

## **Freedom of Information Request: Our Reference CTHB\_200\_19**

### **You asked:**

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 Board 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?**

The Health Board does allow patients / representatives to record consultations where appropriate.

- 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?**

At present, there is no specific policy in place, however a protocol is currently being drafted.

The protocol will include guidance in relation to patients who wish to record consultations / or take pictures of their records, test results etc. using their personal devices.

- 3) Does your Board 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?**

Yes, where appropriate and dependent on whether the staff member in charge is content for them to do so. They would also need to take in to consideration whether there was any clinical reason for refusing. Reasons for refusal could include the recording containing additional members of staff, other patients or relatives.

- 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.

- 5) Does your Board 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)?**

We would hope that a patient or representative would be open and honest in the reasons for wishing to record. Especially if there was a concern, or clarity or extra support was required. We would also ideally advise on any privacy concerns on recording to ensure it contained appropriate footage (no other patients).

We also have a duty to our staff that allows them to continue to undertake their duties appropriately, without them potentially being the subject of privacy issues.

**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 response to Question 2.

**7) Does your Board 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 response to Question 5.

**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 response to Question 2.

**9) Should your Board'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 Board's policies regarding what procedures should be followed by both members of the Board'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)?**

N/A

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

N/A.

**11) Should your Board'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?**

N/A

**12) Should your Board'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 Board'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?**

As per above, this procedure is in draft but will look to refer to professional guidance, and link in with Data Protection legislation.

**13) Should your Board 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 Board's staff and the patient and / or their nominated representatives should any of the situations detailed occur?**

As our procedure is currently being drafted for review, we would refer to the General Medical Council (GMC) guidance: Making and Using Visual and Audio Recordings of Patients. We would also refer to the Human Rights Act, and the Data Protection legislation as appropriate. The Information Commissioner's Office also provides information on recording should it be required.