



Clinical Image Photography and Videography Policy

1. Background

The purpose of this policy is to:

- provide governance and a policy framework for the WA Country Health Service (WACHS) in relation to the capture, storage and management of clinical images, excluding radiological medical imaging, for clinical care and related purposes
- ensure that all WACHS staff and contractors are aware of their responsibilities and professional accountabilities for safeguarding the confidentiality and integrity of clinical images.

2. Policy Statement

2.1 Inclusions and scope

This policy applies to any clinical image, including photographic, video and/or audio recordings, regardless of format or output (e.g. digital or hardcopy), captured in relation to a patient, and for patient care, clinical audit, research, identification, education, professional development or approved promotional/informational purposes.

Clinical images taken of WACHS patients constitute a part of a patient's health record. Regardless of how or where they are captured, clinical images must be managed in the same way as other patient health information stored within paper-based and/or electronic format, in accordance with requirements of the *State Records Act 2000 (WA)*, *Health Services Act 2016*, *Freedom of Information Act 1992* and other relevant legislation and policy. A full listing of these requirements is provided in sections 8, 11, 12 and 13 of this policy.

2.2 Intended audience

All WACHS staff, including contracted agencies and their staff, engaged in taking a picture or recording a video of a part of, or in relation to, a patient's body for clinical and related purposes.

2.3 Opportunities and risk

This policy acknowledges that clinical images may assist in clinical diagnosis and the monitoring of symptoms, provide evidence of care and the impact and efficacy of treatment regimens, facilitate and improve communication on patient management between health professionals and support clinical education. Additionally mobile devices, particularly smartphones, used to capture clinical images can be an expedient and efficient means of capturing, sharing and reviewing images in urgent or critical care situations, as well as for other care purposes.

The policy also notes that the practice of capturing, storing and/or sharing clinical images contrary to the requirements of this policy may:

- lead to a breach of patient privacy
- compromise patient care and trust
- render important health records and information incomplete or inaccurate
- call into question the conduct of the individual employee or contractor.

In this context the policy aligns with the [WA Health Code of Conduct](#) which specifically requires all employees in the WA health system to act professionally and ethically, to demonstrate honesty and integrity in all aspects of their performance and to ensure records are managed in accordance with expected standards.

2.4 General principles

- All clinical images captured by WACHS staff, including contracted employees and other service providers, are the property and copyright of WACHS.
- This policy applies to the use of any devices used to capture clinical images, whether WACHS-issued or personal (refer section [2.11](#)), including (but not limited to):
 - cameras (video and still-image)
 - mobile phones, laptops, tablets or notebooks
 - medical or surgical devices, including remote monitoring systems.
- A clinical member of staff should be present and/or directly assist during any capture of a clinical image, including when preparing and positioning the patient.
- For purposes of providing or refusing consent, patients or guardians must be fully informed of the purpose(s) for which a clinical image is to be captured and used, including both primary and any intended secondary uses.
- Care must be taken at all times when capturing clinical images to prevent unauthorised identification of other patients, staff and/or visitors, unless appropriate to the setting or primary purpose of capture.
- Attention should be paid to the quality of the captured image to ensure the image accurately and appropriately reflects the actual body part, wound or injury and supports clinical decision-making.
- Care must be taken at all times when capturing clinical images to prevent or minimise intrusion or disruption to other patients, staff or visitors.
- When capturing or recording clinical images, care must be taken to avoid interference with the operation of other medical systems or devices. Electromagnetic signals from mobile electronic devices may cause particular interference and their use should be minimised alongside critical care or life support equipment.
- A mobile device and/or related equipment should be cleaned after use or between patients if there is contact with the patient or the patient surrounds (e.g. bedside table).

2.5 Privacy and disclosure

- The definition of a record under the *State Records Act 2000* includes clinical images and in both digital or print format. All such images are subject to general privacy principles as outlined in the Freedom of Information Act 1992.
- Provisions of the *Commonwealth Privacy Act 1988* apply to any private organisation with whom a clinical image may be shared, where appropriate patient consent for such sharing has been provided.
- Clinical images must be available for disclosure at any time if requested by or on behalf of the patient, the WA Department of Health or a Court of Law.

2.6 Confidentiality

- The WA Department of Health [Patient Confidentiality Policy](#) forms part of the [Legal Policy Framework](#) and is binding upon all Health Service Providers and their employees, including contracted agencies and their staff.
- All employees of WACHS have a professional and contractual obligation to maintain the confidentiality of health information, including clinical images, directly or indirectly obtained, created, shared and/or disclosed to them during the course of their care and treatment of patients.

2.7 Patient consent

- Consent must be obtained and documented for the capture of any clinical image and regardless of intended primary or secondary usage.
- Clinical images must subsequently be used only for the purposes for which consent was requested and obtained. If further use is required or intended beyond the initial consent, further consent must be obtained from the patient (or guardian).
- Verbal consent must be obtained and noted in the patient health record for any clinical image captured for clinical care purposes. Where written consent is required based on regional practices, the relevant local/regional consent form for photography/videography must be completed and filed as appropriate in the patient health record.
- Written consent **must** be documented for any non-clinical usage of the clinical image, for example educational purposes, formal publication or use in promotional materials.
- Separate consent must be obtained for each individual occasion a clinical image is requested.
- To ensure an informed decision on consent the patient (or guardian) must be fully appraised of the intended usage of the clinical image. An interpreter must be provided where necessary to support clinicians in addressing any patient (or guardian) queries or concerns.
- The patient (or guardian) must be advised that their consent to the capture of a clinical image may be revoked at any time and without prejudice.
- The patient (or guardian) must be advised that refusal to consent to the capture of a clinical image will not result in a denial of care.

- In limited situations a Consultant or Senior Clinician may authorise the capture of a clinical image without patient (or guardian) consent, including where:
 - the image is required for emergency assessment or treatment and patient consent is not possible or practical under the circumstances
 - a request for the image is in direct response to a court order
 - a non-accidental injury is suspected and the patient (or guardian) may be unwilling to consent.
- In all the above limited situations, the captured clinical image(s) may be used for clinical assessment and treatment purposes only, with reason(s) for unauthorised capture documented in the patient health record.
- The [WA Health Consent to Treatment Policy](#) should be referenced where appropriate.

2.8 Cultural and other sensitivities

- When capturing a clinical image, care must be taken at all times to respect the cultural, religious, ethnic or personal beliefs and sensitivities of the patient (or guardian) and their families.
- Staff should consult the WACHS [Chaperone Policy](#) where appropriate.

2.9 Identification of clinical image

- All clinical images captured for clinical care purposes, regardless of format or output, must include minimum identifying patient details including **surname, first name, unit medical record number** and **date of birth**.
- Staff should be mindful that where minimum identification details are not recorded on a clinical image, physical characteristics captured within the image itself (e.g. unique tattoos and birthmarks) may still inadvertently identify the patient.
- For clinical images re-produced in hardcopy, including for attachment to the patient health record, a standard webPAS identification label should be used where available.

2.10 Clinical image devices

- A range of devices may be used to capture/record, store, transmit and view clinical images including:
 - cameras (video and still-image)
 - mobile phones, laptops, tablets or notebooks
 - medical diagnostic and/or surgical equipment, including remote monitoring systems
 - desktop PC and monitors.
- Responsibility for the correct and appropriate use of the image capturing device rests with the individual user, including procedures outlined in this policy for the secure capture, storage and transmission of any captured clinical image.
- Where cameras are used, professional advice (where available) on whether or how to use should be sought before proceeding.

- WACHS-issued mobile phones used to capture clinical images must have security controls and be compliant and managed in accordance with the Department of Health's [Information Security Policy](#) and WACHS [Mobile Device Policy](#) to prevent unauthorised access or disclosure.
- As per the WACHS [Mobile Device Policy](#), the capture, storage and transfer of patient information (including clinical images) on mobile devices must be minimised. Other WACHS-issued devices and applications should be used where practical.

2.11 Use of personal devices for clinical image capture

- Item **3.2.6.2** of the [Information Security Policy](#) states staff may be permitted to use personal devices (i.e. mobile phones) to access WA Health systems and applications subject to listed conditions and requirements. Item **3.2.6.2.3** confirms privately-owned devices in particular may be used where 'Bring Your Own Device' (BYOD) services and technical capabilities are available, and mobile device management software installed to safeguard health information.
- BYOD services and technical capabilities are not yet available within WACHS to specifically support the capture and sharing of clinical images. Accordingly, **this policy does not endorse the use of personal devices for clinical image capture in the absence of these requirements.**

2.12 Clinical image capture, storage and retention

- As noted in [2.1](#), all clinical images constitute a part of a patient's health record and must be filed accordingly within the local facility health record or stored, where appropriate, in the WACHS Medical Image Manager (MIM) database, where available.
- The retention and disposal of clinical images must comply with the Department of Health's [Patient Information Retention and Disposal Schedule Policy](#).
- Clinical images captured by medical diagnostic devices or other equipment during a procedure should be printed and stored in the patient health record. Where the image is to be stored on the device itself or in the WACHS Medical Image Manager (MIM) database, either practice must be clearly documented in the patient health record to support retrieval and disclosure, including under the *Freedom of Information Act 1992*.
- Clinical images captured as a result of a telehealth consultation and/or phone/video conference, or using medical or surgical devices, are governed by the same principles and requirements for capture, storage, secure management and retention as described in this policy.
- Any recording of telehealth videoconferences that include patients must adhere to the principles outlined in this policy including being appropriately and securely stored, tracked and documented.

2.13 Clinical image transmission and access

- Clinical images must only be used for the purposes for which patient or guardian consent was obtained.

- No clinical image may be transmitted or shared for any purpose in the absence of appropriate consent as outlined in section [2.7](#) of this policy.
- Clinical images captured and stored electronically, and for clinical or related purposes, may be shared with a clinical colleague within WA Health subject to conditions, requirements and secure file transfer methodologies outlined in the Department of Health's [Information Security Policy](#). Alternatively, access to the clinical image may be facilitated directly through authorised access to the WACHS Medical Image Manager (MIM) database. All such sharing must be documented in the patient health record.
- Transmission of any clinical image beyond the WA Health Network is not supported or authorised by this policy, however where such transmission is required, and appropriate consent has been obtained, images must only be shared in accordance with the Department of Health's [Information Security Policy](#), specifically as noted under section 3.2.5.3 in relation to secure file transfer.
- Clinical images must not be transmitted to an internal or external-to-WA Health colleague using unsecured messaging or email accounts including through use of Facebook, WhatsApp or other social media applications.
- As any clinical content, including clinical images, are at potentially high risk while stored on a mobile device, staff must transfer the image for storage to the WACHS Medical Image Manager (MIM) database or for attachment to the patient health record as soon as possible, and ensure deletion of the captured image from the device.

2.14 Use of clinical images in clinical education or for publication

- Educational uses of clinical images may include presentations to (or at) internal or external-to-WA Health events or to external organisations.
- The use of clinical images in medical publications may include printed or online/electronic journals.
- Written consent for these or other related purposes must be obtained as per section [2.7](#) of this policy.
- Patient demographic details, or related health information which may in any way identify the patient, must be removed from any clinical image used for educational or publication purposes.

2.15 Hard-copy image photography, storage, access and use

- Clinical images output to hard-copy format, and for filing within the patient health record, must be attached to a photography backing sheet and appropriately labelled with minimum identification details as noted under [2.9](#).
- Video output to CD or DVD must be placed in a multimedia envelope, labelled with minimum identification details as noted under [2.9](#) and filed in the Investigation section of the patient health record. For further information please refer to the WACHS [Health Record Management Policy](#).

2.16 Image capture by external agency

- Where indicated for clinical purposes (e.g. for tailoring pressure garments for burns management), and with appropriate patient consent, an external provider may be permitted to capture a clinical image of the patient. If an external supplier requests a clinical image be taken by the health facility for the above or other identified purposes, professional photographic services or expertise should be sought where available.

2.17 Photographs taken for patient identification purposes

- For patients identified as ‘wanderers’ or for reasons relating to mental health state or ability to wear a patient identification bracelet, a still photograph may be taken to assist in locating the patient if or when absent from the ward or facility. Appropriate consent for such purposes must be obtained and documented in the patient health record.
- A copy of the still photograph should be filed in the patient health record as per section [2.15](#).

3. Definitions

BYOD	‘Bring Your Own Device’ – refers to an approved use of personal mobile devices, under certain provisions, to access secure WA Health applications including the WA Health Network.
Carer	A person who provides personal care, support and assistance to another individual who needs it because they have a disability, a medical condition (including a terminal or chronic illness) or a mental illness, or are frail and/or aged.
Clinical image	Any photographic image, video and/or audio recording captured for clinical care and related purposes.
Health record	The facility-based confidential paper record. May also include information stored in an electronic format, such as the WACHS Medical Image Manager (MIM) database.
Informed consent	Agreement or permission given to act, practice or purpose, providing as much information as necessary has been afforded the individual concerned to enable an informed decision to consent (or not).
Mobile device	May include WACHS-issued or personal smartphones, iPads, tablet PCs, laptops and handheld voice recorders.
Patient	A person who is receiving care in a health service organisation.

4. Roles and Responsibilities

- All staff of WACHS, including contracted employees and other service providers involved in the capture, storage, use, sharing, transmission or management of a clinical image, must act ethically and responsibly, and ensure patient privacy, confidentiality, anonymity and dignity are respected and preserved at all times.
- All staff of WACHS, including contracted employees and other service providers, must comply with all aspects of this policy and adhere to other relevant WACHS and WA Health policies including, at a minimum, the [WA Health Acceptable Use – Information and Communications Technology Policy](#).

5. Compliance

This policy is mandatory, compliance with which must be monitored and reviewed at a local facility or service level to ensure appropriate governance and oversight of relevant processes.

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Employment Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (HSA) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies is mandatory.

6. Evaluation

Evaluation of this policy is to be carried out by the Regional Safety and Quality Coordinator (or delegate).

7. Standards

National Safety and Quality Healthcare Standards (Second edition 2017) – Standard 1.16 - Healthcare records.

EQulPNational Standards (11-15) – Standard 14 – Information Management – 14.1.1.

8. Legislation

The following is a list of relevant legislation available from the [State Law Publisher](#):

- *Health Services Act 2016*
- *State Records Act 2000*
- *Freedom of Information Act 2009*
- *Public Sector Management Act 1994*

9. References

- Australian Medical Association – Medical Indemnity Insurance Association of Australia. ‘Clinical Images and the use of personal mobile devices: A guide for medical students and doctors’.
- Burns, K and Belton, S 2013, ‘Clinicians and their cameras: policy, ethics and practice in an Australian tertiary hospital’, *Australian Health Review*, CSIRO Publishing.
- Mahar, P.D, Foley, P.A, Sheed-Finck, A and Baker, C.S 2013, ‘Legal considerations of consent and privacy in the context of clinical photography in Australian medical practice’, *MJA*, 198 (1), 48-49.
- National Health Services Scotland. Guidance on the use of Mobile Communication Devices in healthcare premises.
- Digital Photography in Wound Management. A Handbook for Health Professionals. Version 2.0 – 18 February 2013.

10. Related Forms

- GS MR30P – Clinical Photography Request and Consent
- WBMR31A – Photograph Consent Form
- MMMR33a – Photograph Consent
- DoH Photography and Film Consent Form A (Adult)
- DoH Photography and Film Consent Form B (Combined Adult and Child)

11. Related WACHS Policies

- [Chaperone Policy](#)
- [Health Record Management Policy](#)
- [Media and Communications Policy](#)
- [Mobile Device Policy](#)
- [Photography and Filming of Clinical Care by Patients, Carers, Relatives, Visitors or Contractors Policy](#)

12. Related WA Health System Policies

- [Information Security Policy](#)
- [Patient Confidentiality Policy](#)
- [Patient Information Retention and Disposal Schedule](#)
- [WA Health Acceptable Use – Information and Communications Technology Policy](#)
- [WA Health Code of Conduct](#)
- [WA Health Consent to Treatment Policy](#)

13. Policy Framework

[Information Management Policy Framework](#)

**This document can be made available in alternative formats
on request for a person with a disability**

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