

Using your phone to record or film

Guidance for patients and visitors

Using our phones to record or film can help us remember things, and update our friends and family. However, recording while you are on a ward can make things difficult for staff, patients and visitors.

If you feel you must record something, please:

> **Talk to us first** so we can understand your reasons and try to find another way to help you. For example, if you want a record of what we've discussed with you, we could write this down for you.

> **Use audio (speech) recording, not film.** This makes it less likely that other people are included without their full understanding or permission.

> **Do not film other patients.** If you do, please **inform staff**. We have a legal responsibility to uphold people's privacy and dignity so we will ask what you plan to do with the recording.

> **Do not share recording online.** Recording is legal for personal use, but sharing recordings on Facebook, YouTube, Twitter or Instagram may be illegal if other people in the recording feel harassed, or that their dignity and privacy has been affected. Don't share recordings with others in case they share them online.

We ask staff to use their judgment about continuing their work if someone is recording them without their permission. If our staff do not give you their permission to record them, they will explain why.

Anyone who publicises a recording in a way that appears to intend “harassment or detriment” to staff or other patients could be taken to court for a civil action. In some circumstances, publicising a recording could be a criminal offence.

If you have any questions about this guidance, or would like a copy of our Trust Multimedia Policy, please email informationgovernance@slam.nhs.uk or call 0203 228 5174.

Patients & visitors recording on devices

Bullet guide for acute ward staff

Can patients or visitors make recordings on their mobiles or other devices?

Yes. They're within their rights to record, and you're within your rights to ask them not to. Recording is legal for personal use - whether it is done openly or secretly.

In our everyday lives many of us use smart phones to help us remember things or to share with friends or family, so it's not surprising that as patients we might want to continue doing so. As NHS staff however, we know being recorded may distract us and make it more difficult to work e.g. if it makes us feel self-conscious, or even defensive. We may also be concerned about other patients being included in the recording as we have a duty to protect their privacy and dignity.

If recording might be taking place, encourage patients or visitors to:

1. Let us know. We can then think about their reasons and, if recording is problematic, try to address any concerns in another way, for example by offering to put things in writing.

2. Use audio recording rather than video, to limit the inclusion of other people.

3. Not to publicise or share the recording with anyone who might publicise it on social media or elsewhere. Explain while it is legal to make a record for personal use, *publicising* it may not be. Anyone who publicises a recording in a way that appears intended to cause "*harassment or detriment*" could be taken to court for a civil action for damages, and it *may* be a criminal offence.

4. Not film other patients. If they do, ask if you can talk with them about what they intend to do with the recording, and whether it might impact on other peoples' privacy and dignity.

If you don't want to be recorded explain your reasons and ask them not to.

If they insist, use your judgement to decide whether to stop the consultation or clinical intervention, after explaining why. If stopping may cause a problem, for example a patient not receiving urgent treatment, seek advice from colleagues.

If recording occurs involving a patient, document it in their ePJS record for future reference if needed.

General Data Protection Regulations, 'GDPR, mean if someone records without permission and posts the recording on sites like Facebook, YouTube or Instagram, you have the legal right to request those companies delete the post. You can find information about how to do this on their websites.

More information can be found in the Trust Multimedia Policy. Please contact our Information Governance team informationgovernance@slam.nhs.uk if you need any further advice.