

ND ref. **FOI/16/218**

Freedom of Information

Thank you for your 18/08/16 request for the following information:

1. *Do you have a policy regarding photography of patients and/or the use of photographic devices within your organisation, please list and supply all that apply?*

Answer: The Trust does not have a specific medical photography policy. Medical photography is covered by the Consent Policy. Please see file attached.

2. *How many clinical photographers do you employ?*

Answer: None, although some clinicians take clinical photographs.

3. *Do you audit photographs taken of patients within your organisation for clinical and/or non clinical uses? (Audit means that you actively look at your systems for photographs taken and by whom, also you look at any cameras/devices you allow to be used and report on the use)*

Answer: No.

4. *Please list all the photographic devices you allow to be used or supply staff to use. i.e compact cameras, staff personal mobile phones etc*

Answer: Cameras, Trust managed smart phones and tablets.

5. *How many patients (count repeated sessions separately) were photographed by staff not classified as professional clinical photographers during the period 1/1/2015 to 31/12/2015?*

Answer: We do not hold this information. To collate this information would require our staff manually reviewing individual patient records. To undertake this piece of work would take in excess of the appropriate limit set by the Freedom of Information Act 2000 (section 12 (1)) and defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The appropriate limit of £450 represents the estimated cost of one person spending two and a half days in determining whether the Trust holds the information, and locating, retrieving and extracting the information. Consequently, the Trust is not obliged by the Freedom of Information Act 2000 to retrieve the above information. I regret to inform you that we shall not process your request to the above question further.

6. Of these how many:

	How many of the above number have recorded consent for the taking of the photographs?	How many of the above number have recorded consent for the use of the photographs?				
		Taken under Mental Capacity Act best interest test and recorded on records as such	Consent for medical records/care use only	Consent for teaching use within your organisation only	Consent for teaching use outside of your organisation	Consent for publication where the publication is named- if not named then count as no consent
In paper notes – no patient/guardian signature						
In paper notes – with patient/guardian signature						
EPR- no patient/guardian signature						
EPR with patient/guardian signature						
On specific photographic consent form – no patient/guardian signature						
On specific photographic consent form – with patient/guardian signature						

If your organisation uses different consent level types please choose the closest match.

Answer: Please see previous response to Q5.

7. How many records exist where consent has been obtained but no photographs are available?

Answer: Please see previous response to Q5 above.

8. How often are cameras/devices audited?

Answer: They are not.

9. Do you record the image file numbers that are missing on devices during audit?

Answer: n/a.

10. Who/which department audits the devices/systems?

Answer: n/a.

11. How many staff have received informal and formal disciplinary action for breach of related policies?

Answer: None.

12. How does your organisation store clinical photographs? If an electronic system is used please name the system or described the method of storage.

Answer: Photographs are stored in both paper and electronic format. Paper photographs are stored in the patient's notes. Electronic photographs are stored on central data stores and are managed with department/team based permission and role based access.

13. How does this system record consent of the patient?

Answer: The system does not record consent. Photographs are only taken if consent has been obtained and recorded within the patient's individual healthcare record.

14. How does this method control the use of photographs according to consent of the patient?

Answer: It does not.

15. How many staff have access to this system?

Answer: Appropriate medical staff and other relevant Trust staff on a need to know basis for the patient's clinical care. All NHS staff are bound by the NHS Code of Confidentiality. Electronic photographs are stored on central data stores and are managed with department/team based permission and role based access.

16. Can these staff access all photographs?

Answer: All staff that require access for an individual patients' clinical care, as per previous response.

17. Please provide minutes, actions and outcomes of the results of the audits during the period stated above.

Answer: n/a

18. Please provide any risk assessments regarding clinical photography and specifically clinical photography taken by non-professional clinical photographers.

Answer: n/a