub, DocTract
Last Review Date	10/01/2025
Next Review Date	10/01/2028
Review Cycle	3 Years

1. PURPOSE

Durham County is committed to a fair, respectful, and professional workplace that safeguards privacy and public trust. It supports a collaborative environment where employees use communication tools responsibly and respect each other's rights while delivering effective, efficient service. This policy is designed to promote a respectful, productive, and legally compliant work environment.

2. POLICY

This policy establishes the County's expectations for professional conduct, for compliance with the privacy laws governing employee personnel files, citizen and employee health and financial records, confidentiality, and appropriate behavior in the workplace.

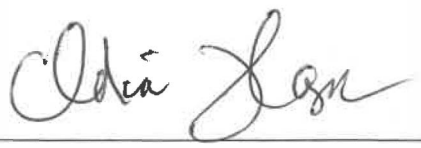
3. APPLICABILITY

This policy applies to all County employees covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding, contractors, subcontractors, vendors, volunteers, and suppliers.

4. DEFINITIONS

Recording- The act of capturing, storing, or transmitting audio, video, or images of a conversation, meeting, or activity, either in whole or in part, using a recording device. This includes but is not limited to:

- Audio recordings
- Video recordings (with or without sound)
- Still photography (digital or film)
- Screenshots or screen recordings

Claudia Hager, County Manager	Date:
Signature: 	9/23/25

- Live streaming
- Transcriptions and/or notes of recordings

Recording includes use of devices such as:

- Smartphones or mobile phones
- Smart glasses
- Audio recorders or recording apps
- Personal Digital Assistants (PDAs)
- Webcams
- Video cameras (including body-worn cameras not issued by the County)
- Voice recorders
- Smartwatches with recording features
- Laptops, tablets, or desktop software capable of capturing audio/video
- Any wearable or concealed recording equipment
- Digital cameras or camcorders
- Voice recorders
- Webcams
- Laptops with recording capability
- Any wearable or concealed recording equipment

5. GENERAL CONDUCT EXPECTATIONS

- All employees are expected to conduct themselves with professionalism, integrity, and respect for others. Employees must comply with all applicable State and Federal laws, County policies, and departmental procedures. Prohibited conduct includes, but is not limited to behaviors deemed to be:
    - Disrespectful, abusive, bullying, or threatening toward coworkers, supervisors, or the public
    - Harassment, discrimination, or retaliation of any kind
    - Disclosure, collection and retention of confidential or sensitive information without proper authorization
    - Unauthorized use of County property, equipment, or resources
    - Dishonesty or misrepresentation in any official matter

6. CONFIDENTIALITY

- Employees are required to protect and maintain the confidentiality of sensitive or protected information obtained during the course of their employment. This includes, but is not limited to, information related to:
    - Personnel matters

- Medical records or protected health information (PHI)
- Financial data
- Legal and investigatory matters
- Any information designated as confidential by State, Federal, local law or County policy

- Disclosure, collection and/or retention of such information is prohibited unless authorized by law, court order, or official County directive.

7. PROHIBITION ON RECORDINGS

- Durham County employees are entrusted, and frequently required, to have access to, manage, and control confidential, sensitive, and/or non-public information.
- As such, to comply with State and Federal laws, protect the privacy and confidentiality of employees, sensitive information, and public trust, employees shall not create, use, retain, or disseminate audio or video recordings of any conversation, meeting, or interaction during work hours, on County premises, or while performing County duties without the prior knowledge and consent of all parties involved; or the knowledge and consent of the County.
- This policy ensures compliance with applicable state and federal laws and to promote a culture of respect, trust, and accountability within the organization.

8. GENERAL STANDARDS AND EXPECTATIONS

A. Restrictions

- Employees are strictly prohibited from recording, whether audio, video, or still images, any conversations, phone calls, meetings, or work-related activities using any recording device (including but not limited to cell phones, PDAs, cameras, digital recorders, or webcams) whether using County-issued or personal devices, unless all parties involved provide prior, explicit, and documented consent.
- This restriction includes but is not limited to, when individuals are:
  - On County property.
  - Conducting business or representing the County, or
  - Performing official duties, including remote or off-site work.

B. Consent to Record

- Consent to record must include:
  - All individuals being recorded, and
  - An authorized County official (as outlined)

NOTE: County employees are agents of Durham County and Durham County does not consent to its employees and agents recording or being recorded unless otherwise provided in writing.

C. Required Authorization

- Recordings of Internal meetings require documented supervisor or department head approval (require approval prior to event)
- All Recordings involving confidential or sensitive data must be reviewed by the Chief Human Resources Office, County Legal Attorney, and/or the County Manager or their respective designees.
- External-facing recordings (e.g. interviews, public webinars) require coordination with Communications or Public Affairs

D. Authorized/Approved Exceptions

- Recordings may only be made with prior written authorization from one of the following, for legitimate County business purposes:
  - Human Resources – e.g. for training, compliance and/or investigations
  - Legal Department – e.g. for investigations or legal documentation.
  - County Manager or their designee – e.g. for public communications or events

This Policy does not apply to:

1. Official Duties

- Official recordings made as part of job responsibilities (e.g., body-worn cameras, training materials)
- Official recordings conducted by the County expressly authorized by a supervisor and with prior notice to all participants.
- Authorized security or surveillance systems with appropriate signage
- Public Meetings subject to the North Carolina Open Meetings Law

2. Legal Requirements

- Recordings required by court order, subpoena, or for cooperation with official duties.
- Events where the County has obtained appropriate permits or film permissions (e.g. public ceremonies/County events)

6. PROHIBITION ON UNAUTHORIZED REMOVAL OR USE OF COUNTY DOCUMENTS

- Employees are prohibited from removing, copying, transmitting, or using County documents or records for any unauthorized purpose.
- This includes, but is not limited to, forwarding County emails, contracts, reports, or other sensitive or confidential materials to personal email accounts, external devices, or third parties without authorization from a supervisor or as required by law.

- County documents include any written, digital, or electronic records created, received, or maintained in the course of County business, whether in physical or electronic format.
- Unauthorized removal or misuse of County records may result in disciplinary action, up to and including termination, and may also constitute a violation of state or federal law.

7. DISCLOSURE OF RECORDINGS

Employees or their agents who currently possess any Durham County recordings (i.e. recordings made in Durham County facilities, made while performing County duties, and/or include Durham County employees), documents, or photographs, regardless of when or why they were created, must immediately disclose their existence and submit such recordings, documents or photographs to Durham County Chief Employment Counsel and Chief Human Resources Officer and the Durham County Attorney and submit them for official review. All employees are required to sign an acknowledgement that they have complied with this policy and have submitted to the Durham County Chief Employment Counsel and Chief Human Resources Officer and the Durham County Attorney all past or present: recordings, all transcriptions and notes of recordings, documents and photographs in their possession, their agents or representatives' possession as of the date of their signature. Retaining, sharing, or failing to report recordings, documents, or photographs violates the County's confidentiality policies and/or applicable state and federal laws and, thus, may result in disciplinary action, up to and including termination.

8. NON-RETALIATION ASSURANCE

- This policy shall not be interpreted, nor is it intended, to interfere with or restrict any rights under Federal or State Laws.
- The County strictly prohibits retaliation against any employee who makes a good-faith report of misconduct or participates in an investigation or legal proceeding.

9. ENFORCEMENT AND DISCIPLINARY ACTION

- Violations of any part of this policy may result in disciplinary action, up to and including termination of employment.
- All employees are expected to immediately cooperate in any internal investigation relating to conduct covered by this policy.

10. RESPONSIBILITY

- It is the responsibility of Durham County supervisors and managers to uniformly administer, communicate, and ensure compliance.
- It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.
- It is all employees' responsibility to comply with policy guidelines.