

Freedom of Information Request - 3339

In your request you asked for the following information: -

1. Do you have a policy regarding photography of patients and/or the use of photographic devices within your organisation, please list and supply all that apply?

The Trust has a 'Photography and Recording Policy' which was last issued in May 2015 and is available to all staff through the Trust's intranet.

2. How many clinical photographers do you employ?

The Trust does not employ any clinical photographers.

3. Do you audit photographs taken of patients within your organisation for clinical and/or non clinical uses? (Audit means that you actively look at your systems for photographs taken and by whom, also you look at any cameras/devices you allow to be used and report on the use)

Photographs of patients are not audited, however, the Trust routinely monitors the photography and recording that takes place on its sites. Divisional Risk Leads and an Information Governance Committee ensure there are no breaches in patient consent, that photographs/videos/recordings are stored securely and password protected, and that they are deleted when no longer required.

4. Please list all the photographic devices you allow to be used or supply staff to use. i.e compact cameras, staff personal mobile phones etc

The Trust does not have a list, however all Trust mobile devices have the camera disabled by default and only approved cameras can be used.

5. How many patients (count repeated sessions separately) were photographed by staff not classified as professional clinical photographers during the period 1/1/2015 to 31/12/2015?

Mid Cheshire Hospitals NHS Foundation Trust does not hold the information you have requested in such a way to make this easily identifiable and retrievable. This is because this information is not held centrally and or electronically and in order to comply with your request an extremely large exercise would be required to acquire and collate this information from a vast number of individual patient records.

It is estimated that this would take far in excess of the 'appropriate limit' of 18 hours as laid down in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004 and as such is exempt under S12 of the Freedom of Information Act.

Section 12(1) states that: "Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."

Under Section 16 of the Act the Trust is under obligation to provide advice and assistance which may help to bring your request within the appropriate limit. However, the Trust estimates that it is not possible to reduce the information to fall inside the appropriate limit. The Mid Cheshire Hospitals NHS Foundation Trust has therefore, in this instance, declined to provide the

requested information in the interests of Trust resources. This letter should be seen as a refusal notice regarding these parts of your request.

6. Please complete the table below:

N / A, please see the response to question 5 above.

7. How many records exist where consent has been obtained but no photographs are available?

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8. How often are cameras/devices audited?

N / A

9. Do you record the image file numbers that are missing on devices during audit?

N / A

10. Who/which department audits the devices/systems?

N / A

11. How many staff have received informal and formal disciplinary action for breach of related policies?

1 formal & 1 informal

12. How does your organisation store clinical photographs? If an electronic system is used please name the system or described the method of storage.

Photographs that form part of the healthcare record are printed and securely fixed within the patient's medical record.

Where consent has been obtained to take and store images for teaching purposes, research or publication, the clinician is responsible for making appropriate arrangements to secure and safeguard the material on the Trust network. The images are converted into PDF format and password protected on the computer. Such images of patients are only stored for use in connection with Research & Development approved and registered research projects, for publication or for the preparation of teaching materials.

For later retrieval purposes, each image is assigned a file name by which it can be clearly identified, preferably incorporating the patient's hospital number and the date of photography. Patient names are not used as a file name.

All other images are printed for storage in the medical record. In all cases the original is deleted from the camera's memory as soon as possible. Camera memory cards and video media (tapes etc.) are carried and stored separately from recording equipment.

If consent is withdrawn, all copies and the master image are destroyed and only material that is part of the patient's health record is kept.

Before leaving the employment of the Trust, staff erase any digital images of patients from the network unless specific written permission to retain images for teaching purposes is obtained from the Medical Director (Caldicott Guardian) or Legal Services. Such permission may be granted subject to the retention of copyright and all reproduction rights by the Mid Cheshire Hospitals NHS Foundation Trust, and only if proof can be provided that the patient has consented to such uses.

13. How does this system record consent of the patient?

The Trust does not store consent electronically. Instead, patient consent is obtained in writing. One copy of the consent form is filed in the patient's records and another is given to the patient. If the patient has already consented via a Research Ethics Committee, however, then it is not necessary for further consent forms to be completed.

14. How does this method control the use of photographs according to consent of the patient?

Photographs are only used after consent has been obtained

15. How many staff have access to this system?

All staff as the policy is available on the intranet

16. Can these staff access all photographs?

No only staff with access to medical records

17. Please provide minutes, actions and outcomes of the results of the audits during the period stated above.

N / A

18. Please provide any risk assessments regarding clinical photography and specifically clinical photography taken by non-professional clinical photographers.

The Trust does not have a specific risk assessment.

Please feel free to contact me if you would like to discuss your request further. If you are not satisfied with this response, you have the right to appeal. In the first instance, please contact the Trust's Information Governance Manager who will initiate an internal review. The Trust will then review its decision and respond to your appeal, as soon as possible, but within 20 working days. If, following the review, you are still not satisfied with the way we have handled your request, or if you are unhappy with our response, then under Section 50 of the Act, you are entitled to appeal to the Information Commissioner.