

Date: 29/07/2019

FREEDOM OF INFORMATION REQUEST FOI/014900 - Audio recordings of appointments

**Would you please be able to provide the following information regarding appointments and / or consultations that are held in private settings (i.e. not settings where there is the potential for a breach of other patient's confidentiality (e.g. group therapy sessions or bays in accident and emergency departments):**

**1) Does your Trust allow patients and / or their nominated representatives to make audio recordings of their appointments and / or consultations with a member of staff when they ask the staff member if it is acceptable to do so?**

Yes, dependent on the type of appointment/consultation as some appointments/consultations can be particularly sensitive so the patient would need to make an informed decision before this can take place. Dignity, respect and consent are paramount.

**2) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies when a patient and / or their nominated representatives requests to audio record their appointment /consultation?**

Name of the Policy: Photography, Video and Audio Policy: clinical and non-clinical recordings

Section of the Policy:

16.6

A recording of the patient, by patients, their relatives or friends is forbidden in designated critical clinical areas and while undergoing tests, treatment and procedures.

16.7

Any unauthorised photography is potentially a criminal act breaching not only the Data Protection Act but also potentially Section 2 or Section 8 of the Human Rights Act. If any unauthorised photography does take place, those taking the photographs will be asked to delete the images. If this request is not met, security may be called and if necessary, security will call the police. Incidents must be reported on the Trust's incident reporting tool DATIX (refer to Incidents Reporting Policy.)

Please also see guidance Poster attached.

**3) Does your Trust allow patients and / or their nominated representatives to make video recordings of their appointments and / or consultations with a member of staff when they ask the staff member if it is acceptable to do so?**

This is considered on a case by case basis dependent on the type of appointment/consultation as some appointments/consultations can be particularly sensitive or may put patient safety at risk (in theatre for example). Dignity, respect, consent and safety are paramount.

**4) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies when a patient and / or their nominated representatives requests to video record their appointment /consultation?**

Please see response to question 2

See information on Poster attached and response to question 1.

**5) Does your Trust allow patients and / or their nominated representatives to make audio recordings of their appointments and /or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?**

The Trust advocates privacy and confidentiality for all. As audio recordings are acceptable within the secure and confidential environment with all persons being informed there would be no reason for a covert recording.

Please also see response to question 2.

Dignity, respect and consent are paramount.

**6) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies if they discover a patient and / or their nominated representatives has audio recorded their appointment / consultation covertly?**

Please see extract below from the Trust's Photography Video and Audio policy:-

16.6

A recording of the patient, by patients, their relatives or friends is forbidden in designated critical clinical areas and while undergoing tests, treatment and procedures.

16.7

Any unauthorised photography is potentially a criminal act breaching not only the Data Protection Act but also potentially Section 2 or Section 8 of the Human Rights Act. If any unauthorised photography does take place, those taking the photographs will be asked to delete the images. If this request is not met, security may be called and if necessary, security will call the police. Incidents must be reported on the Trust's incident reporting tool DATIX (refer to Incidents Reporting Policy.)

**7) Does your Trust allow patients and/ or their nominated representatives to make video recordings of their appointments and / or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?**

Please see extract below from the Trust's Photography Video and Audio policy:-

16.6

A recording of the patient, by patients, their relatives or friends is forbidden in designated critical clinical areas and while undergoing tests, treatment and procedures.

16.7

Any unauthorised photography is potentially a criminal act breaching not only the Data Protection Act but also potentially Section 2 or Section 8 of the Human Rights Act. If any unauthorised photography does take place, those taking the photographs will be asked to delete the images. If this request is not met, security may be called and if necessary, security will call the police. Incidents must be reported on the Trust's incident reporting tool DATIX (refer to Incidents Reporting Policy.)

**8) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies if they discover a patient and / or their nominated representatives has video recorded their appointment / consultation covertly?**

Please see extract below from the Trust's Photography Video and Audio policy:-

16.6

A recording of the patient, by patients, their relatives or friends is forbidden in designated critical clinical areas and while undergoing tests, treatment and procedures.

16.7

Any unauthorised photography is potentially a criminal act breaching not only the Data Protection Act but also potentially Section 2 or Section 8 of the Human Rights Act. If any unauthorised photography does take place, those taking the photographs will be asked to delete the images. If this request is not met, security may be called and if necessary, security will call the police. Incidents must be reported on the Trust's incident reporting tool DATIX (refer to Incidents Reporting Policy.)

**9) Should your Trust's policies not allow patients and / or their nominated to make audio and / or video recordings (having informed the member of staff and / or covertly) of their appointments and / or consultations could you please provide a copy of your Trust's policies regarding what procedures should be followed by both members of the Trust's staff and the patient and /or their nominated representatives where there may be a specific need for the patient and / or their nominated representatives to audio and / or video record their appointments and / or consultations (e.g. medical issues such as dementia, the patient having nobody available to act as an advocate for them or any other need identified by the patient and / or their nominated representatives)?**

Not applicable

**10) Could you please provide a copy of the impact assessment undertaken of the policy / policies cited in response to question 9?**

The Trust does not hold a privacy impact assessment for this policy.

**11) Should your Trust's policies not allow patients and / or their nominated representatives to make audio and / or video recordings (having informed the member of staff and / or covertly) of their appointments and / or consultations could you please provide a copy of the information that staff can give to the patient and / or their nominated representatives explaining why it is not allowed?**

Please see copy of poster below

12) Should your Trust's policies state that it is for the staff member to decide whether they are prepared to allow appointments and / or consultations to be audio and / or video recorded by the patient and / or their nominated representatives could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that states what procedures should be followed by both members of the Trust's staff and the patient and / or their nominated representatives when the member of staff states they are not prepared to be audio and / or video recorded but the patient and / or their nominated representatives are insistent on doing so?

Please copy of poster below

**13) Should your Trust have no policy regarding the situations as detailed in questions 1, 3, 5, 7, 9 or 12 could you please detail what procedures should be followed by both members of the Trust's staff and the patient and / or their nominated representatives should any of the situations detailed occur?**

Please see extract below from the Trust's Photography Video and Audio policy:-

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A recording of the patient, by patients, their relatives or friends is forbidden in designated critical clinical areas and while undergoing tests, treatment and procedures.

16.7

Any unauthorised photography is potentially a criminal act breaching not only the Data Protection Act but also potentially Section 2 or Section 8 of the Human Rights Act. If any unauthorised photography does take place, those taking the photographs will be asked to delete the images. If this request is not met, security may be called and if necessary, security will call the police. Incidents must be reported on the Trust's incident reporting database.

# Want to take a photo, record a video or make a voice recording?

**Please respect the privacy and  
confidentiality of our patients,  
visitors and staff.**

**Always ask for permission  
Speak to a member of staff**