

## Patient and Visitor Recording

<b>Sunnybrook Health Sciences Centre</b>		<b>Policy No:</b>	ADM-241
<b>Title</b>	<b>Patient and Visitor Recording</b>	<b>Original:</b> (mm/dd/yyyy)	12/22/2020
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<b>Issued By:</b>	Privacy Office		
<b>Approved By:</b>	Interprofessional Quality Committee		

The Sunnybrook Intranet document is considered the most current.

Please ensure that you have reviewed all linked documents and other referenced materials within this page.

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#### **POLICY STATEMENT**

Sunnybrook Health Sciences Centre (Sunnybrook) recognizes that patients and visitors may wish to make photo, audio or video recordings of clinical or other activities taking place on Sunnybrook property for personal use. Sunnybrook supports personal recording, but must always ensure that any recording respects the individual privacy and confidentiality rights of patients, visitors, and Sunnybrook personnel. This policy indicates both permitted and prohibited patient and visitor recording activities. Where Sunnybrook determines that recording by a patient or visitor does not support safe and compassionate care delivery, Sunnybrook reserves the right to prohibit personal recording by any person, for any purpose.

This policy intends to clarify Sunnybrook's expectations regarding photo, audio, or video recording by patients and visitors. This policy is consistent with and is intended to complement existing policies such as [Privacy and Security of Personal Health Information](#), [Social Media](#), [Media](#), [External Communication](#), [Access to and Disclosure of Personal Health Information](#), [Acceptable Use of Technology and Hospital Equipment](#), [The Respect Program \(Corporate Code of Conduct\)](#) and others.

#### **DEFINITIONS**

**Stakeholders:** persons in the following relationship to Sunnybrook:

- Members of Committees of the Board of Directors
- Members of the Medical/Dental/Midwifery Staff
- Research Staff
- Contract Staff
- Employees
- Volunteers
- Students

**Covert Recording:** any photo, audio or video recording which is undertaken by a patient or visitor without first determining the express consent of any person who may be reasonably recorded.

**Surveillance:** any type of continuous photo, audio or video monitoring by a patient or visitor, with or without recording, of Sunnybrook facilities, stakeholders, hospital operations or patients.

## POLICY

Sunnybrook has established strict guidelines for photo, audio and video recording by patients and visitors in order to protect the safety and privacy of patients, visitors and other **stakeholders**, the confidentiality of patient information, and to safeguard Sunnybrook's reputation.

Consistent with the guidelines of this policy, Sunnybrook generally permits photo, audio or video recording by patients and visitors which has the **express consent of all persons who may be recorded and is not otherwise prohibited by this policy**.

## PROCEDURE

1. Recording which is contrary to the requirements set out in this document or other policies established by Sunnybrook is prohibited.
2. Any form of **covert recording** by a patient or visitor is expressly prohibited.
3. Any form of **surveillance** by a patient or visitor is prohibited without prior approval by Sunnybrook management.
4. Recording by a patient or visitor is only permitted after the patient or visitor obtains the express consent of all persons who may be reasonably expected to be recorded, including any Sunnybrook personnel, other patients, or visitors.
5. No recording shall be made where a person who may be reasonably expected to be recorded cannot provide consent or refuses to provide consent.
6. A person who is requested to provide consent for patient or visitor recording may decline to provide consent without providing a reason for declining. Where practicable, a person declining consent for recording may elect to remove themselves from being recorded at their discretion in order for the recording to otherwise proceed.
7. Sunnybrook personnel who may be requested to provide consent for recording by a patient or visitor may decline to provide consent in circumstances where, at Sunnybrook's sole discretion, the recording is deemed to conflict with their professional responsibilities, or the safe delivery of care to a patient.
8. Any authorized recording of a Sunnybrook patient that reasonably renders the patient personally identifiable as a patient of Sunnybrook is considered personal health information under the *Personal Health Information Protection Act, 2004*. Patient's or visitors who record a Sunnybrook patient are solely responsible for their custody and control of the resulting recording.
9. A person who is suspected of having recorded without authorization may be asked by Sunnybrook to produce a copy of the recording for Sunnybrook's review. At Sunnybrook's sole discretion, Sunnybrook may request that the person securely and irrevocably erase or otherwise destroy any recording already obtained by that person regardless of where or how the recording may have been obtained or retained.
10. A person who is found to be or have been recording in breach of this policy will be informed of the policy prohibiting unauthorized recording and will be asked to cease the recording activity immediately. This conversation may be more successful if staff/leadership use principles of [de-escalation](#) when explaining the policy and attempting to cease any recording activity. See [Appendix 1](#) for a flowchart for informing patient of this policy. If a person refuses to cease recording at Sunnybrook's request, staff should escalate to their respective Manager for assistance. If required beyond that or after hours, then Risk Management/Shift Manager/Hospital Coordinator and/or Security may be contacted to assist in resolving the situation. As with all situations, if staff feel unsafe during the conversation regarding prohibited recording practices, a Security staff assist or Code White should be called.
11. Persons who refuse to comply with this policy may be subject to removal from the hospital's premises.

## APPENDICES AND REFERENCES:

### APPENDICES

[Appendix 1: Flowchart for Informing Patients and Visitors of Policy](#)

