



## PRACTICE STANDARD

# Photographic, Video and Audio Recording of Patients

Effective: April 3, 2017

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Version: 2.5

Related topic(s): [Medical Records Documentation](#); [Medical Records Management](#); [Non-sexual Boundary Violations](#); [Social Media](#); [Sexual Misconduct](#)

A practice standard reflects the minimum standard of professional behaviour and ethical conduct on a specific topic or issue expected by CPSBC of its registrants (all physicia0.60gusso l(60gusso l(6



Where patients are unable to give consent because they suffer from a mental disability or for any other reason, consent can be obtained from the nearest relative or representative as defined under sections 1 and 2 of the *Personal Information Protection Act (PIPA)* regulations.

Registrants working within a regional health authority must be aware of and comply with any hospital policies and *Freedom of Information and Protection of Privacy Act (FOIPPA)* regulations.

In the case of minors who lack the ability to consent on their own behalf, the consent of a parent, guardian or representative must be obtained. The person giving consent must understand the rights set out above and below.

The patient is provided with the contact information for an employee of the

## Recordings for secondary purposes

### Recordings for educational purposes

Where a recording is made for teaching, training, or research and as a result may be shown to people other than the health-care team responsible for the care of the patient, the following additional safeguards apply, even if the recording will be edited in order to anonymize the identity of the patient:

The patient must clearly understand that the recording may be shown to people with no direct responsibility for the patient's health care.

The patient's consent to the recording must be documented in the patient's medical record.

The patient must be offered the opportunity to view the recording, in the form in which it is intended to be shown before the recording is used. The patient has the right at this stage to withdraw consent to the use of the recording.

If a recording has not been planned, but an unexpected development during a procedure makes a recording highly desirable on educational grounds, a recording may be made. However, under such circumstances, the patient must have provided their informed consent for the possibility of a recording prior to the procedure.

If the recording is intended to be accessible in the public domain, (e.g. published in online or printed media), consent also has to be obtained for the disclosure of the recording outside of Canada. Consent must be obtained, the purpose for making the recording explained and an opportunity provided to view the recording. In addition, registrants must ensure that the patient understands that once the recording has been released to the media, it may not be possible to stop any subsequent use even if the patient subsequently withdraws their consent.

### Recordings in public spaces for security purposes

Recordings may be made in public spaces (e.g. waiting rooms) for security purposes given the registrant is using closed circuit television or other video systems (CCTV) as authorized by section 14 of PIPA. When this is implemented, appropriate signage must be visible in all areas where recordings are being made.

## Resources

Canadian Protective Medical Association [Internet]. Ottawa. Photo and Video Consent Form Available from: [https://www.cmpa-acpm.ca/static-assets/pdf/advice-and-publications/risk-management-toolbox/com\\_photo\\_and\\_video\\_consent\\_form-e.pdf](https://www.cmpa-acpm.ca/static-assets/pdf/advice-and-publications/risk-management-toolbox/com_photo_and_video_consent_form-e.pdf)

Canadian Protective Medical Association [Internet]. Ottawa. March 2011. Using clinical photography and video for educational purposes. Available from: <https://www.cmpa-acpm.ca/en/advice-publications/browse-articles/2011/using-clinical-photography-and-video-for-educational-purposes>

Canadian Protective Medical Association [Internet]. Ottawa. March 2017. Smartphone recordings by patients: Be prepared, it's happening. Available from: <https://www.cmpa->

[acpm.ca/en/advice-publications/browse-articles/2017/smartphone-recordings-by-patients-be-prepared](https://acpm.ca/en/advice-publications/browse-articles/2017/smartphone-recordings-by-patients-be-prepared)

Doctors of BC [Internet]. August 2017. BC Physician Privacy Toolkit A guide for physicians in private practice 3rd Edition. Available from: