

Recording (Photographing, Video Recording and Audio Recording) by Patients and Visitors

1. Introduction

1.1. Purpose

This policy sets out Providence Health Care (PHC) expectations regarding Recording (photographing, video recording or audio recording) by PHC patients, residents, clients and visitors ("Patients and Visitors") in PHC facilities, or at locations where PHC provides care.

1.2. Scope

This policy applies to any situations where a Patient or their friends, visitors, family members or members of the public wish to take Photographs, Video Recordings or Audio Recordings in PHC facilities, or at locations where PHC provides care.

This policy does not apply to media requests for Recording. Refer to the [Media Relations Policy](#).

2. Policy

2.1. Recording in a PHC Facility or at Locations where PHC Provides Care

Recording by Patients and Visitors is permitted in PHC facilities or wherever PHC is providing care, unless disruptive to Staff work duties or violates the privacy of Patients.

Patients and Visitors are expected to seek permission from Staff before conducting Recording.

The law does not restrict the Recording of Staff of public bodies in a public setting. Staff are encouraged to take reasonable efforts to manage the situation and deescalate concerns without negatively impacting care.

2.2. Requests to Record

Where there is value to the Patient, and safety and privacy of the Patient and others are not negatively affected, Staff members will thoughtfully consider requests to conduct Recording and accommodate whenever possible. Such reasons could include, but are not limited to, significant life events (e.g. the birth of a child, mobility achievement following an injury), continuity of care (e.g. helping patients better understand their diagnosis, documenting for other care providers), educational purposes (e.g. recording instructions for treatment) or for connecting with family.

Staff will advise Patients that the consent for any Recording is limited to personal use only and explicitly excludes sharing on social media or other public forums without consent of all parties being recorded.

2.3. When Recording is Prohibited

Patients and Visitors must seek permission from Staff before conducting Recording. Staff will ask Patients and Visitors to refrain from or cease Recording if Recording:

- Violates the privacy of other Patients and/or Visitors i.e. Recording takes place without the individuals' or, where applicable, the SDMs' explicit consent. This includes vulnerable and unconscious Patients who will likely be unable to provide consent for Recording.
- Is disruptive to Staff in providing care and/or fulfilling their work duties.

2.4. Resolving Disagreements about Recording

In response to a request from a Patient or Visitor to conduct Recording, the Staff member must take the opportunity to explore any concerns about care or communication which may be prompting the Recording, and consider the most effective and least disruptive means of addressing the situation.

If help is needed to resolve a disagreement about Recording, Staff members must seek assistance from their manager/supervisor, who will review the request and concerns of Staff and make a determination, engaging interdisciplinary consultation and Risk Management for assistance if required.

Managers or Physicians, following review of the situation independently or in consultation with others on the interdisciplinary care team, may determine that:

- a) The recording will be allowed.
- b) Non-urgent care may be suspended or delayed if a Patient in care persists in Recording despite being asked to cease.
- c) Visitors who persist in Recording despite being asked to cease may be asked to leave the premises and not return until such time as there is agreement about whether Recording will be permitted.

In determining whether the Recording may or may not proceed, Managers and Physicians are encouraged to consider the following:

- a) Whether suspension or delay in the care being provided will have a negative impact on the health of the Patient;
- b) Whether the Recording impacts the Staff in performance of activities requiring focus and precision;
- c) Whether the Recording contributes to a sense of trust by the Patient or Visitor in PHC (e.g. family unable to visit in person);
- d) Whether there is likelihood that the Patient or Visitor will disseminate the Recording in public or on social media with the intent of diminishing trust in PHC (e.g. public trust).

Staff may request that a Patient or Visitor erase information obtained without consent or that breaches the privacy of others; but must not attempt to confiscate cameras, cell phones or other Recording devices that belong to Patients or Visitors, or attempt to erase information from such equipment. Staff may also engage Security for support if required.

2.5. Recording Without Consent

Staff may discover a Patient or Visitor has recorded because of concerns about care, mistrust or for some other reason. Staff will sensitively seek to address the concerns with the Patient or Visitor and consult with their manager, who may contact Risk Management or the Leader on Call (LOC) for further direction.

2.6. Responsibilities

2.6.1 PHC Staff

Staff will:

- Consider and accommodate all reasonable requests from Patients or Visitors to conduct Recording.
- Request that Patients or Visitors conduct Recording in a manner respectful of others' personal privacy.
- Request that Patients or Visitors obtain consent from those being recorded or from the SDM, where applicable.
- Explore and attempt to resolve a Patient or Visitor's concerns about care or communication, which may be prompting the perceived need for Recording.
- Sensitively and with explanation decline a Patient or Visitor's request to conduct Recording if Recording disrupts provision of care or affects other Patients' or Visitors' privacy.
- Not attempt to confiscate any Recording device belonging to a Patient or Visitor, or attempt to erase Recordings taken by a Patient or Visitor.
- Immediately report any potential privacy breach to the PHC Information Access & Privacy Office.
- Document in detail patient discussions/requests to stop recording because it is violating patient privacy and/or disruptive to staff.
- Notify PHC Communications and Public Affairs if there is a potential for inappropriate recordings to be posted social media.
- Get assistance/support if they feel unsafe/uncomfortable asking the Patient/Visitor to stop recording.

If a Patient or Visitor disregards a Staff request to refrain from or cease Recording, Staff will:

- Seek assistance from their manager/supervisor, who may contact Risk Management for support to explain the importance of privacy and/or not disrupting care provision, and/or Security where available and/or the Leader On Call as needed.
- Consider tracking the incident in the Patient Safety and Learning System (PSLS).
- Report incidents, where they feel threatened by patients/visitors recording them, to the Provincial Workplace Health Contact Centre 1-866-922-9464.

2.6.2 Managers/Leaders

Managers/Leaders will:

- Assist in resolving disagreements about or complaints arising from Patients and Visitors regarding Recording.
- Explore alternative strategies to minimize disruption and maintain safety and privacy for Patients, Visitors and Staff.
- On request of Staff who decline to be recorded while providing care, and Patients or Visitors seek to record anyway, review the situation to determine if recording is appropriate, and if it is, attempt to find Staff who will consent to be recorded.
- Engage Security where available if the recording is not appropriate and the Patients or Visitors refuse to stop recording.
- Engage Risk Management in the resolution of disagreements about Recording by Patients and Visitors, as needed.

2.6.3 Risk Management

Risk Management will be available to support managers/supervisors in their conversations with Patients/Visitors and in the resolution of disagreements about Recording by Patients and Visitors.

2.6.4 Security

PHC sites with on-site Security Officers will respond to requests for security assistance arising from Recording by Patients or Visitors.

3. Compliance

All staff members are responsible for adhering to this policy and monitoring their activities in accordance with the policy. Staff can not arbitrarily refuse an individual the right to record, rather Staff must ensure any Recording complies with this policy. Staff members may warn others if they observe a violation of this policy. Failure by staff to comply with this policy may result in disciplinary action up to and including termination of employment, services or privileges.

4. Supporting Documents

4.1 Related Policies

- [Information Privacy and Confidentiality Policy](#)
- [Managing Privacy Breaches Policy](#)
- [Patient Safety Incident Management](#)
- [Family Presence](#)

5. Definitions

“Disruptive” refers to any behaviour that interferes with the provision of care.

“Patient” means any person receiving care or services from PHC, including residents, tenants and clients.

"Recording" refers to photographing, video recording or audio recording

"Staff" means all officers, directors, employees, physicians, dentists, midwives, nurse practitioners, residents, fellows, health care professionals, students, volunteers, researchers, contractors and other service providers engaged by PHC.

"Substitute Decision Maker" (SDM) - If a decision is made that an adult is incapable of making a consent decision, consent must be obtained from a properly executed Advance Directive or from someone on the patient's behalf. The person making decisions on behalf of a patient is called a "substitute decision maker".

"Visitor" means any person who visits the Patient and includes friends, family members or other members of the public.

6. References

[Media Relations Policy](#)

7. Appendices

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