



Photography, Videotaping, and Other Imaging

This section will:

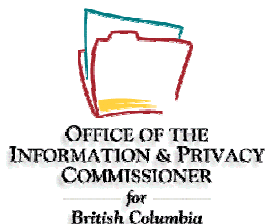
- Describe reasonable practices for protecting personal information privacy when using photography, videotape, digital imaging, or other visual recordings.
- Identify what needs to be done before, during, and after the photography or recording session.

The following guidelines should be followed when using photography, videotape, digital imaging, or other visual recordings during consultations between physicians and patients, for the purposes of care of that patient, for education, or for research.

Medical, surgical, or any other procedures involving patients who may be identified may be photographed or recorded on videotape or on film for the purposes of care **only** when the patient has given explicit written consent. This consent does not authorize the use of the images for any other purposes such as education including through scientific publication or research; separate consent is required for each such purpose.

Before the photography or recording session, physicians are responsible for ensuring the following:

1. That the patient is given time to consider a consent form and explanatory material that provides relevant information in a way that the patient can understand (translations should be provided where necessary prior to signing the form).
2. That the patient understand the purpose for which the photograph or recording will be used, who will be allowed to see it, whether copies will be made, and how long the photograph or recording will be kept.
3. That the patient understands that refusal to consent will not affect the quality of care being offered and that his or her consent can be withdrawn at any time (i.e., it is revocable without consequence).
4. Where patients are deemed incapable or incompetent, that consent be sought from a close relative or personal representative. In the case of children, the consent of a parent or guardian must be obtained.



During the photography or recording session, physicians are responsible for the following:

1. Ensuring that the photography or recording be stopped immediately if the patient requests or if, in the physician's opinion, the session is reducing the benefit which the patient might derive from the consultation.

After the photography or recording session physicians are responsible for ensuring the following:

1. That the patient is invited to consider whether he or she wishes to withdraw consent to the use of the photograph or recording. If the patient does withdraw consent, the physician should ensure that the photograph or recording is securely destroyed or erased as soon as possible.
2. That the photograph or recording is used only for the purpose for which the patient's consent has been given.
3. That photographs be filed with the patient's record. Videotapes or recordings, because of their size, may need to be stored separately in a secure area. If not stored with the patient's record, a note should be made on the patient's chart indicating the location of the photos, recordings, or images. All photographs, videotapes, recordings, or images must be identified with the patient's name, identification number, and date.
4. That photographs, videotapes, recordings, or images are stored with the same level of security required for all confidential medical records.
5. Where photographs, videotapes, recordings, or images may be shown to people other than the immediate health care team responsible for the care of the patient, that the following additional safeguards are applied:
 - a. The patient must be made aware of and understand that the photographs or recordings may be shown to people with no responsibility for his or her health care.
 - b. The patient must be offered the opportunity to view the photographs or recordings in the form in which they are intended to be shown, and have the right to withdraw consent.

Where it is proposed that a photograph or recording be used in which the patient cannot be identified, it is sufficient for the physician to provide the patient with an oral explanation of the purpose of the proposed recording and recording the patient's chart. No photograph or recording should be made contrary to the patient's wishes.



In exceptional circumstances, where no photography or recording of a procedure has been planned but an unexpected development during the procedure makes photography or recording highly desirable for educational purposes, photography or recording may be made without consent if the patient's consent cannot be obtained (e.g., due to the patient being under anaesthesia). The patient's consent must subsequently be obtained before use is made of the recording.