



## **PEMBROKE SURGERY**

### **PATIENTS RECORDING NHS STAFF**

Pembroke Surgery is committed to providing a safe, comfortable environment where patients and staff can be confident that best practice is being followed at all times and the safety of everyone is of paramount importance.

This policy adheres to national guidance policy –i.e.:- “Patients recording NHS Staff in Health and Social Care settings”.

The Patients Recording NHS Staff Policy is clearly advertised through the website and can be read at the Practice upon request. A notice is also displayed in the Practice Waiting Area.

All patients are entitled to make visual or audio recordings of medical consultation or treatment. Patients’ recordings which are made either covertly and overtly in order to keep a personal record of what the clinician said are deemed to constitute personal “note taking” and are therefore permissible when undertaken for this purpose. While a patient does not require permission to record their consultation, common courtesy would suggest that permission should be sought in most cases.

If any part of the covert or overt recording of the patient’s consultation is disclosed to a third party without the prior consent of the other recorded parties, then depending on the nature and the context of such disclosure, a criminal offence may be committed, civil legal action may be taken, or a breach of the Data Protection Act may occur.

Criminal offences could arise from unauthorised disclosure, depending on how that disclosure or publication is made.

## **Patient Recordings in Consultation Rooms**

### **Overt/Covert patient recordings**

Although we cannot place restrictions on a patient wishing to record notes of a consultation or conversation with a health professional, where it is felt absolutely necessary by the patient to do so, we should ensure that:

- Any recording is done openly and honestly.
- The recording process itself does not interfere with the consultation process or the treatment or care being administered.
- The patient understands that a note will be made in their health record stating that they have recorded the consultation or care being provided.
- The patient is reminded of the private and confidential nature of the recording and that it is their responsibility to keep it safe and secure.
- Any recording is only made for personal use.
- The misuse of a recording may result in criminal or civil proceedings.

## **Patient Recordings in Common Rooms (Reception Front Desk, patients waiting room, etc)**

### **Overt/Covert patient recordings**

We do discourage patients from undertaking such recordings in the first place as this may breach other patients' privacy and confidentiality. This may also violate data security of Pembroke Surgery premises.

No recording of other patients must be made without their explicit consent. Any such recording is likely to be an interference with their privacy rights.

If a patient feels it is absolutely necessary to make a recording, we will ask that the patient inform our reception/admin staff so they can facilitate this by:

- Advising the patient to come back at a quieter time when required.
- Accommodating the patient in a quiet room/consultation room, where the recording will not capture surrounding visual or sounds to protect other patients' privacy and confidentiality.
- The patient understands that a note will be made in their health record stating that they have made a recording.
- The patient is reminded of the private and confidential nature of the recording and that it is their responsibility to keep it safe and secure.
- No recording of other patients must be made without their explicit consent.
- Any recording is only made for personal use.
- The misuse of a recording may result in criminal or civil proceedings.

All staff are aware of and have received appropriate information in relation to this Patients Recording NHS Staff Policy.