

MEDICAL PHOTOGRAPHY POLICY	Policy Register No: 05010 Status: Public
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Developed in response to:	British Standards Institution (2014) Institute of Medical Illustrators (2018) Best Practice
CQC Fundamental Standard:	10, 11 & 12

Consulted With:	Post/Committee/Group:	Date:
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Version Number	3.0
Issuing Directorate	Division 3 – Clinical Support
Ratified by:	DRAG Chairmans Action
Ratified on:	18 th June 2018
Executive Sign Off Date	August 2018
Implementation Date	23 rd July 2018
Next Review Date	June 2021
Author/Contact for Information	Jackie Kelly, Head of Medical Photography
Policy to be followed by (target staff)	All Staff
Distribution Method	Intranet & Internet
Related Trust Policies (to be read in conjunction with)	04086 Access to Records Policy 05118 Chaperone Policy 11001 Mental Capacity Act Policy 10132 Pressure Ulcer Prevention Policy

Document Review History:

Review No:	Reviewed by:	Issue Date:
1.0	Jackie Kelly	June 2010
2.0	Jackie Kelly	November 2014
2.1	Jackie Kelly – clarification to points 7.7, 9.3, 12.3	May 2015
3.0	Jackie Kelly	23 July 2018

Index

- 1.0 Purpose**
- 2.0 Scope**
- 3.0 Aims**
- 4.0 Policy**
- 5.0 Staffing and Training**
- 6.0 Equality and Diversity**
- 7.0 Consent**
- 8.0 Confidentiality**
- 9.0 Inpatient Recordings**
- 10.0 Outpatients Recordings**
- 11.0 Photography on polaroid cameras to show location of a lesion**
- 12.0 Chaperones**
- 13.0 Clinical Photography by staff other than Clinical Photographers**
- 14.0 Achieving Image Quality**
- 15.0 Non Clinical Recordings**
- 16.0 Publication of Clinical Photography**
- 17.0 Storage and Retrieval of Clinical Recordings**
- 18.0 Reproduction requests of Clinical Recordings**
- 19.0 Transportation of Clinical Recordings**
- 20.0 Private Patients**
- 21.0 Infection Prevention**
- 22.0 Policy Breaches**
- 23.0 Audit and Monitoring**

24.0 Communication and Implementation

25.0 References

26.0 Appendix

Appendix 1 - Consent Form

1.0 Purpose

1.1 The purpose of this policy is to ensure that staff are aware of the procedures to be followed in relation to all clinical photography in this Trust.

2.0 Scope

2.1 In this policy, the term “recording” (or “recordings”) refers to photography (either conventional or digital) and video recording (either conventional or digital).

2.2 This policy applies to all clinical recordings taken by Medical Photography Department Staff and all clinical recordings taken by staff outside of the Medical Photography Service and of patients under the care of Mid Essex Hospitals NHS Trust

2.3 This policy applies to recordings of private patients and the procedures are set out in Section 18.

3.0 Aims

- To clarify the procedures to be followed in relation to the taking of clinical recordings
- To identify who may take clinical recordings
- To ensure that all images are retained securely
- To ensure that appropriate consent is obtained for all clinical recordings
- To ensure that recordings are only used when appropriate consent has been obtained
- To ensure that recordings are distributed appropriately and securely
- To ensure that copyright guidelines are adhered to
- To ensure that quality is achieved

4.0 Policy

4.1 It is not permitted to make clinical recordings of any patient of Mid Essex Hospital NHS Trust on Mid Essex Hospital NHS Trust sites on any other recording devices such as mobile phones other than in the extreme circumstances identified in 13.2

4.2 **All** images taken of patients on the hospital site constitute a part of the patient’s record irrespective of who has taken the photograph or what device it has been taken on and each image must be downloaded onto the clinical photography database.

4.3 It is not permitted for clinicians to keep personal collections of patient recordings which are not sufficiently consented nor recorded in the first instance by Medical Photography Department. Reproduction copies of recordings may be provided to clinicians for teaching material providing sufficient consent has been sought (Section 7).

Reproduction recordings must be transported securely (Section 19) and always stored on secured media devices.

- 4.4 A parent, guardian, family member or friend wishing to make a medical recording of a patient can do so providing that consent has been sought from the patient or patient's parent, next of kin or guardian, that the staff member in charge of the unit where photography is to take place has been informed of this action, and that the recording is carried out in a private area to ensure that no other patients are accidentally photographed.
- 4.5 Copyright of all medical recordings of patients is held by Mid Essex Hospital's NHS Trust in perpetuity, irrespective of whether the image is taken on a trust or personal device
- 4.6 Any unauthorized photography is potentially a criminal act breaching not only the General Data Protection Regulation (GDPR)/Current Data Protection Legislation but also potentially Section 2 or Section 8 of the Human Rights Act.
- 4.7 The patient has the legal right to expect that their recording/s are treated in accordance with the General Data Protection Regulation (GDPR)/Current Data Protection Legislation and the Caldicott Principles and that they will be managed appropriately at all times.
- 4.8 Copies of all and any recordings may be requested by the patient, next of kin, the patients representative holding an Enduring Power of Attorney or if a child the patient's parent or guardian in accordance with the Trusts Access to Records Policy and in accordance with their right under the General Data Protection Regulation (GDPR)/Current Data Protection Legislation.
- 4.9 All and any recordings made, form part of the patients medical records and must be managed and accessed with confidentiality and integrity
- 4.10 All and any recordings must be managed in accordance with the General Data Protection Regulation (GDPR)/Current Data Protection Legislation, Caldicott Principles and BSI PD008 workbook.
- 4.11 All recordings will be retained on manual or electronic systems managed by the Medical Photographic Department. The Medical Photography Department uses the Medical Image Manager system to store and retrieve clinical recordings.
- 4.12 Digital photographs will be produced on digital cameras used or recommended for use by Medical Photography Department. This will ensure that clinical recordings will be of good quality in terms of resolution and usability.
- 4.13 The IT Department maintain server space for the Medical Image Manager system over the hospital network. Stand-alone image storage systems are not permitted within Specialties, Directorates or by individual staff.
- 4.14 Medical Image Manager is not to be routinely used for storage of patient's personal recordings. In extreme situations where photographs taken the patient are demonstrably to the benefit of the patients care and progression of treatment then these can be uploaded to Medical Image Manager.
- 4.15 Medical Image manager is not to be used for storage of clinician's personal collections.

5.0 Staffing and Training

- 5.1 A minimum degree entry level is preferred
- 5.2 All medical photographers Band 5 and above will have undergone a specialist training course in Medical Photography.
- 5.3 Staff outside of Medical Photography required to make recordings will be given training by Medical Photography staff.

6.0. Equality and Diversity

- 6.1 Mid Essex Hospitals NHS Trust is committed to the provision of a service that is fair, accessible and meets the need of all individuals.
- 6.2 In all cases of clinical recordings, care must be taken to respect the dignity of the patient and to be aware of the potential for offence if the religious beliefs and ethnicity of the patient is not taken into account.

7.0 Consent

- 7.1 The patient, next of kin, patients representative holding an Enduring Power of Attorney or if a child, the patient's parent or guardian has a right to give informed consent to recording/s and to any future use to which the recordings might be put
- 7.2 Before referring a patient for a clinical recording the 'Consent to Photography' form should be filled in and signed by the requesting doctor and countersigned by the patient, next of kin, patients representative holding an Enduring Power of Attorney or if a child, the patient's parent or guardian. Medical Photography Department will retain the consent card. Exceptions apply in Section 11 'Photography on Polaroid cameras to show location of lesion' whereby the consent form should be stored in the medical notes.
- 7.3 The 'Consent to Photography/Videography' form (appendix 1) allows for four levels of consent: for medical record use only, additionally for clinical teaching purposes, additionally to be used in medical publications and additionally for the viewing of recordings by patients receiving similar treatment.
- 7.4 When clinical recordings of patients are carried out by Trust personnel other than the staff of the Medical Photography Department the same consent procedures must be followed.
- 7.5 Recordings of the unconscious patient may be taken provided that informed consent is obtained beforehand or retrospectively. If the patient is having elective surgery, formal written consent should be obtained at the same time as the general consent to the procedure. If it is an emergency, the consent should be obtained as soon after the procedure as practically possible. The patient, next of kin, patients representative holding an Enduring Power of Attorney or if a child, the patient's parent or guardian must be told that the photographs have been taken and the purpose fully explained and given the opportunity to disallow for teaching, research or publication purposes.

7.6 In the case of procedures where video recording or still photography is implicit (e.g. endoscopy, laparoscopy, fluorescein angiography etc.), additional consent to photography is not required for clinical purposes but may be if the recording is to be used for teaching, research or publication.

7.7 Photography without consent may be prescribed in certain circumstances:

7.7.1 The clinical recordings of vulnerable children where the recording of injuries is demonstrably to the patients benefit for example a suspected non accidental injury. Clinician authority is required in such cases. The decision needs to be fully documented in the patient medical record.

7.7.2. The clinical recordings of vulnerable adults where the recording of injuries is demonstrably to the patients benefit for example photography of a pressure wound to indicate the wound condition at a given point in time or for patients who are at risk of absconding.

If the patient is unable to consent to all aspects of medical care then a mental capacity assessment will be required prior to photography. If the patient cannot consent then the photography can still take place if it is deemed to be in the patient's best interest. Refer to the Mental Capacity Act Policy for further information. The decision needs to be fully documented in the patient medical record.

7.7.3 In cases where it is not possible to obtain consent prior to the recording (e.g. photography of an unusual finding in the course of an operation where the patient is under anaesthetic), the Medical Photography Service will carry out the recording but will make the recordings only available to those with a clinical need. Retrospectively, the consent card or copy of the Consent to Treatment form (with the section completed to incorporate photography) should then be forwarded to Medical Photography Department for consent to be updated. If the patient or the patient's parent or guardian subsequently declines an official investigation should be launched to determine whether photographs can be justified as clinically necessary.

7.7.4 Photography of the deceased patient. The clinical recordings of deceased patients can be carried out providing that the request has come initially from a clinician involved in the patient's care and that the request is supported by a senior consultant or senior nursing staff member. The clinical recording should be demonstrably to the benefit of the investigation surrounding the patients care and or death. This request should be fully documented in the medical notes and documentation provided to the Mortuary/Coroners team. If appropriate, next of kin should be informed.

7.8 In cases where the patient, next of kin, patients representative holding an Enduring Power of Attorney or if a child, the patient's parent or guardian request that clinical recordings be deleted then they should make a formal written request and a full investigation should be carried out to the reason behind this request and each case considered on individual merit.

7.9 In the case of research projects where recordings are required, the patient should give consent to photography when initially agreeing to partake in the study. No subsequent consent is required from Medical Photography Department however a record that the recording took place will be kept. A copy will remain on the medical photography database.

- 7.10 If recordings are required for teaching purposes they will only be released for this use if the appropriate level of consent has been given. Teaching purposes are situations where people, not necessarily directly involved in the patient's care will view recordings within a learning environment.
- 7.11 If recordings are required for publication they will only be released if the appropriate level of consent has been given. For publication requests this means that the appropriate level of consent is signed on the 'consent to photography/videography' card or similar specific consent to publish form (often supplied by the publisher).
- 7.12 If the recording is to be viewed by the public in any format then specific publication consent must be sought. The patient should also be made aware that once publication in a textbook or on the internet has taken place it may not be possible to withdraw consent as the information will be in the public domain.
- 7.13 In the case where a recording is to be used but the patient has since died then the original consent still applies. If consent was not sought before death then the patient's next of kin should be contacted to acquire retrospective consent.

8.0 Confidentiality

8.1 Confidentiality is trust policy and the patient's right under the General Data Protection Regulation (GDPR)/Current Data Protection Legislation, and may only be waived by the patient or by someone legally entitled to do so. In order to ensure that the patient's right to confidentiality is preserved, Mid Essex Hospitals NHS Trust requires:

- That only authorised copies are made. See section 18, Reproduction Requests of Clinical Recordings and Section 19, Transportation of Clinical Recordings.

8.2 Anonymity

- A patient's image may not be altered in any way to achieve anonymity and so avoid the need for consent
- Blacking out of the eyes in a facial photograph is not an acceptable means of achieving anonymity of the patient in the image

8.3 The practice of obtaining appropriate consent only in the case of full length or facial photographs, from which the patient can easily be identified, should cease. It is sometimes possible for people to be identified from other categories of photography, e.g. showing a tattoo or other distinguishing mark. Nor is it sufficient to rely on the photographers or consultants' judgment that a particular patient is unlikely to be identified from a particular photograph

9.0. Inpatient Recordings

9.1 If the patients are inpatients or theatre cases a medical photographer should be requested to attend. The department opening hours are 08.00 to 16.45 each weekday. Only if a medical photographer is unavailable, or by prior arrangement, should another member of staff photograph a patient. See Section 13.

9.2 Ward/Department staff must be available to assist the medical photographer if patients need to be moved or dressings removed. Medical Photographers are not qualified for

these tasks.

- 9.3 A private area should be available for the clinical recording to take place.
- 9.4 If a photographer is likely to be required for a significantly long period of time or outside of normal working hours then the session must be booked in advance.
- 9.5 The contact number in the Medical Photography Department is x4468

10.0 Outpatient Recordings

- 10.1 Patients will be given information in advance in as many ways as possible such as in TCI and Appointment letters that medical photography occurs routinely in this Trust and that although their specific consent will be obtained, their willingness to contribute towards teaching and publication will be appreciated.
- 10.2 Patients should be referred to the Medical Photography Department for clinical recordings to be taken. The department opening hours are 08.00 to 16.45 each weekday. Only if a Medical Photographer is unavailable, or by prior arrangement, should another member of staff photograph a patient. See Section 13.
- 10.3 Patients attending the department from Out-Patients should not be sent with dressings as Medical Photographers are not qualified to remove and replace dressings. If a patient requires their dressings to be removed for photography then the Medical Photographer should be called to the Out Patient area.
- 10.4 The contact number in the Medical Photography Department is x4468

11.0 Photography on Polaroid cameras to show location of lesion

- 11.1 It is policy within Plastics and Dermatology that all lesions to be surgically removed should have the precise location of the lesion clearly documented in the medical notes. Due to the vast number of patients having lesions removed this is best achieved using clinic based polaroid cameras: the lesion should be marked with surgical marking pen and then a polaroid photograph taken to show where the lesion is on the body. This image should be printed out immediately and placed in the patient medical record. Consent to photography form should be completed and filed within the medical notes.
- 11.2 These recordings are not classed as clinical photographs and therefore are not managed by Medical Photography nor uploaded to Medical Image Manager. It is however best practice that Medical Photography are aware of the use of these cameras and informed of any changes to this practice.

12.0 Chaperones

- 12.1 It is recommended that the medical photographer should consider the use of a chaperone before photographing all patients but in any event it is advised that a chaperone should always be used in the following situations:
 - Any child (under the age of 16yrs). It is acceptable for a parent to be present as well, except in circumstances where this might prejudice the recording.
 - Any unconscious/semi-conscious patient

- Any vulnerable adult (those in need of care because of mental or other disability, age or illness)
- Any prisoner (likely to be chaperoned by a prison officer)
- Male Photographer and fully or semi-naked female patient
- Female Photographer and fully or semi-naked male patient

13.0 Clinical Photography by staff other than Clinical Photographers

- 13.1 Departments/Directorates/Clinicians with a need to make clinical recordings outside of the hours and services of the Medical Photography department will be given access to a compact digital camera. This should be used only when medical photography staff are unavailable to take clinical recordings i.e. during the evenings, nights or weekends or at satellite locations. Medical Photography staff will provide training on the process of taking clinical recordings. Medical Photography staff will manage the cameras and recordings. Only clinical recordings of patients should be created. Any other recordings will not be retained.
- 13.2 Recordings should be made in the first instance by trained Medical Photography Staff. When Medical Photography staff are unavailable (outside of normal working hours) then clinicians may use the compact digital cameras provided by Medical Photography Department. In extreme circumstances (i.e. an unusual finding in theatre) then a clinician may use their own camera to make recordings. This should not be done regularly unless by prior arrangement with Medical Photography Department. These recordings must be given to Medical Photography Department to manage at the earliest convenience and must not be stored solely as personal collections (see section 4.3)
- 13.3 It is also possible for clinicians to borrow a video camera to make recordings. Medical Photography should be contacted in the first instance to be asked to make the recording (see section 9.4) and if it is not possible arrangements can be made to lend a video camera.
- 13.4 Staff requiring this service should contact the Medical Photography Department on x4468
- 13.5 The correct process of consent as documented in Section 7 must be followed for clinical recordings carried out by staff outside of the medical photography service.

14.0 Achieving Quality Imaging

- 14.1 All photographs taken by staff outside the Medical Photography Department will be quality checked by a medical photographer.
- 14.2 Medical Photography staff may make alterations to photographs taken by staff outside the Medical Illustration Department. It is recognized that staff using these cameras are not trained photographers and therefore alterations to these photographs may improve their appearance. It is important not to make any alteration to the appearance of a condition.
- 14.3 Acceptable means and reasons for alteration are: cropping (to remove cluttered

backgrounds which could distract from the appearance of the condition),
lightening/darkening (to improve the quality of an image) un-sharp mask tool (to improve sharpness on an image) Gaussian blur tool (to slightly blur background that may distract from the appearance of the condition)

- 14.4 In cases where a photograph is out of focus or where a member of staff or family member appears accidentally it may be necessary to delete the photograph.
- 14.5 In situations where images exist but without an identifying check shot (image of the 'consent to photography/videography card), medical photography staff will take measures to identify the patient and retain the images for a suitable period of time until
- 14.6 In situations where a check shot (image of the consent to photography/videography card) has been given to Medical Photography staff but no images are on the memory card, medical photography staff will take measures to locate the images. If this is not possible then the images/job will be deleted.

15.0 Non Clinical Recordings

- 15.1 All persons whether medical photography staff or other staff who wish to take non-clinical photographs should adhere to the following:
- Permission is sought from the staff member in charge of the area where photography is to take place.
 - Where applicable written consent is obtained from persons whose image will appear in Mid Essex Hospital's NHS Trust's staff newsletter, web site or other Trust article.
 - Written consent is obtained from persons who will appear in the photographs if the images are to be used for any publication other than the Mid Essex Hospital's NHS Trust's internal staff newsletter.

16.0 Publication of Clinical Photography

- 16.1 It is vital to ensure that copyright of any medical photograph that is published is retained by the Trust. Nearly all publishers' contracts require authors to sign away ownership of all copyrights associated with the publication.
- 16.2 Copyright is protected when the images are labeled with the words: "This print is the copyright of the Mid Essex Hospitals NHS Trust. Permission is granted for first publication in ..(*title of journal or book and date of publication*)"
- 16.3 All digital prints produced by Medical Photography from Jan 2004 will carry a copyright notice that prohibits inappropriate reproductions.
- 16.4 It is the article author's responsibility in all cases to obtain permission to publish from the patient and this must be recorded on Medical Photography's '*Publication consent*' form or similar specific consent to publish form often supplied by the publisher. A copy must be retained by Medical Photography Department before the recordings are released.

17.0 Storage and Retrieval of Clinical Recordings

- 17.1 By using the Medical Image Manager (MIM) system all clinical recordings are stored

safely and securely and in accordance with General Data Protection Regulation (GDPR)/Current Data Protection Legislation. Medical Image Manager should therefore be the only system used for storage of original patient recordings with effect from 1st July 2004.

- 17.2 Exceptions to this are made when capturing a recording is an implicit part of a diagnostic procedure e.g. Fundus Fluorescein Angiography or Laparoscopy and a recording is stored and saved on the diagnostic tools hard drive. The recording must meet with Trust regulations for storage and retrieval.
- 17.3 An audit trail is automatically created for each user to ensure that medical recording use can be monitored where necessary.
- 17.4 The original unaltered files are stored with no further compression of the images therefore ensuring that they are acceptable if required as evidence in a court of law and compliant with the BSI PD008 Code of Practice – “Legal Admissibility & Evidential Weight of Information Stored Electronically”.
- 17.5 Exceptions apply under Section 13.
- 17.6 Any persons requiring access to the Medical Image Database should complete the ‘Access to Medical Image Manager’ form available on the Intranet/Clinical Links/Medical Image Manager.
- 17.7 Any persons requesting copies of clinical photographs should do so either by telephone (01245 514468) and speak to a member of staff or via the ordering facility on the database.

18.0 Reproduction Requests of Clinical Recordings

There are numerous reasons why reproduction copies of recordings may be required. In each case the appropriate consent must be checked and the correct process followed:

- 18.1 Patient requests for copies of recordings. If a patient or patient’s next of kin in the case of a child, requests reproduction copies of their recordings they must make the request via Access to Records Bureau (ARB), See Access to Records policy
- 18.2 Third party requests for copies of recordings
If a third party (solicitors, police, social services, GPs) requests reproduction copies of recordings they must make their request via the ARB. See Access to Records policy.
- 18.3 The following requests for reproduction copies of clinical recording need not be requested via the ARB. There may be occasion to inform ARB of the request and the full reason of supplying reproduction clinical recordings must always be noted in the notes section of the clinical job on MIM in order that we can monitor and keep track of how photographs are used. In each incidence the requestor’s identity and role must be confirmed. If they are not Mid Essex Hospitals employees then the request should go to Access to Records Bureau.
- 18.4 Requestors should initially access Medical Image Manager to view recordings. If reproduction copies are required this can be done via the lightbox ordering system on MIM, email request to medical.photography@meht.nhs.uk or by telephone request 01245 514468.

Reproduction images can be supplied in various formats. Depending on the request the appropriate format will be given and will include *PDF, emailed, CD or Prints*. Emails with clinical recordings will only be sent to secure email addresses, CD's will be encrypted and if prints are made then they must either be filed in the restricted access envelope at the back of the patient notes after use or destroyed. (see section 19, Transportation of Clinical Recordings)

Information on how to manage and use reproduction images will be provided to all recipients.

18.5 Teaching and Publication

If reproduction copies are required for teaching or publication then appropriate consent must have been given or alternatively retrospective consent can be sought. Recordings will not be released for teaching or publication without appropriate consent. Reproduction copies for teaching and publication are routinely provided on CD.

18.6 Self-Monitoring

There are occasions where copies of clinical recordings are required for the patient to self-monitor, particularly in the case of monitoring moles for Dermatology. These requests must be made by the clinician and documented on the request/consent card. Routinely, copies will be provided on CD.

18.7 Funding Applications

Some patients may require clinical recordings to be taken to support a funding request for surgery. If a clinician is aware that clinical recordings will be beneficial to the funding request they should complete a request/consent form and have the patient attend the Medical Photography department. These recordings will then be routinely supplied by the Inter Provider Office to the CCG. The Inter Provider Office should be contacted when there are any requests for reproduction images for funding applications.

18.8 Discussion of patient care

Medical Image Manager (MIM) should be viewed in the first instance for discussion of patient care. A PDF document is created and attached to a relevant Datix which can also be accessed electronically. There may be situations whereby reproduction copies may be provided to clinicians and where the viewing of such recordings is demonstrably beneficial to patient care. In these cases the clinicians should contact Medical Photography Department to explain and make the request.

It is recognised that these requests may be fairly urgent but one full days' notice is preferable to allow the reproduction copies to be produced.

18.9 Safeguarding requests for immediate release of recordings

There are rare occasions whereby reproduction copies may be required urgently by third parties such as Police or Social Services who are involved in patient care. A member of Safeguarding Team must be involved and be the point of contact for all correspondence in these cases. Such situations requiring immediate release of images would include a Police Protection order expiring, police issuing the Trust with an A101 (DPA s29(3)) with clear timescale defined or a safeguarding case going to an immediate Court Order in order to protect the patient. In these situations The Trust Secretary may need to be informed to ensure that the request is met and fully documented. On receiving this information Medical Photography will in the first instance generate images including patient information on a PDF document generated from MIM. Where appropriate this document can be emailed or alternatively prints made.

18.10 **Claims and Legal**

Reproduction copies may be provided to a member of the Claims and Legal Department as part of an investigation or because a valid GDPR request has been made (as per 18.1 and 18.2). Routinely these are supplied as an emailed PDF file.

18.11 **Other hospitals – transferring records for patient care**

Reproduction copies can be made when a patient's care is transferring to another hospital. Depending on the volume of reproduction images and the timescale an emailed PDF or CD would usually be provided. Emails must only be sent via secure NHS.net accounts and CDs must be encrypted. (see section 19, Transportation of Clinical Recordings)

18.12 **Datix**

Photographs are often taken to document injuries and conditions which are indicated on a Datix document. Medical Photography receives email notification of Datix's relating to tissue viability. In these cases a PDF document will be routinely made and attached to the relevant Datix forms. These can be accessed by any staff with the need and 'rights' to view the Datix. These must not be published, exhibited or used for any other purpose without first contacting the Medical Photography Department.

18.13 **Bereavement recordings**

Bereavement recording are occasionally taken as a keepsake for bereaved parents. If requested these recordings will be made available to the parents on CD and or prints with no cost to the family.

19.0 **Transportation of Clinical Recordings**

19.1 Where recordings are required for use outside of 'Medical Image Manager' transportation of recordings can be made using the following methods:

19.2 Emailed to an NHS.net account

19.3 Emailed to a NHS account. The images and demographic data must be sent as separate emails.

19.4 Emailed using 'Outlook' and encrypting the message by placing the text [encrypt] at the beginning of the subject field. Password information must be sent separately to the recordings.

19.5 Burnt on to a media device using encryption software. Password information must be sent separately to the recordings.

19.6 Posted using Royal Mail's Recorded or Special Delivery service, in a secure envelope marked "confidential – addressee only" with the senders address on the back to enable undelivered mail to be returned.

19.7 In all incidences where clinical recordings are transported outside of the Medical Image Manager system an information letter or Word file in the case of using electronic devices detailing the clients responsibilities of appropriate use, confidentiality and safe storage will be given.

19.8 Hard copy prints which are reproduced but need not be posted externally should be

collected from Medical Photography department. Internal mail should not be used.

20.0 Private Patients

- 20.1 Unlike NHS patients, the ownership of clinical photographs transfers to the patient and they have a right to take away a printed image or an image burnt on a CD-R for their personal use.
- 20.2 A charge will be made for the clinical photography service of private patients.
- 20.3 The patient is required to complete paperwork held by the Inter-Provider Office. A copy is made available to Medical Photography Department.
- 20.4 Private Patients are required to give informed consent to the taking of any clinical recordings and be aware of all photographs that have been taken in the course of their care. Private Patients must give informed consent to the storage of clinical recordings on the Medical Image Manager system.
- 20.5 Routinely Medical Photography Department will provide a hard copy print to the patient and/or to the requesting clinician.

21.0 Infection Prevention

- 21.1 Medical Photography staff will be compliant with the current infection prevention regulations when carrying out their work.

22.0 Policy Breaches

- 22.1 Any breaches to this policy will be recorded on a risk event form (Datix).
- 22.2 All breaches that involve a breach of confidentiality in relation to this policy will be immediately reported to the Caldicott Guardian and Trust SIRO (Senior Information Risk Owner).

23.0 Audit and Monitoring

Compliance with this policy will be monitored by:

- Monthly review of quality and statistics of all recordings taken by staff outside of Medical Photography.
- Annual review of risk event forms in respect of breach of policy

24.0 Communication and Implementation

- 24.1 This policy will be issued to the following staff groups to disseminate and ensure their staff are made aware of the policy:
 - Consultants – issue to relevant clinicians within their team.
 - Ward Sisters/Charge nurse – issue to relevant nursing staff within their ward

- Departmental Managers - issue to relevant nursing staff within their department
- Divisional Managers

24.2 The guideline will also be issued via the Staff Focus and made available on the Intranet and website.

25.0 References

Institute of Medical Illustrators. 2018. Available from: <https://www.imi.org.uk>

Mental Capacity Act 2005. c.9. Available from:
<https://www.legislation.gov.uk/ukpga/2005/9/contents>

General Data Protection Act 2018 Available from:
<https://www.gov.uk/guidance/data-protection-bill-overview> and a press release
<https://www.gov.uk/government/news/government-to-strengthen-uk-data-protection-law>

Human Rights Act 1998 c.42. Available from:
<https://www.legislation.gov.uk/ukpga/1998/42/contents>

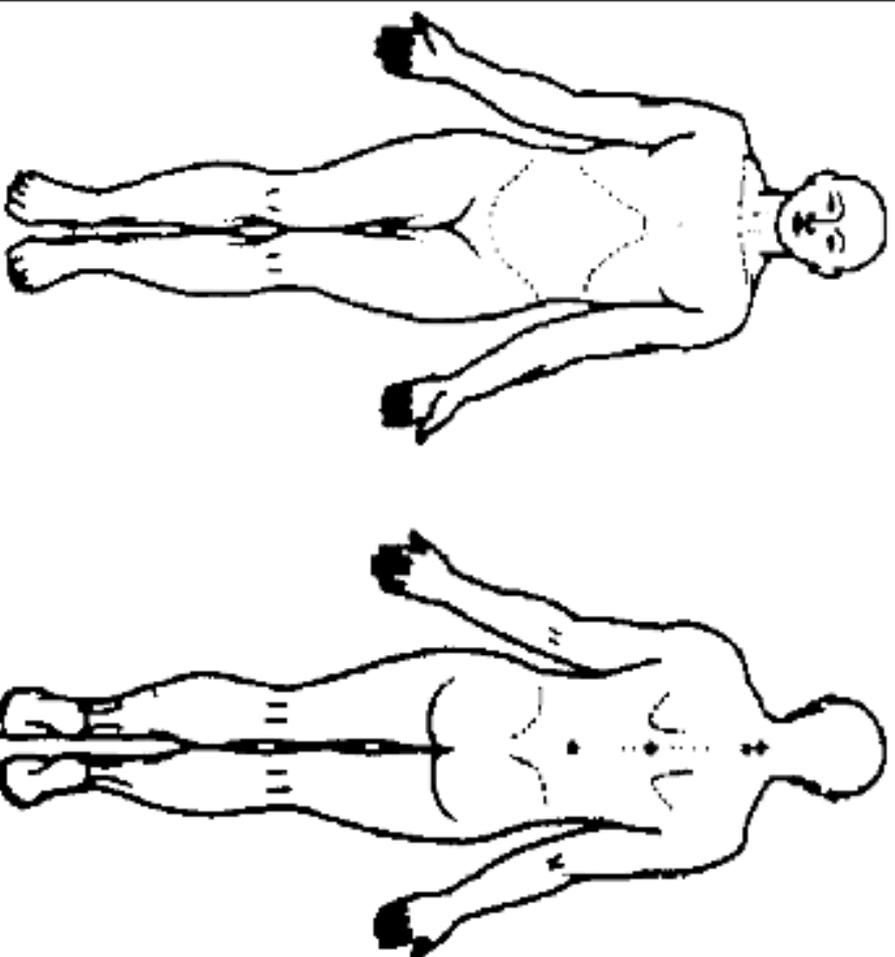
Department of Health (2013) Information Governance Toolkit: What are the Caldicott Principles?
<https://www.igt.hscic.gov.uk/Caldicott2Principles.aspx>

British Standards Institution (2014) BS 10008. Evidential Weight and Legal Admissibility of Electronic Information. London: BSI.

Appendix 1 Clinical Photography Consent Form

Mid Essex Hospital Services NHS Trust		NHS	
CLINICAL PHOTOGRAPHY			
Patient Consent/Request Card			
* IMPORTANT for legal reasons, highlighted fields must be completed			
* NHS Number	-----		
* Patient Number	-----		
* Surname	-----		
Other Names	-----		
Male/Female		* Date of Birth	-----
* Diagnosis	-----		
* Requesting Consultant/Clinician	-----		
* Patient's Consultant	-----		
* Area of body to be Photographed	-----		
<p>* I confirm that I (delete as necessary: Consultant, Surgeon, Clinician, Nurse) have explained to this patient, who is under my care, why photographs are required and what will happen to them in the future</p> <p>Signature ----- Date ____ / ____ /20 ____</p> <p>* Delete as appropriate</p>			
Date of photograph	Job number	No of images taken	Name of photographer
			Location of photograph
			Checked by
<p>I have been informed about the clinical photography procedure and agree to the procedure being carried out. I understand these photographs are recorded in digital format and stored securely on a database and server. I understand these photographs form part of my medical records.</p> <p>Signature ----- Date -----</p> <p>Patient aged over 16(competent child/parent/guardian (delete as appropriate))</p>		<p>I agree that my clinical photographs may be used for clinical teaching purposes.</p> <p>Signature ----- Date -----</p> <p>Patient aged over 16(competent child/parent/guardian (delete as appropriate))</p>	
<p>I agree to my clinical photographs being used in medical publications and presented in various medical media including textbooks, journals and online submissions. I accept that once in the public domain they cannot be withdrawn.</p> <p>Signature ----- Date -----</p> <p>Patient aged over 16(competent child/parent/guardian (delete as appropriate))</p>		<p>I agree that my clinical photographs may be viewed by patients receiving similar treatment to myself and where viewing these photographs may aid their treatment process.</p> <p>Signature ----- Date -----</p> <p>Patient aged over 16(competent child/parent/guardian (delete as appropriate))</p>	
<p>I agree that my clinical photographs may be used for all the above purposes</p> <p>Signature ----- Date -----</p> <p>Patient aged over 16(competent child/parent/guardian (delete as appropriate))</p>			

Please indicate area of body to be photographed:



Retrospective Consent to use Clinical Recordings for Teaching Purposes and Patient to Patient Consent

Surname

Patient Number NHS number

In addition to use in medical records I agree **that all I some of my** previous clinical recordings be available for clinical teaching purposes.

Signature Date

Patient aged over 16/competent child/parent/guardian/next of kin
(delete as appropriate)

I agree that all / some of my previous clinical recordings be available to view by patients receiving similar treatment to myself and where viewing these photographs may aid their treatment process.

Signature Date

Patient aged over 16/competent child/parent/guardian/next of kin
(delete as appropriate)

Notes: