

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: INFORMATION SYSTEMS SERVICES (ISS)

**SUBJECT: PRIVACY OF ORAL, WIRE, AND WIRELESS
COMMUNICATIONS**

PPM: CW-O-081

ISSUE DATE
April 29, 2025

EFFECTIVE DATE
April 29, 2025

PURPOSE:

To establish a Countywide policy to protect the privacy of oral, wire, and wireless communications, and define the circumstances and conditions under which the interception and recording of wire and oral communications may be authorized.

UPDATES:

Future updates to this PPM are the responsibility of the Chief Information Officer.

AUTHORITY:

- 18 U.S.C. §§2510 et seq. , as may be amended
- Electronic Communications Privacy Act (ECPA) , as may be amended
- General Schedule for Local Governments, GS1-L, as may be amended
- General Records Schedule for Fire Departments, GS8, as may be amended
- General Records Schedule for Public Libraries, GS15, as may be amended
- General Records Schedule for Public Utilities, GS14, as may be amended
- Florida Statutes (F.S.), Chapter 934, as may be amended
- Board of County Commissioners' Agency Retention Schedules (Departmental and Countywide schedules) , as may be amended

POLICY:

The interception, recording, and disclosure of oral, wire, or wireless communications is prohibited except as specifically allowed by F.S., Chapter 934.

EXEMPTIONS:

This PPM shall not apply to:

1. Video Surveillance Systems owned and operated by Palm Beach County for purposes of security within County Facilities. These systems are the responsibility of Facilities Development and Operations, Wireless Services and Security Division.
2. Video Visitation Systems and Video Court Systems which support Criminal Justice Operations within Palm Beach County. These systems are the responsibility of Facilities Development and Operations, Wireless Services and Security Division.

DEFINITIONS:

Refer to Attachment A for a listing of definitions related to this PPM.

PROCEDURES:

- A. Interception, recording, or disclosure of oral, wire, electronic communications is prohibited by F.S., Chapter 934 except in the following cases:
 1. When recording and disclosure has been authorized by a judge of competent jurisdiction.
 2. When recording and disclosure has been agreed upon by all of the parties involved.
 3. When recording and disclosure is by licensed ambulance services, fire-rescue agencies, public utilities, and law enforcement agencies, as well as 911 and central abuse hotlines; however, such may only be done on designated "911" telephone numbers and published non-emergency telephone numbers staffed by trained dispatchers at public safety answering points. It is also lawful to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested.
 4. When interception and/or recording and disclosure of an electronic communication is made through an electronic communication system that is readily and legally accessible to the general public, such as a public address system or radio system.
 5. When recording and disclosure is by an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communications service, whose facilities are used in the transmission of a wire or electronic communication, if he or she is in the normal course of his or her employment and engaged in such activity deemed necessary incident to the rendition of his or her service or to the protection of the rights or property of the provider of that service. A provider of wire service to the public shall utilize such service only for mechanical or service quality control checks.
- B. "Business extension exemption" - In this case, the interception is allowed if (1) the equipment is furnished by a provider of wire or electronic communications service in the

ordinary course of its business and (2) the call is intercepted in the ordinary course of business. If the call in question is determined to not be business related, an aurally intercepting party must disengage. If the call is recorded by electronic storage and then found to not be business related, it may not be used or disclosed for any purpose.

In addition, under the “business extension exemption” all participants need not consent to the recording of a conversation if such recordation is done in the ordinary course of business. A personal call may be intercepted in the ordinary course of business only to determine its nature, but never its contents.

- C. Agencies or departments that elect to intercept and record communications will:
1. Notify ISS Network Services Division that the agency or department desires to record allowable communications so that the appropriate equipment can be designed, purchased, and installed to meet the agency or departmental needs, taking into consideration the existing communications equipment.
 2. Place an announcement to that effect on all incoming and outgoing calls and video on recorded telephone lines.
 3. Provide outside non-recorded lines for all employees for personal phone calls that are not subject to monitoring and prohibit all employees from making personal calls on recorded lines.
 4. Comply with all provisions of this PPM, as well as applicable state and federal laws.
- D. Employees shall not make or receive personal calls on recorded lines.
- E. ISS will maintain call records that identify the telephone extension numbers for outgoing and incoming calls, and the time length of each call.
- F. Retention of Intercepted Communications - Each department/division/section shall keep its calls recorded on electronic storage as long as is required by the appropriate retention schedule and shall not dispose of the records without written permission via an approved County Record Destruction Request form. If the appropriate schedule for the recorded calls cannot be located, contact the Records Manager Liaison Officer for assistance.


VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM # CW-O-081, effective 05/01/2006
2. PPM # CW-O-081, effective 06/15/2011
3. PPM # CW-O-081, effective 11/07/2016

ATTACHMENT A

DEFINITIONS

Business Extension Exception - Title III of the Omnibus Crime Control and Safe Streets Act (commonly referred to as the Wiretap Act), found at 18 U.S.C. §§2510 et seq., generally prohibits the intentional interception of any wire, oral, or electronic communication. (Note that the Wiretap Act initially primarily covered telephone conversations, but was amended by the Electronic Communications Privacy Act (ECPA) to include all electronic and computer communications, including e-mail.) The Wiretap Act contains two exceptions to its interception prohibition: (1) when at least one party to the communication performs the interception, or has previously consented to the interception; or (2) when the interception is by an employer with a legitimate business-related reason for the interception (the "business extension exception").

Electronic - Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Electronic Communication - Any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by wire, radio, mobile, electromagnetic, photo-electronic, or photo-optical systems.

Electronic Storage - Any storage of a wire or electronic communication incidental to the electronic transmission of the communication.

Intercept - The aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.

Oral Communications - Any spoken communications by a person who has a reasonable expectation that such communication is not subject to interception.

Wire Communications - Any aural transfer made through the use of facilities for the transmission and communications by the aid of wire, cable, or the like connection between the point of origin and the point of reception.