Current issues: Consent for clinical photography

Introduction

This style of Learning and CPD activity is aimed to give an alternative those previously published which have addressed the processes and developmental aspects of CPD. The aim of this article is to bring to the attention of practitioner's papers or topics for consideration in their personal practice, for review or discussion in a department or that may need raising at local institute or national level.

This learning and CPD activity suggests three areas that to look at:

- Developments and changes in policies.
- Photography of different ethnic or religious groups.
- Mobile devices and clinical photography.

Consent to photography has been considered widely by the general public, the NHS in the UK, and local and national organizations. It continues to be a current issue even though the subject of the first Learning and CPD activity published in this journal in 2002 was Informed patient consent and confidentiality[1], many changes have taken place since then in terms of technologies and public perceptions.

Task

As an individual or as a group critically review one or more of the three different aspects of consent to photography listed below discussing the impact these may have on your professional practice and the wider implication they may have alongside local policies for your department's care and support for patients undergoing clinical photography.

Developments and changes in policies
- ➢ Consent, Confidentiality and Record Keeping for the Recording and Usage of Medical Images by Kate Hill[2].
- ➢ Making and using clinical and healthcare recordings for learning and teaching[3].
- ➢ GMC Making and using visual and audio recordings of patients[4].

One of the areas of ethical and professional guidance from 'Making and using clinical and healthcare recordings for learning and teaching' discusses storage of confidential data in a clinical setting and includes the paragraph;

"Members of the Medical Illustration department are responsible for protecting the confidentiality, security, and copyright of images and information to conform to legislation and protect the rights and dignity of patients. They also provide advice and guidance to other staff on these issues."

Questions to consider:
>What kind of a service do you provide to others?
>What are the implications of this for your department?
>Do you know easily where to find support for colleagues?
>Are you taking the lead in CPD for other staff in this area?

Photography of different ethnic or religious groups

Patrick Clynch raised the issue of 'Chaperones within a sensitive medical photography environment' in 2009[5], this was also covered in 2002[6] by Andrew Gardner ' Exposing the body 'baring the soul' and more recently the paper 'Photographing human subjects in biomedical disciplines: an Islamic perspective' by Dr Salilah Saidun[7] in the Journal of Medical Ethics where he discusses the process of clinical photography including chaperones and the extent of sharing of clinical images.

Questions to consider;
>What is your current practice and does it need updating in the light of any of these papers?
>Do changes need to take place at a departmental level?
>Are there any financial implications if you need more chaperones or how do you get chaperones?

Mobile devices and clinical photography

This issue has been raised widely in the medical literature not just now but ever since phones started to come with cameras and has been an issue for medical photographers ever since Kodak advertised simple easy to use cameras with "You push the button, we do the rest". Whether we like it or not our persistence over the years has led to changes in attitudes towards photographs and the importance not just of consent but of how images are stored[8,9] and now how data is added to increase their value and the risk of breaches of confidentiality associated with digital images.

Payne et al suggested a 'A Review Of Current Clinical Photography Guidelines In Relation To Smartphone Publishing Of Medical Images' in a 2012 article in this journal[10] and debates have raged over the value of using smartphones in telemedicine style applications but also their dangers. Phones are valued for their clinical uses but patients still want proper informed consent for example in a recent survey of 'Patients' perceptions of medical photography'[11] Lau al found that there was a low level of acceptability of the use of personal cameras and phones. This issue has also reached the courts if in different ways[12] and to the local and national press[13].

Questions to consider;
>What are the implications in your organization?
> How can you help staff understand the issues
>surrounding clinical photography on mobile devices?

References
1. Continuing Professional Development. (2002) Informed Patient Consent and Confidentiality. Journal of Audiovisual Media in Medicine; 25(4): 181–182.

2. Hill, K. Consent, Confidentiality and Record Keeping for the Recording and Usage of Medical Images (2006) Journal of Visual Communication in Medicine, June 29(2): 76 –79.

3. British Medical Recordings Taskforce (2013) Making and using clinical and healthcare recordings for learning and teaching. [URI http://www.jiscdigitalmedia.ac.uk/clinical-recordings/ index.html accessed 16th March 2013]

4. General Medical Council (2011) GMC Making and using visual and audio recordings of patients. [URI http://www.gmc-uk.org/guidance/ ethical_guidance/making_audiovisual.asp accessed 16th March 2013]

5. Clynch, P. (2009) Chaperones within a sensitive medical photography environment Journal of Visual Communication in Medicine 32(3–4): 99–100.

6. Gardner, A. (2002) Exposing the body – baring the soul. Journal of Audiovisual Media in Medicine; 25(2):64 –68.

7. Saidun, S. (2013) Photographing human subjects in biomedical disciplines: an Islamic perspective J Med Ethics 2013;39:84–88.

8. Johnson, A. (2009) Are your clinical photographs secure? Journal of Visual Communication in Medicine; 32(1):33 –35.

9. British Medical Recordings Taskforce (2013) Making and using clinical and healthcare recordings for learning and teaching: Storage, Access, Use and Onward Sharing [URI http://www.jiscdigitalmedia.ac.uk/clinical-recordings/ storage_intro.html accessed 16th March 2013]

10. Payne, K.F. Tahim, A. Mc Goodson, A. Delaney, M. Fan, K. (2012) A Review Of Current Clinical Photography Guidelines In Relation To Smartphone Publishing Of Medical Images. Journal of Visual Communication in Medicine; 35(4):188–192. 11. Lau, C.K. Schumacher, H. Irwin, M.S. (2010) Patients' perception of medical photography. Journal of Plastic, Reconstructive & Aesthetic Surgery 63(6):e507–e511.

12. Ludlow, C. (2006) 'The gentlest of predations': Photography and privacy law. Law Text Culture 10: 135–152

13. Herbert, D. (2013) Alert over NHS net abuse. Scottish Express, February 14th. [URI http://www. express.co.uk/news/health/377591/ Alert-over-NHS-net-abuse accessed 16th March 2013]

Reference: Bryson, D. (2013) Current Issues: Consent for clinical photography. Journal of Visual Communication in Medicine 36(1-2): 62-63.