



Guidelines for Photography, Videotaping, and Other Imaging

This section will:

- describe reasonable practices for protecting personal information when using photography, videotape, digital imaging, or other visual recordings
- identify what needs to be done before, during, and after photographing or recording patients

These guidelines should be followed when using photography, videotape, digital imaging, or other visual recordings, for the purpose of providing care to that patient, for education, or for research.

If photographs or videotape recordings that identify patients are required for medical, surgical or any other procedures for the purpose of providing care, the practice should obtain express written consent from the patient. This consent does not authorize the collection, use or disclosure of the images for any other purposes such as education, scientific publication or research unless these purposes are expressly stated in the consent form.

Before photographing or recording patients, physicians are required to:

- Obtain express consent:
 - from patients to the collection, use and disclosure of photographs or recordings
Although verbal consent is sufficient, best practices include that the patient is provided with a written consent form that provides relevant information (including the purposes for collection, use and disclosure) in a way that the patient can understand (translations should be provided where necessary prior to signing the form), and the patient is given a reasonable amount of time to consider the information.
 - from a parent or guardian if the patient is a child who is incapable of exercising their legal rights
 - from a personal representative if a patient is deemed incapable or incompetent
 - for any use or disclosure beyond the original purpose
- Ensure the patient understands the:
 - purpose for which the photograph or recording is taken and how it will be used
 - who will be allowed access to it
 - whether copies will be made
 - how long the photograph or recording will be kept
- Inform the patient that:



- refusal to consent will not affect the quality of care being offered
- their consent can be withdrawn at any time without consequence
- Immediately stop the photography or recording session if the patient withdraws consent

After the photography or recording session, best practices dictate that physicians are responsible for:

- asking the patient whether they wish to withdraw consent to the use of the photograph or recording
- if the patient withdraws consent, ensuring the photograph or recording is securely destroyed or erased as soon as possible
- ensuring all photographs, videotapes, recordings or images are identified with the patient's name, identification number, and date or a numeric identifier
- filing photographs with the patient's medical record
- storing videotapes or recordings with the patient's medical record or if stored separately in a secure area, noting the location of the photos, recordings, or images in the patient's medical record
- ensuring the same level of security over photographs, videotapes, recordings or images as for all confidential medical records

Where photographs, videotapes, recordings, or images may be shown to third parties other than the immediate health care team responsible for the patient's care, express consent may be necessary. The patient should be:

- made aware of and understand that the photographs or recordings may be shown to people who may not have any responsibility for their health care
- 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

If the patient cannot be identified in the photograph or recording, it is sufficient for the physician to provide the patient with an oral explanation regarding the purpose of the proposed recording and note this information in the patient's chart. No photograph or recording should be made contrary to the patient's wishes.

In exceptional circumstances, the photograph or recording may be captured without the patient's consent. For example, if the patient's consent for capturing a photograph or recording cannot be obtained in a timely way or the patient is unable to give consent (e.g., due to the patient being under anaesthesia), and the collection of this personal information is clearly in the interest of the individual or is necessary for the patient's medical treatment. The physician must subsequently request the patient's consent prior to using or disclosing the photograph or recording.