

ADM 775 POL Photographs, video captures and recordings by patients and visitors	
Related Procedure : N/A	Associated SNC-O&M Policy and Procedure (if applicable) : N/A
Originating Directorate/Sector : Communications	Creation Date: 2022 / 04 / 04 YYYY / MM / DD
Policy : <input checked="" type="checkbox"/> New <input type="checkbox"/> Revised (changes) <input type="checkbox"/> Reviewed (no changes)	Effective Date: 2022 / 05 / 19 YYYY / MM / DD
Key Words : Public affairs, Communications, Photographs, Audio-video recordings, Captures, Cameras, Video cameras, Smartphones, Electronic tablets, Social media, Patient	Revision/Review Date: YYYY / MM / DD
Approved by : <input type="checkbox"/> Director/Manager <input type="checkbox"/> Risk/Ethics <input type="checkbox"/> Policy & Procedure Committee <input type="checkbox"/> Document Management <input type="checkbox"/> Executive Committee <input checked="" type="checkbox"/> Board of Directors <input type="checkbox"/> CGAS (Comité de gouvernance administration et soutien) <p style="text-align: center;">Date of approval: 2022 / 05 / 19 YYYY / DD / MM</p>	
Scope : <input checked="" type="checkbox"/> MUHC <input checked="" type="checkbox"/> Directorate/Sector : RI-MUHC	
Site Specific: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Site:	Distributed to : <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Director/Manager <input checked="" type="checkbox"/> Other: RI-MUHC Available on the intranet: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Summary: Outline expectations and obligations of patients, residents of the long-term care centre (CHSLD) Pavillon Camille-Lefebvre (PCL) and visitors when taking photographs and captures (audio-visual recordings) in the facilities of the McGill University Health Centre (MUHC) and the Research Institute of the McGill University Health Centre (RI-MUHC).	

(Refer to MUHC Policies and Procedures Manual)

I. Purpose

- Mobile multimedia devices such as cameras, video cameras, smart phones and electronic tablets have become omnipresent, and play an increasingly large role in communication and self-expression, including new opportunities for communicating with Personnel and Professionals, families and third persons.
- The MUHC'S intention, within the framework of the present policy, is to provide a framework for the use by patients and visitors of an electronic device to collect or record voices, sounds and/or images or to make a video to ensure that such use respects the rights of patients, visitors and MUHC staff members, professionals, students and volunteers.

II. Persons/Areas Affected

This policy addresses the use by patients, residents of the long-term care centre (CHSLD) Pavillon Camille-Lefebvre and visitors of electronic devices to collect or record voices, sounds and/or images or to make a video in the facilities of the MUHC and RI-MUHC.

III. References/Definition of terms

- MUHC Code of ethics of employees
- Privacy and Confidentiality of Patient Personal Health Information
- ADM 620 Collection, use, disclosure and retention of photos taken by staff
- ADM 220 Acceptable Use of Informational Assets and the Internet
- ADM 235 Media relations and promotion related to activities at the McGill University Health Centre and Research Institute
- ADM 520 Internet and Intranet Design and Administration Code of ethics of respective professional orders
- All applicable legislation, regulation and By-Laws

Definition of terms:

Discriminatory Statements: are statements that refer to or can be interpreted as referring to a distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Management: refers to individuals acting in a supervisory role of and over the work of Personnel or Professionals. For the purposes of this policy, the term Manager includes, but is not limited to, team leader, supervisor, Manager, chief, assistant director, associate director, director, assistant director general and director general.

DHRCLA: Directorate of Human Resources, Communications and Legal Affairs

Personnel: Management, Professionals, employees, students, residents, volunteers, members of MUHC Committees, as well as contractors or consultants working at or for the MUHC or one of its affiliated organizations;

Personal Information: is any information concerning an individual in written, oral or recorded (audio, photo, video) form whereby the information directly or indirectly identifies an individual, or for which it is reasonably foreseeable in the circumstances that such information could be utilized, either solitarily or with other information, to identify an individual;

Personal Health Information: is not limited to Personal Information, and may include, with respect to an individual, whether living or deceased, information concerning the physical or mental health of the individual, health service provided to, or information collected, including for research projects, in the course of past, present or future health services to said individual;

Professional: Any person exercising their profession at the MUHC or at the RI-MUHC.

Social Media: Media designed for user-generated content which may be disseminated through digital social interaction using easily accessible web-based technologies. Social Media vehicles are, by nature, constantly evolving so a comprehensive definition is difficult to maintain over time;

a few prominent examples of Social Media include Facebook, Twitter, YouTube, LinkedIn, Instagram, TikTok, Flickr, Reddit, blogs, wikis, online forums, etc.

Recorded content: Any and all pictures, images, data and visual and/or aural representations that are recorded or otherwise preserved for projection, reproduction, retention, storage, exhibition, display or transmission, including, without limitation, time code and databases.

Capture: The use of an electronic device to collect or record, for any purpose whatsoever, voices, sounds and/or images or to make a video.

IV. Policy

1- Patient confidentiality

The MUHC's commitment to patient confidentiality is a legal obligation. To this end, patients and visitors are prohibited from publishing any Personal Information, including Personal Health Information, and any recorded content related to current or former MUHC patients and/or their families online. This extends to anonymous patient information, anecdotal patient information and recorded content in which patients are identifiable in the background.

2- Consent

No one may photograph/capture documents containing personal information without the consent of the individual to whom the personal information relates (e.g., computer screens, excerpts from user files, presentations, etc.).

3- Provision of care and services

The taking of photographs/captures shall in no way interfere with the provision of care and services or interfere with the proper conduct of any activity.

4- Infection control and biosafety standards

Photography/captures must comply with infection control and biosafety standards (ref: Canadian Biosafety Standard)

5- Right to prohibit or restrict photographs/captures

The MUHC reserves the right to prohibit or restrict the taking of photographs/captures in certain places or equipment.

6- Taking photographs/captures

The taking of photographs/captures by patients and visitors for the purpose of monitoring the provision of care is prohibited.

At all times, an MUHC worker is free to refuse to allow a user or visitor to have his or her image or voice captured. However, when all persons consent, a photograph/capture by a user or visitor is possible if the caregivers involved deem it appropriate. In particular, a healthcare worker may authorize a photograph/capture in the following contexts:

- When the photograph/capture can contribute positively to the health or follow-up of the user (e.g., filming a procedure for future reference, recording the recommendations of a professional, etc.);
- When the photograph/capture is taken for personal use, in order to preserve a memory of an event or a person (e.g., video of a birth, souvenir photo of a person);
- When a member of the Personnel or a Professional consent to a photograph/capture, he/she must specify to the user that this photograph/capture is strictly for personal use and that it may not be disseminated through any media or social media without the consent of the persons concerned.

If, at the time of discussing with a patient or providing care, the patient or one of his relatives is in communication with a third person via a mobile application (e.g., Teams, Zoom, Skype), the caregiver is free to ask him to suspend the communication.

The patient or a relative who takes a photograph or makes a recording where other patients or visitors are identifiable must have the consent of all persons concerned.

Policies form the written basis of operation, secondary only to legislation and an organization's by-laws. They serve as guidelines for decision-making, prescribe limits and pinpoint responsibilities and accountabilities within an organization while reducing or addressing risk to the organization. They can be viewed as laws, rules or expectations related to an area's mission, values, vision, strategic plan, goals and objectives.

7- Responsibilities

All persons taking photographs or making recordings at the MUHC must comply with this policy and must not in any way:

- interfere with user care;
- interfere with the orderly conduct of any activity taking place while photographs/captures are being taken;
- compromise a sterile medical environment.

V. Special Considerations

Sanctions: Violations of this policy may result in sanctions. Sanctions should be reasonable, fair and proportionate to the nature, importance and consequences of the actions;

Implementation: The Communications Service is responsible for communicating the content of this policy to the MUHC community. Directorates, Personnel and Professionals are responsible for upholding it.

VI. Relevant Forms

N/A



DELETION

Replaced by #: _____ Name: _____

No longer in effect Other: _____

Authorized by:

Name (please print): _____

Signature: _____ Date: _____

Approved by the Policies and Procedures task force committee:

Yes No

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