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	Applicability:	<i>UNC Medical Center</i>

Recordings of Patients, Staff and Visitors

I. Description

Requirements for those wishing to photograph, film or record patients, staff or visitors. [Note: This policy does not apply to recordings authorized by UNC Health Care System for operational or treatment purposes, including, but not limited to, recordings for training purposes, quality improvement initiatives, surveillance, or telemedicine.]

II. Rationale

For patient safety and to protect the rights of staff, the University of North Carolina Health Care System (UNCHCS) maintains policies related to the photographing, filming or recording of patients and staff. In addition, it is the policy of UNCHCS to assist the media in obtaining photographs, motion pictures or recordings of UNCHCS facilities, procedures and/or patients when UNCHCS staff, attending physicians and patients have agreed to such photography, filming or recording or as otherwise permitted by law.

III. Definitions

Recordings: This policy and procedure applies to all recordings, films, or other images involving patients or staff, as the case may be, including photographic, video, electronic, or audio media, or any real-time or broadcast representations of the same, such as Skype (collectively referred to herein as "Recordings" or being "Recorded").

Personally Identifiable Information ("PII"): Any information that could be used to identify, contact, or locate an individual, such as name, home address, email address, IP address, telephone number, SSN, MRN/FIN, driver's license number, vehicle registration number, credit card number, biometrics (finger print or voice print), facial photos or images, or a unique characteristic (such as unusual tattoos).

IV. Policy

- A. **Recordings of Patients:** Recordings of patients may be made in accordance with the Procedures set forth in Section V below. In all circumstances, it is the policy of UNCHCS to protect the rights and confidentiality of its patients by following the procedures outlined below. Recordings may also be disallowed or discontinued at any time at the discretion of the responsible health care provider or manager when it may interfere with patient care and/or is in the interest of patient safety, privacy, treatment, and/or health care operations.

- B. **Recordings of Staff:** UNCHCS staff members (including employees, health care providers, faculty, students, and volunteers) should only be Recorded with the permission of the staff member being Recorded. All UNCHCS staff members have the right to refuse to be Recorded, regardless of whether the Recording is being done by a patient, a patient representative, media, UNCHCS representatives, or other individual/entity.
- C. **Recordings of Visitors:** Visitors to UNCHCS facilities have the right to refuse to be Recorded, regardless of whether the Recording is being done by a patient, a patient representative, media, UNCHCS representatives, or other individual/entity.

V. Procedure

A. Procedures for Recordings of Patients, Visitors or Staff Made by UNCHCS Representatives

1. **Treatment:** Recordings of patients made by UNCHCS representatives for diagnostic or treatment purposes are made as determined by the provider and authorized by the patient as part of his/her General Consent to Treatment. Recordings of patients may not be made using personal devices (such as cell phones, smartphones and tablets) except through the use of the Haiku, Canto or Rover applications for Epic and if the personal device complies with the requirements of ["Information Security"](#) and ["Mobile Communication Devices \(MCD\) – Mobile Phones and Smartphones."](#)
2. **Health Care Operations and Research:** Requests by UNCHCS representatives to make a Recording of a patient for health care operations (including but not limited to quality assessment, education and training) or research purposes should be approved by the patient's attending physician. They are authorized by the patient as part of his/her General Consent to Treatment or other authorization, as required by applicable law.
3. **Marketing/News:** Recordings of patients, visitors or staff made by UNCHCS representatives for public relations or marketing purposes must be authorized by the UNC Medical Center News Office and require the consent of the patients, visitors or staff being Recorded. If the Recording involves a patient, the consent is documented in writing on a release form available from the UNC Medical Center News Office or at:
<https://uncmedicalcenter.intranet.unchealthcare.org/Documents/Administrative%20Forms/PatientPhoto-VideoInfoRelease-PR-MedPurposes.pdf>.

The release form must be signed by the patient, provided he or she is at least 18 years of age and competent to sign, or by an authorized representative. The release form for a patient is submitted to and filed by the Health Information Management Department in the patient's medical record.

The Marketing/News representative responsible for the Recording will inform the consenting patient, visitor or staff member in general how the Recording might be used, but need not specify publication date or context in which such Recording will be used.

4. **Recruiting:** Recordings of staff members by UNCHCS representatives for recruiting purposes (e.g., videos used by Talent Acquisition) require the consent of the staff members being Recorded, but written documentation is not required.

5. **Crime Victims:** Recordings of potential crime victims may be made by UNCHCS representatives for the purpose of collecting forensic evidence for possible use in a legal or judicial proceeding. Recordings taken for forensic purposes are not considered part of the medical record and should not be placed in the medical record. See also UNCHCS "[Management of Victims of Alleged Rape or Sexual Offense.](#)"

B. Procedures for Recordings Made by Patients, Patient Representatives or Visitors

Patients, patient representatives or visitors may only record UNCHCS staff members (including employees, health care providers, faculty, students, and volunteers) with the explicit permission of the staff member being Recorded, and a staff member is entitled to refuse for any or no reason.

Under no circumstances may a patient, patient representative or visitor take a Recording of another patient, patient representative or visitor without explicit permission.

Requests to make a Recording of a patient for the purposes of legal documentation should be referred to the UNCHCS Legal Department.

Due to patient safety concerns, whether a patient procedure may be photographed, filmed or videotaped will be determined on a case-by-case basis by the attending physician or surgeon, as applicable, in concert with the patient. Appropriate consent forms are available from the UNC Medical Center News Office, or the UNCHCS Legal Department. The release form is submitted to and filed by the Health Information Management Department in the patient's medical record.

C. Procedure for Recordings by External Media

Media representatives must work through the UNC Medical Center News Office to arrange for permission from appropriate parties and must be escorted by a representative or designee of the UNC Medical Center News Office. As set forth below, no Recording in which a patient is identifiable may be made by a media representative without the prior written authorization of the patient or the patient's authorized representative and with UNCHCS permission.

1. Media representatives wishing to make a Recording inside a UNCHCS facility may do so only with the consent of a representative of UNC Medical Center News Office.
2. When patients appear in a Recording, a representative of the UNC Medical Center News Office will make sure that the patient(s) appearing in the Recording consented to the Recording. The UNC Medical Center News Office will obtain appropriate prior written consent.
3. Consent is granted on a release form available from the UNC Medical Center News Office or at: <https://uncmedicalcenter.intranet.unchealthcare.org/Documents/Administrative%20Forms/PatientPhoto-VideoInfoRelease-PR-MedPurposes.pdf>.

The release form must be signed by the patient, provided he or she is at least 18 years of age and has decisional capacity to sign, or by the patient's authorized representative. The release form is submitted to and filed by the Health Information Management Department in the patient's medical record.

4. A representative of the UNC Medical Center News Office will confer with the patient's attending physician to ensure that the Recording of the patient will not be harmful to the patient or interfere

with patient-care activities.

5. If the patient is an inpatient at UNC Hospitals, the UNC Medical Center News Office representative will notify the patient's head nurse or charge nurse on the floor where the patient is staying prior to any media representative making any Recording. The representative also will notify UNC Hospitals Police, the UNC Hospitals Information Desk, Valet Parking, Ambulatory Care Center, or Family Practice staff, as applicable, and any other affected area if multiple media outlets are involved.
6. **Under no circumstances may photographs, films or videotapes be made by media representatives of patients or visitors at a UNCHCS facility if such patients or visitors are unaware, unwilling or reluctant. The UNC Medical Center News Office should be notified immediately if an unescorted photographer or camera crew appears at a UNCHCS facility.**

D. Procedure for Recordings by External Law Enforcement

Recordings may be made by external law enforcement agencies in accordance with UNCHCS Policy ["Police and Investigative Activities in the Hospital."](#)

VI. Related Policies

[Police and Investigative Activities in the Hospital](#)

[Management of Victims of Alleged Rape or Sexual Offense](#)

[Information Security](#)

[Mobile Communication Devices \(MCD\) – Mobile Phones and Smartphones](#)

Attachments:

No Attachments

Approval Signatures

Step Description	Approver	Date
Policy Stat Administrator	Patricia Ness: Nurse Educator	03/2019
	Betty George: Chief Legal Counsel	03/2019
	Jennifer Markham: HCS-Sr Attorney	03/2019

Applicability

UNC Medical Center