Title: Consent to Photograph or Record

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Pages 1 of 3

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Distribution: Health System Wide

Associated Diagnoses/Cross-References (CR):
- Paper & Video Records, Release of Health System (CR)
- Copy of Seizure Monitoring Video for Patient (CR)
- Patients Reviewing Seizure Video Tapes (CR)
- Video Tape Use (CR)
- Video Monitoring Unit (CR)
- EEG Video Monitoring by Critical Care Monitoring Technician # 24 (CR)
- Operative and Other Invasive Procedures (CR)
- Maintaining Confidentiality at CPM (CR)
- Cell Phones, Walkie-Talkies, and Wireless System Use (Hospitl) # 228 (CR)
- Patient Participation in Research, Investigation and Clinical Trials (CR)
- Authorized Media Recording in the Operating Room Suites (CR)
- Social Media Policy (CR)
- Use and Disclosure of Health Information for Marketing (CR)

Purpose: To ensure that the privacy rights of all persons within UAB Health System facilities and clinics are protected when photographing or recording of any kind, visual or audio, takes place.

Scope: This policy applies to all areas of the UAB Health System.

Philosophy: It is our belief that any photographing or recording of any kind be done in a manner consistent with individual privacy rights.

Associated Information:

A. Definitions:
   1. Subject - An individual being photographed or recorded. For the purposes of this policy, the individual may be a UABHS patient, visitor, or employee.
   2. Secure Location - An area or place with restricted and/or monitored physical access.
   3. Recording device – Any device that is capable of capturing and storing or transmitting images, video, or audio. UAB security cameras are exempt from this policy.

B. Background Information: There are times when photographing or recording persons may be necessary, such as for the purposes of teaching and marketing.

Policy:

A. When Permitted: Unless otherwise specified by UABHS policy, a subject may only be photographed or recorded for the following purposes:
   1. Patient/staff identification
   2. Patient treatment
   3. Student/staff education
   4. Research
   5. Medical journal/publication
   6. Marketing by UAB Health System Marketing Communications

B. Consent.
Consent shall be obtained prior to photographing or recording a subject.

1. **General:**
   a. Taking photographs of patients and placing the photographs within the electronic health record for the purposes of patient identification and safety does not require a signed consent. A patient has the right to decline having a picture made for this purpose.
   b. For any photography or recording activities, other than those in support of research and marketing activities, which are discussed below, the subject's prior consent shall be documented on the *Consent to Photograph, Publish or Video Recording* form available on the SCR website.

2. **For Research:**
   a. Photographing or recording patients for research must be done pursuant to a research protocol reviewed and approved by the UAB Institutional Review Board (IRB).

3. **For Marketing/External Use and Involves Health Information:**
   b. Photographing or recording patients by media (UAB or external) and other external entities that involves disclosure of health information shall be permitted only when the UAB Health System *Authorization for Use or Disclosure of Information* form or Callahan Eye Hospital *Authorization for Use or Disclosure of Information* form has been executed (as appropriate) by the patient and approval has been granted by a Health System or Hospital administrator or their designee. (These forms are available on the SCR website.)

C. **Executed consent forms** shall be maintained in a secure location by the department obtaining the recording until all applicable recordings have been destroyed and are no longer in use by any UABHS entity.

D. The subject shall have the right to request cessation of recording.

E. A subject shall have the right to rescind consent for use of the photographs or recordings by submitting a written request to UAB. However, any actions taken by UAB with regard to use of the recording or film prior to the rescission will not be affected.

F. **Staff/faculty** shall contact UAB Media Relations whenever media requests access to faculty/staff/patients.
   1. **UAB Media Relations** or their designee shall be responsible for obtaining patient Authorization.
      a. Patient's original Authorization form shall be maintained in patient's medical record.
   2. Representatives from media outlets external to UAB shall be accompanied by UAB Media Relations or their designee.
   3. UAB Media Relations or other administration representative shall obtain written agreements stating any limitations/restrictions on the use of recordings.

G. **Women's and Infants' Services.**
   1. Photographing deceased infants in Women's and Infants' Services shall be performed only after written consent has been obtained from a parent or guardian and documented on the Women's and Infants' Services Bereavement Consent to Photograph form available on the SCR website.
      a. Prepared prints/disk will be provided to mother or designated family member of the deceased, upon request by the method of their choice which may include hand delivery or mailing via United States Postal Service.
      b. Any film negatives, prints, or electronic recordings not in possession of the family will be kept in conformance with applicable UABHS policy (e.g. HIPAA Privacy/Security and Records Retention policies).

H. **Palliative and Comfort Care Unit**

*UAB Health System Interdisciplinary Policy: Consent to Photograph or Record*
1. Photographing patients and family members on the Palliative and Comfort Care Unit shall be allowed after written consent has been obtained from the patient or next-of-kin and documented on the Palliative and Comfort Care Unit Consent to Photograph form available on the unit. The photographing must follow the unit’s established procedure for this purpose.

I. Use of Recording Devices by Patients, Patients’ Family, and/or Friends of a Patient.
   1. All staff shall be vigilant for the presence of camera recorders within the institution.
      a. Photographs or recordings of a patient by a family member or other individual for use by the patient/family shall not be permitted in areas where the potential of capturing another patient, another patient’s visitor, or another patient’s protected health information exists.
      b. Employees may refuse to be captured in photographs or recordings for use by the patient/family.
      c. Photography or recording shall not occur during cardio-pulmonary resuscitation or other emergency or first-responder situations.
      d. Cameras or recorders of any kind are not allowed on patient care units within the Center for Psychiatric Medicine.
      e. Photography or recording shall not occur during the course of vaginal or cesarean section deliveries.
         i. Before and after the delivery of the infant, family members may record at the discretion of the caregivers and the physicians.
         ii. Photographs or videos that expose the patient’s perineum, abdomen, or breast shall not be allowed.
      f. Photography or recording shall not occur during invasive procedures such as circumcisions or epidural placement.
      g. Patient care must not be compromised in order to permit recording. Filming may be terminated at the staff’s discretion.

J. Law Enforcement.
   1. UAB Health System shall fully cooperate with law enforcement officers acting in the course of an official investigation to include photographing or recording.

...REFERENCES: None

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Cross-References (CR):

ATTACHMENTS: None.

All forms referenced in this policy are available on the SCR website:
- Consent to Photograph, Video, or Audio Record Form
- UAB Health System Authorization for Use or Disclosure of Information
- Callahan Eye Hospital and Clinics Authorization for Use or Disclosure of Information
- Women’s & Infants’ Services Bereavement Consent to Photograph
- Palliative and Comfort Care Unit Consent to Photograph

UAB Health System Interdisciplinary Policy: Consent to Photograph or Record
### INTERDISCIPLINARY COLLABORATION

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<td>05/05/17</td>
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<tr>
<td>Information Security &amp; Privacy Committee</td>
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#### Tracking Record

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<th>Consent to Photograph, Videotape, Audiotape or Film, 10/21/02, 09/08/04, 05/02/05, 02/01/10, Consent to Photograph, Video, or Audio Record # 510/5 (02/04/13), 01/05/15</th>
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<td>REVISIONS:</td>
<td>Consistent with Joint Commission Standards, this policy is to be reviewed at least every 3 years and/or as practice changes.</td>
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