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## TILlicOUNTRY MEDICAL PRACTICE

### Video Recording of Patient Consultations

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| <b>TITLE</b>   | <b>Video Recording of Patient consultations</b>  |
| <b>Purpose</b>   | To provide a process for the safe management of video data to meet the requirements of GDPR, patient confidentiality and also learning needs of trainee GPs and other clinical staff.              |
| <b>Who is affected by the process and to what level?</b> | <p><b><u>Detailed understanding</u></b><br/>All staff working at Tillicoultry Medical Practice.</p> <p><b><u>An Awareness</u></b><br/>All clinicians working at Tillicoultry Medical Practice.</p> |
| <b>Monitoring</b>  | Practice Manager is responsible for monitoring process.  |
| <b>Review Date</b>                                       | 1 October 2021   |
| <b>Responsibility for Review</b>                         | Practice Manager or GP Trainer is responsible for reviewing the process.   |

### Background

- 1 Recording patient consultations for teaching purposes is a recognised and valued part of education in general practice (GP) to help both GP Trainees and qualified GPs develop their communication and consulting skills. Now that the range of primary care professionals is expanding, the technique may also be increasingly used by other clinicians. This advice is intended to help GP practices maintain this learning activity whilst ensuring they meet their responsibilities within the current guidance for information governance, including the recently introduced General Data Protection Regulation (GDPR).
- 2 This guidance is mainly intended for GP Trainees, hence the reference throughout to GP Trainees. The same procedure should be used by any other clinician within a practice recording patient consultations.

### Guiding Principles

- 1 All recorded consultations must be accompanied by a valid signed consent form.

- 2 Only patients who are competent to consent can have their consultations recorded. Consultations with children require signed parental/guardian consent. Special care should be taken with the consent procedure where there might be issues with competency to consent or potential language barriers.
- 3 Recordings of consultations should be handled with the same level of security as patient record files. Recording devices must not be left unattended during the recording process.
- 4 Recordings of consultations should only be taken outside the practice for the purpose of being viewed at a training event. A secure encrypted device must be used.
- 5 Recordings of consultations should not include any examination of the patient where clothing needs to be removed. Adjustments to clothing may be allowable e.g. removing a hat or rolling up a sleeve but not exposing more intimate body areas.

### **Process for obtaining and recording patient consent**

- 1 All practices where consultations might be recorded should have a notice in their reception and/or waiting room areas stating that patient consultations might be recorded for training purposes and Title Sub-title Guidance on Recording Patient Consultations in Primary Care July 2019 that there is a choice as to whether or not patients wish to be recorded without that choice impacting on the provision of their health care. (Appendix A - example of such a notice).
- 2 GP Trainees should identify in advance the times at which they intend to record patient consultations. Last minute arrangements should be discouraged wherever possible.
- 3 Wherever possible, patients should be made aware at the time of booking their appointment that, should the patient agree, the doctor concerned seeks to record the consultation.
- 4 Where the facilities exist for this, when the patient arrives at the practice, they should be diverted to speak to a receptionist (as opposed to registering their arrival at an automatic booking device). The receptionist should give the patient information about the purpose for recording their consultation and then, should the patient agree, ask them to sign the consent form. (Appendix B - example of a consent form).
- 5 The patient will take the consent form into the consultation with them to allow the GP to ensure consent has been given. Once the consultation has been completed, the GP should ask the patient to sign the form again to ensure the patient is happy for the recording to be used for training purposes. The form is left with the GP who will return it to the reception team for filing in the patient's records. If, for any reason, this does not happen the recording should be deleted the same day.
- 6 Patients need to be made aware that they can withdraw consent at any time following this, either verbally or in writing, and it is good practice to confirm that the consultation has been deleted.
- 7 Informed consent should mean that the patient understands that:
  - the recording might be stored by a secure encrypted method until the training event has taken place or for no longer than 3 months, whichever is the shortest period, unless there is a justifiable exception.
  - the recording will only be used for training purposes, including assessment of the doctor, usually within the practice building between trainer and trainee. Sometimes teaching sessions may be held outside the practice in a group setting where the recording may be viewed by other trainers and Trainees.

- that the recording may be used for Trainer skill development in benchmarking their assessments of Trainees.
  - if a training session is being held outside the practice, the recording will be transported via a secure, encrypted method. This recording will be deleted after the GP training session.
  - the patient can request that the recording is stopped at any stage during the consultation.
  - that the patient can withdraw consent at any time even after completion of the consent form.
  - the recording in the practice will be erased after the time period specified above unless written consent is obtained from the patient to extend the specified period.
- 10 Individual patient consent forms should be scanned on to the patient's electronic notes record after the GP Trainee has completed their surgery. Additionally, a note should be made about the anticipated retention period for the recording.

### **Security of recorded consultations**

- 1 Recordings of consultations should be handled with the same level of security as patient record files. It should be recognised that there is a potential risk of breach of confidentiality with any recorded consultation and procedures need to be in place to minimise this.
- 2 The practice has a dedicated recording device for the sole purpose of recording consultations. Personal smartphones or tablets must NOT be used.
- 3 On no account should the consultations be stored on the GPs PC or any place on the practice server.
- 4 The practice will issue a secure PIN authenticated encrypted portable hard drive to any trainee GP at the start of their time in the practice. It is the responsibility of the trainee to manage the safety of the pendrive and the data held on it. Instructions for accessing the PIN authenticated encrypted portable hard drive are available in Appendix D
- 5 On no account should consultations recordings be left on the video camera at any time. Once recorded, the recordings should be transferred to the PIN authenticated encrypted portable hard drive, via a PC and deleted from the video camera media.
- 6 The practice will record in the patient record that consent has been given and should maintain an asset log detailing all recorded consultations that are being stored on any secure encrypted device or drive. Appendix C – example of an asset log
- 7 Storage of Data must comply with current GDPR guidance.
- 8 The camera will be the responsibility of the registrar. This responsibility includes the security of the camera (it should be in a locked location when not in use) and also responsibility for deleting any consultations on the recording equipment after use. Deleting consultation from the camera is particularly important if camera is to be used by others.
- 9 The length of time that a recording can be stored on the secure device/drive is as specified in the previous section.
- 10 Providing that the practice has ensured that the GP Trainee is fully aware of their policy for recording consultations, the GP Trainee should be responsible for the erasure of all recorded consultations at the appropriate time interval and should update the practice asset log when that has happened. The practice will designate a member of staff to have oversight of this too.

The practice will review the log prior to the Trainee leaving the practice to ensure all recordings have been deleted.

- 11 The GP Trainee should follow any additional internal practice procedures as appropriate.

### **Responsibilities for the GP Practice**

- 1 This policy should be discussed with every new GP Trainee during their induction period so that the trainee is made aware of the practice's procedures. Both parties should date and sign to indicate that this has happened.
- 2 The practice should have a robust procedure in place for following the consent process and for storing/deleting recordings in line with GDPR requirements.
- 3 The practice is responsible for providing the appropriate resources to enable patient consultations to be recorded, stored and transported in an appropriate and secure manner.
- 4 The practice should ensure that the GP Trainee is appropriately deleting recorded consultations, both from any recording device and on any secure encrypted storage device/drive.
- 5 If there is ever a data breach, please follow the process as suggested.
- 6 The practice should have an open, transparent and robust process in place for any patients wishing to exercise their rights under the GDPR in relation to the recording of their consultations. Any requests from patients wishing to exercise these rights should be dealt with appropriately by the designated GDPR Data Officer for the practice.
- 7 Practices should provide patients consenting with an information sheet detailing their procedures regarding recording of consultations including their rights under GDPR.
- 8 Patients have a right to request a copy of the recording and if this is made the practice is required to comply or prove that the consultation has been deleted. Completed Practice Asset Log would be sufficient proof of deletion.

### **SUGGESTED PROCESS TO FOLLOW IF THERE HAS BEEN A DATA BREACH**

In the event on any data breach regarding recorded patient consultations:

- 1 The incident will need to be reported to the Information Commissioner's Office and advice on how to do this can be found at:
  - <https://ico.org.uk/about-the-ico/who-we-are/scotland-office> and
  - <https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach>

These documents highlight the importance in having processes in place to learn from them.

- 2 A duty of candour letter will need to be sent to patients when appropriate.
- 3 Seek advice from your Medical Defence Organisation.
- 4 Where Trainees are involved they should inform NHS Education for Scotland as their employer, declare the incident on SOAR (which the ARCP panel can then review), and reflect on the events in an SEA. Practices should declare any breach to their relevant Health Board.

In all cases please inform your Practice Manager or Deputy Practice Manager in their absence.

### **Acknowledgements**

The following resources were invaluable when drawing up this guidance

- 1 Adapted by Dr Kenneth Lee (Assistant GP Director) for NHS Education for Scotland from a document produced by Dr Janet Rutherford, HEE East of England
- 2 Updated Guidelines for Recording of Patient Consultations, Spring 2017 Irish College of General Practitioners
- 3 Guidelines on Safe Storage of videotaping consultations and other Person Identifiable Data, Dr Graham Rutt, GP Dean, HENE September 2014 July 2019

**With grateful thanks to**

- Tracey Gill and Maureen Henderson, Information Governance, NES

## Appendix A

Example of Notice to be Placed in Practice Reception/Waiting Areas

### **Video Recording of Consultations**

This is a GP Training Practice attached to the NHS Education for Scotland Specialty GP Training Programme. We are keen to support the training of new GPs and also to develop the skills of our existing GPs and other staff. As part of this, clinicians working in this practice might make recordings of their consultations with patients to help them improve their consultation skills as well as their ability to talk to patients.

The recording will only be used for teaching and training purposes, usually within the practice building between trainer and trainee, although sometimes teaching sessions may be held outside the practice in a group setting where the recording may be viewed by other trainers and Trainees.

Your consent will always be requested by the receptionist before your consultation is recorded. You will need to sign that consent form again afterwards to say that you are still happy. You can also withdraw your consent at any time following this, either verbally or in writing. The recording will focus on the communication between the doctor and patient and will not record examinations where your body clothing needs to be removed.

If you would rather that your consultation is not recorded, please tell the receptionist. This is entirely your choice and will not affect your health care in any way.

Please also refer to our practice privacy notice which tells you how we manage your personal information when you make contact with us or use one of our services.

The contact details for the Practice's data protection officer are:

**Practice Manager**

**Tillicoultry Medical Practice**

**Park Street**

**Tillicoultry**

**FK13 6AG**

**01259 750531**

## **Appendix B SUGGESTED CONSENT FORM – RCGP JUNE 2018 (Adapted)**

Patient Consent Form for Consultation Recording for Training Purposes

Patient's name:

Place of Recording:

Name of person(s) accompanying patient to the consultation:

Date:

We are hoping to make video/digital recordings of some of the consultations between patients and Dr ..... whom you are seeing today. The recordings are used by qualified doctors training to be a GP to review their consultations with their trainers. The recording is ONLY of you and the doctor talking together. Intimate examinations will not be recorded, and the camera/recorder will be switched off on request.

The recording will only be used for teaching and training purposes, usually within the practice building between trainer and trainee, although sometimes teaching and training sessions may be held outside the practice in a group setting where the recording may be viewed by other trainers and Trainees.

All recordings are carried out according to guidelines issued by the General Medical Council and will be stored securely in line with the General Data Protection Regulation (GDPR). They will be deleted as soon as the teaching event has taken place or within 3 months of the recording taking place, whichever is sooner.

You do not have to agree to your consultation with the doctor being recorded. If you want the camera turned off, please tell Reception – this is not a problem and will not affect your consultation in anyway. If you do agree, you can request that the recording be stopped an any time. If you agree to your consultation being recorded and used for the above purposes, please sign below. Thank you very much for your help.

**TO BE COMPLETED BY PATIENT**

**Before the consultation:**

I have read and understood the above information and give my permission for my consultation today to be recorded.

Signature of patient

.....Date.....

Signature of person accompanying patient to the consultation:

.....

**After the consultation:**

I [am still willing/I no longer wish] my consultation to be used for the above purposes. Consent can be further withdrawn verbally or in writing at any time after this.

Signature of patient

.....Date.....

Signature of person accompanying patient to the consultation:

.....Date.....

This consent form will be scanned into your patient clinical record for safekeeping.

Appendix C

TILlicouLTRY MEDICAL PRACTICE ASSET LOG OF RECORDED CONSULTATIONS ON  
SECURE ENCRyPTED DEVICE

| <b>Date of Recording</b> | <b>Patient Identifier/CHI</b> | <b>Responsible Clinician</b> | <b>Date of Erasure of Recording</b> |
|--------------------------|-------------------------------|------------------------------|-------------------------------------|
|                          |                               |                              |                                     |
|                          |                               |                              |                                     |

