

Clinical (Patient) Photography and Video Policy



Title:			
Clinical (Patient) Photography and Video Policy			
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Policy Owner:	Medical Photography (Head of Service)		
Executive Lead:	NHS Lothian Caldicott Guardian		
Target Audience:	All NHS Lothian employees who have the requirement to undertake clinical photography and video recordings of patients as part of the healthcare record		
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Version Control

Date	Author	Version/Page	Reason for change
Oct 2016	Scottish Clinical Photography and Video Network (SCPVN)	v4.0	Simplified wording and layout. Separation of 'procedure' aspects from actual 'policy' requirements to reduce size of document.
Oct 2018	Scottish Clinical Photography and Video Network (SCPVN)	v5.0	Routine review update and changes to ensure GDPR-compliant.
Dec 2022	Scottish Clinical Photography and Video Network (SCPVN)	v5.1-3	Policy and procedure separated to simplify; routine review and inclusion of mobile applications for clinical recordings.
June 2023	Scottish Clinical Photography and Video Network (SCPVN)	v6.0	Approved by the Policy Approval Group

Executive Summary

This policy sets out the requirements for taking and managing images / recordings (photography and video) for clinical and service use. It applies to any individual employed, in any capacity, by the governing Health Board, including employees, students and third party contractors, and overrules any other related guidelines or policies. Any breach of policy may amount to serious professional misconduct with disciplinary and regulatory consequences.

This policy does not cover diagnostic audio recordings, or recordings made by Forensic Services for the Scottish Police Services Authority.

This policy may be adopted by those working in partnership with NHSiS, such as health and social care services.

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1.0 Purpose

The purpose of this policy is to ensure that all NHS Lothian staff, regardless of their professional position or status, should adhere to the principles set out when undertaking clinical photography and video recordings of patients as part of the healthcare record.

2.0 Policy statement

Making clinical photographic and video recordings of patients for treatment planning, diagnosis, monitoring progress, teaching, quality assurance, clinical governance, legal evidence, research and publication is common practice within Health Boards.

This policy sets out the framework for staff making clinical recordings, to ensure they act in the best interests of patients and are compliant with the law. The term 'recording' refers to all photographic images and video recordings of patients, regardless of format or recording medium. This policy should be read in conjunction with the associated Clinical (Patient) Photography and Video Recordings Procedures document.

3.0 Scope

This policy applies to:

- All recordings in the possession of the governing Health Board, including recordings originating from outside the governing Health Board
- All individuals employed by the governing Health Board, including employees, staff with honorary contracts, volunteers, students and contractors.

This policy does not cover diagnostic audio recordings or recordings made by Forensic Services SPA, though the general principles of the policy can be applied.

Any breach of policy may amount to serious professional misconduct with disciplinary and regulatory consequences.

4.0 Definitions

Clinical Recordings:

All clinical recordings of patients form part of the healthcare record and must be documented and stored according to NHS Lothian policy. Clinical recordings containing patient identifiers are classed as personal data; therefore the loss of any clinical recording is a breach of security and confidentiality and must be reported via DATIX.

5.0 Implementation roles and responsibilities

- Recordings must only be made, stored and used when they will benefit the patient, either directly or indirectly, through the training and education of others (or another fully justifiable purpose).
- Anyone making recordings must do so on the understanding that the recordings produced form part of the patient's health record (either physical or electronic).
- All recordings must be retained in line with the national guidelines for health records and made available upon request from a patient or their representative.
- Anyone making recordings should be authorised to do so.
- Anyone making recordings should obtain consent from the patient; they should explain why the recording is being made, how it will be stored, and how it will be used. This should be documented in the patient's health record.
- Recordings should only be captured on registered, NHSIS approved equipment.
- Recordings should be uploaded to an approved secure storage system at the earliest opportunity (where possible, within 48 hours of being taken).
- Anyone making recordings of patients must respect the dignity, ethnicity and religious beliefs of patients at all times.

5.1 NHS Lothian responsibilities

5.1.1 Caldicott Guardian

The Caldicott Guardian is responsible for ensuring the implementation of the Caldicott Principles with respect to patient identifiable information.

5.1.2 Information Governance

Responsible for monitoring and assisting the investigation of any relevant incidents reported through DATIX.

5.1.3 Directors and General Managers

Responsible for ensuring that the policy and its supporting standards and guidelines are built into local processes and that there is ongoing compliance. They must ensure that any breaches of the policy are reported, investigated and acted upon via DATIX.

5.1.4 Line Managers

Responsible for ensuring that the policy and any local protocols are accessible for their staff and identifying staff training needs in relation the policy.

5.1.5 Employees

Responsible for ensuring their practice is in line with the policy and local protocols.

5.2 Other

5.2.1 Scottish Clinical Photography & Video Network (SCPVN)

Responsible for developing, reviewing and maintaining this policy and associated guidelines; providing expert advice and guidance; formally agreeing any exceptions to the policy; and setting an example of good practice for all staff, ensuring compliance in terms of consent, confidentiality and data processing.

6.0 Associated materials

[Clinical \(Patient\) Photography and Video Procedures](#), approved by the NHS Lothian Caldicott Guardian, March 2023

7.0 Evidence base

- [Guidance: Making and using visual and audio recordings of patients](#), General Medical Council, 2011
- Guidance from the [Department of Health and Social Care](#)
- [NHS Inform](#)
- [Data Protection: National Services Scotland](#)
- [Freedom of Information \(Scotland\) Act 2002](#)

8.0 Stakeholder consultation

NHS Lothian Information Governance

Scottish Clinical Photography and Video Network (SCPVN) which is accountable to the wider Medical Physics and Clinical Engineering Executive Board (MPCEEB), and through MPCEEB, to the Diagnostics in Scotland Strategic Group (DiSSG). The purpose of the Scottish Clinical Photography and Video Network (SCPVN), in line with other groups accountable to the DiSSG, is to agree and own the vision for service transformation, development and quality improvement of clinical photography and video services within Scotland.

9.0 Monitoring and review

The effectiveness of the policy will be monitored and have a structured approach to the evaluation methods within a reasonable period of time. This will be done by the following evaluation methods:

- Observation
- Consultation via various staff groups undertaking photographic and video recordings
- Consultation with governance groups.