

PHOTOGRAPHY, FILM AND VIDEO RECORDINGS FOR MEDIA, PROMOTIONAL, FUNDRAISING OR SOCIAL EVENTS POLICY®

DOCUMENT SUMMARY/KEY POINTS

- This policy sets out the minimum compliance requirements for the Sydney Children's Hospitals Network (SCHN) in regards to photography, film and video recordings for media, promotional, fundraising of social events and covers patients, families, staff and volunteers.
- Consent must be obtained for photography film and video recordings.
- Staff, volunteers and third parties may only photograph patients if express written consent is obtained by using the [Consent Photography/Film/Video Recording for Media, Promotional, Fundraising or Social Events form](#).
- Staff MUST NOT take photographs or recordings of patients for private use. It is a breach of privacy laws and disciplinary action may result under the NSW Health Code of Conduct.
- All copyright is vested in the Sydney Children's Hospitals Network, unless otherwise specified.

Related Information

- SCHN [Third Party Access to SCHN Hospitals and Code of Conduct](#) Policy
- SCHN [Social Media](#) Policy
- NSW Health **Code of Conduct** Policy Directive [[PD2015_049](#)]
- SCHN Clinical Images ([Photography, Video/Audio Recordings](#)) of Paediatric Patients
- NSW Health Photo and Video Imaging in Cases of Suspected Child Sexual Abuse, Physical Abuse and Neglect Policy Directive [[PD2015_047](#)]

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	1 st August 2016	Review Period: 3 years
Team Leader:		Area/Dept: Public Relations

CHANGE SUMMARY

- The previous *Photography and Video Recording of Paediatric Patients* policy has been updated and split into 2 separate documents: this policy for Public Relations or social events purposes and a new SCHN Clinical Images (Photography, Video/Audio Recordings) of Paediatric Patients Policy.
- The *Photography and Video Recording of Paediatric Patients* policy has been rescinded.

READ ACKNOWLEDGEMENT

- All managers should read and acknowledge they understand the contents of this document.
- All other staff are to be aware of this document and where necessary, managers should ask relevant staff to read and acknowledge they understand the contents of this document.

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1 Introduction

This policy sets out the minimum compliance requirements for the Sydney Children's Hospitals Network (SCHN) in regards to photography, film and video for the purposes of media, promotional, fundraising or social events. The document addresses photography of SCHN patients, families, staff and volunteers.

Photography, film and video are used for many purposes including clinical, media, publicity, fundraising, internal and external communications, and publications. This includes digital formats. This policy **only** relates to *non-clinical* photography.

Accurate data storage and record keeping is important in minimising the risks associated with photography of patients, families and staff. Confidentiality, data retrieval and detailed information about the image and related decisions must meet legal requirements.

Written consent must be obtained prior to photography or recording of patients. Consent may be withdrawn at any time prior to publication, but once an image or recording is published (whether electronic or printed), it enters the public domain and it cannot be withdrawn. That is if consent is withdrawn after publication, the image/recording may still be accessible.

External photographers and video production teams are required to follow the policy. External photographers/teams must be supervised at all times as per SCHN [Third Party Access to SCHN Hospitals and Code of Conduct](#) Policy.

Other related information, see:

- Clinical Images ([Photography, Video/Audio Recordings](#)) of Paediatric Patients
- [Social Media](#) Policy

2 Recordings for Media, Promotional, Fundraising or Official Social Events

- In the case of third party photography/video/film [recordings], copyright of the images remains with the third party unless copyright is assigned to SCHN.
- A Third Party is defined as external to SCHN, such as a non-hospital volunteer, contractor, individual, group or organisation. Third party groups or organisations usually fall into one or more of the following categories (a) media (b) entertainment (c) providing a service to SCHN (d) fundraising for an SCHN entity.
- Consent must be obtained before any recordings are taken. See below for more details and [Section 5](#).
- Consent Forms must be stored by the department organising the recording. It is the department's responsibility to ensure the storage and retention of the photos and consent forms meet the Health records and Information Privacy Act requirements.
- Recordings in the control of SCHN may only be used *for what is specified in the consent*.

- If recordings are held by SCHN and not a third party, consent may be withdrawn at any time before publication using the 'withdrawal of consent' form. If a withdrawal of consent is received, images must be deleted by the Department holding the files.
- Recording requests may be refused or individuals directed to cease recording by staff on the ward or any hospital area if it is deemed inappropriate or insensitive to record in a certain location or if there is a possibility of Work Health Safety issues.

Under no circumstance may public interviews or recordings be carried out in or around a SCHN facility or its grounds without the express permission of Public Relations at The Children's Hospital at Westmead or Sydney Children's Hospital, Randwick.

A Public Relations staff member **must** be present unless the authority has been delegated to another staff member.

Staff must not take photographs or recordings of patients for private use. It is a breach of privacy laws and disciplinary action may result under the NSW Health Code of Conduct.

2.1 Photography of patients

- **Written consent must be obtained** for all photography/filming of patients. The purpose of the photography/filming must be explained and noted on the consent form. Refer to [Section 5](#), for Consent details.
- **The exception** is for entertainment events that generate media interest. Gaining written consent may not be possible. The privacy of patients and families wishing to participate in the entertainment event, but who do not wish to be involved in the associated media activity, must be respected. If possible, advance notice of the media interest should be given in the form of a general announcement that media is present and if families do not wish to be photographed/filmed, they should inform staff co-ordinating the event. Arrangements should then be made to locate the patient/families in an area where media will not film or photograph. The media should be made aware of the location. Not consenting to filming or photography will not impact on patients/families attending the event.

External photographers and video production teams are required to follow these terms and be supervised at all times.

- *Recordings may only be used for what is specified in the consent* and families/patients should be contacted each time the image or recording is to be used for a significantly different purpose.
- Consent may be withdrawn and images held by SCHN must be deleted by the department holding the files. See [Section 5.8](#) for details.
- Consent should be questioned if a lengthy period of time has passed or if a family's circumstances may have changed e.g. change in child's condition.

2.2 Photography of family and visitors

- The purpose of the photography/filming should be explained to family and visitors. If they wish to participate, it is best practice for written consent to be obtained if the image is to be stored; to assist in future identification of the photographic subject.
- If written consent is not obtained, verbal consent **must** be obtained before images are taken.
- The department organising the recording must store the consent form.
- Consent may be withdrawn and images held by SCHN must be deleted by the department holding the files. See [Section 5.8](#) for details.

2.3 Photography of staff and volunteers

- Members of staff or volunteers have the right to decline participation in a photo shoot, filming or media interview.
- If staff or volunteers wish to participate, it is best practice for written consent to be obtained if the image is to be stored; to assist in future identification of the photographic subject.
- If written consent is not obtained, verbal consent **must** be obtained before images are taken. (Refer to [Section 5](#) for more information).
- The department organising the recording must store the consent form.
- Consent may be withdrawn and images held by SCHN must be deleted by the department holding the files. See [Section 5.8](#) for details.

3 Recordings of others by families and visitors

- Staff should encourage visitors not to take a photo of another patient, family, staff or volunteer without the consent of the person or family. **It is a breach of privacy.**
- Hospital guests, tour participants and members of the public must obtain approval from their host, Public Relations or the area manager prior to using their personal cameras in the Hospital. **No photographs or filming of people can take place without consent.**
 - Refer to the [Third Party Access to SCHN Hospitals and Code of Conduct](#) policy for more information.
- 'No Photography.' posters are available. ([Appendix 4](#)) Contact Public Relations for advice if required.

4 Photography/filming for Personal use by Staff

Staff must not take photographs or recordings of patients for private use. It is a breach of privacy laws and disciplinary action may result under the [NSW Health Code of Conduct](#).

5 Consent

5.1 Who obtains consent

- For media, publicity, internal and external communications purposes: The Public Relations Staff is responsible to ensure consent is obtained.
- For other purposes, consent may be obtained by other staff.
- If consent is not obtained, recordings must be deleted.
- Consent remains valid until withdrawn; however, consent should be re-visited if a significant period of time has passed. Family and patient circumstances may have changed and it may be inappropriate or insensitive to re-publish an image without checking first. See [Section 5.8](#) for more information on withdrawing consent.

5.2 When talking to Patients/Parents/Carers about Consent

Recordings will vary from simple photographs to visual and audio recordings and can be for a variety of non-clinical purposes. The amount of information to be provided before seeking consent will vary according to the nature of the recording, what it will be used for and the concerns of the individual patient/ parent/staff/visitors.

Consent must be freely given. The patient, parent or guardian must not be coerced, pressured or intimidated. They should feel that they have a choice and are given sufficient time to decide.

Provide the following information:

- The specific purpose/s of the recording and how it will be used.
- Patients/parents/carers may withhold consent and this will not affect the quality of the healthcare they receive.
- Patients/parents/carers may withdraw consent at any time after the recording has occurred but once published in the public domain, for example published in print or electronically, there is no opportunity for effective withdrawal of consent.

5.3 Capacity to give consent by patients

- Refer to Appendix 1 for the Consent form
- Consent can only be given by a patient who has the capacity to consent. For further information refer to NSW Health [Consent policy](#).
- The consent for patients less than 14 years of age should be given by the parent or legal guardian who should sign the consent form. However, if a child or young person does not want a recording to be used, it must not be used, regardless of whether the parent or guardian consents.
- For patients of 14 - 16 years of age, efforts should be made to obtain the consent of the parent or legal guardian, unless the patient is assessed as being mature enough to provide consent themselves, and objects to their parent/guardian being involved in decision making.
- It is presumed that patients 16 years and over can consent independently, although this may need to be reviewed in certain circumstances. For example, the patient may be in the care of Family and Community Services or lack the capacity to consent.

5.4 Consent and anonymity

- Photography/filming may need to have people in the background if in a busy area. People in the background can be filmed/photographed out of focus to achieve anonymity. Consent is not required. Signage indicating filming is in progress enables those who do not wish to be involved to move away.
- If people can be identified and do not consent, faces can be blurred to achieve anonymity.
- A patient or family member may wish to be involved in a media story, but remain anonymous. This can be discussed and planned with the media outlet, the parent/carer and Public Relations. Recording can be done in such a way as to achieve anonymity, for example shot from behind, or in silhouette. The consent should state that the patient, parent or guardian is aware, that despite this action, it may be possible to identify the patient.

5.5 Staff and volunteer consent for recording/s

- Under the Health Records and Information Privacy Act 2002 no recording/s may be undertaken without the consent of the person participating in the making of a photograph, or video.
- Consent must be freely given by staff members or volunteers and they must not be coerced. This would include pressure from hospital staff, patients or family.
- The staff member or volunteer must be able to understand the implications, as the recording may be displayed in multiple media markets, including social media or used as stock images.
- The consent should be specific, and is **valid only** in relation to the purpose for which the staff member or volunteer has been informed and has agreed to.
- When performing a recording for which consent has been obtained, and then to undertake additional recording for 'stock' material, to be used later or in other projects not specified in the original consent, is a breach of the primary consent. New specific consent must be obtained before the images can be used.
- The department coordinating the recordings must ensure storage and retention of the photos and consent forms meet the Health records and Information Privacy Act requirements.

5.5.1 Kids Simulation Australia

Kids Simulation Australia is the simulated learning environment for the Sydney Children's Hospital Network. From time to time some activities are recorded and content used for educational purposes. Media consent forms ([Appendix 5](#)) are provided to all participants and kept in a local record system. The local work practice pertaining to video recordings and confidentiality agreement can be found in [Appendix 6](#).

5.6 Consent Forms for Media and Publicity Recordings

Recordings of Patients and Families

- The Publicity and Media Consent form for Paediatric Patients should be used. See: http://chw.schn.health.nsw.gov.au/ou/public_relations/resources/forms/media_consent_patient.pdf
- An example of the Patients Consent form can be seen in [Appendix 1](#).
- Media consent forms for paediatric patients should be kept in a separate record system e.g. in Public Relations.

Recordings of Staff and Volunteers

- The Publicity and Media Consent Form for SCHN Staff and Volunteers can be used for photography of staff and volunteers for publicity purposes. See: http://chw.schn.health.nsw.gov.au/ou/public_relations/resources/forms/media_consent_staff_and_volunteers.pdf
- An example of the Staff and Volunteers Consent form can be seen in [Appendix 2](#).

5.7 Special circumstances that deviate from the consent process

Consent for deceased patients

- If consent has been previously obtained and the patient dies *before or during* the recording, the parent/guardian/Next of Kin must be consulted to confirm if consent is still granted before the recording is used for any purpose.
- If consent has been previously obtained and the patient dies *after* the recording, and it is intended that the recording be used for media or publicity, it is recommended that the parents/guardians/Next of Kin are contacted and offered the opportunity to withdraw consent (if practicable). For this purpose, it is recommended that the Public Relations Department is informed of deceased patient.
- If consent has *not yet been obtained* and the patient dies, it may be more appropriate to delete all recordings. However, if appropriate, ask the parent/guardian if they wish to proceed. Their wishes must be respected. Consent must be obtained before any recording is used for any purpose.
- In all cases, care must be taken to respect the dignity, ethnicity and religious beliefs of the patient and the patient's family.

Media and publicity recordings at events and activities

Entertainment and celebrity visits may attract media to report/photograph/film the event. Timely completion of individual Publicity and Media Consent Forms may not be possible. In these situations, every attempt should be made to give patients and families advance notice of possible media involvement.

A general announcement advising families of the media's presence should be made before filming commences. Depending on the event, the announcement could be made via a poster, a sign, an announcement at the event or an e-mail to relevant staff. Families can then be invited to inform staff co-ordinating the event/media that they do not wish to be filmed or

photographed. Arrangements should be made to locate the patient/families where media will be asked not to film or photograph.

Not consenting to filming or photography will not impact on patients/families attending the event.

5.8 Withdrawal of consent

- Consent remains valid until withdrawn. Best practice is to consult families if circumstances have changed or considerable time has elapsed.
- Patients have the right to withdraw consent at any time if the recording is held by SCHN.
- If a patient decides to withdraw consent, this must be done in writing and submitted to Public Relations.
- When consent is withdrawn the recordings held by SCHN must not be used and, if possible, should be deleted.
- The **Withdrawal of Consent form** is located at:
http://chw.schn.health.nsw.gov.au/ou/public_relations/resources/forms/media_consent_-_withdrawal_of_consent.pdf
- An example of the Withdrawal of Consent form can be seen in [Appendix 3](#).

6 Confidentiality and Privacy

Breach of confidentiality and privacy may amount to serious professional misconduct and could give rise to civil liability to the individual or Local Health District responsible. Pursuant to the Health Records and Information Privacy Act 2002, it is possible for internal reviews and complaints to be lodged for breach of privacy and compensation sought.

- Best practice requires the management of recordings using an electronic database to assist with storage and retrieval.
- There may be situations where a friend, family member or the patient wishes to have a recording for private purposes. For example, a birthday party for a patient in the ward.
- Use of cameras by patients or family members is subject to the discretion of the ward or area, on consideration of the following factors:
 - Interference with service provision and impact on care.
 - Confidentiality and privacy of other patients and of staff. All individuals who may be captured in the recording must be consulted.
 - Work Health and Safety – does filming or photography interfere with the staff's ability to do their job safely?
- It is suggested to keep a file note of the recording (in the electronic medical record progress notes) that took place and that prior consent if applicable was obtained.

4.1.1 Poster for Patients and Families

- A poster is available to be displayed informing patients and families that photography is not permitted unless permission is given. See [Appendix 4](#) for the poster.
- The department/ward may choose to refuse any recording. If a sign is to be used it should be clearly visible as patients and visitors enter the designated area/ward.
- Sign wording: No Photo Zone -We politely ask that you do not take photos or video in this area unless you have special permission from staff

6.1 Staff use of personal camera, phone or video

Staff must not capture images of patients, families, visitors, volunteers or other staff without consent. **Note:** It is a breach of the *Health Records and Information Privacy Act* and NSW Health Code of Conduct if images are captured for personal use and without prior consent.

Unless previously authorised, all recordings taken on health service facility premises remains the property of the health service, including those taken by visiting health care providers such as Ambulance or Visiting Medical/Dental Officers.

Media outlets and third parties retain copyright for their recordings unless assigned to SCHN.

7 Copyright

Copyright of all recordings is owned by the State of New South Wales through SCHN, excepting those taken by media outlets or third parties. Once formal consent is obtained employees of SCHN are authorised to use the recording for the purposes specified on the consent form.

It is important that in any contract for publication the copyright in the photograph remains with the SCHN and does not pass automatically to the publishers on the first publication.

All freelance photographers and freelance video production teams engaged by SCHN waive copyright ownership of the material that they produce, unless there is a written agreement.

Care must be taken to protect the recording and maintain its integrity ensuring the quality of the recording in terms of resolution and colour depth.

Note: Digital recordings are easy to copy in electronic form and are therefore at risk of image manipulation and inappropriate distribution.

8 Management, Storage and Access

8.1 Digital Records

Digital records are subject to all the same requirements under *State Records Act 1998 NSW* as paper based records and files (State Records Authority of NSW, pg 5, 2008). Digital records include email, word documents, digital video/audio recording, text message, a scanned image and a digital photograph.

All recordings should be stored as digital files in a central secured database where the integrity of the image and associated documentation (see 8.2 below) can be maintained.

8.2 Digital Asset Management (DAM) - Data Protection

"Digital Asset Management" (DAM) consists of the management of tasks and decisions surrounding the ingestion, annotation, cataloguing, storage, retrieval and distribution of digital assets. DAM systems include computer software and hardware systems that aid in the process of digital asset management.

A complete DAM solution is best practice for the cataloguing, storage, retrieval and distribution of digital assets, including consent forms, and electronic data received from affiliated healthcare organisations.

The DAM system must be flexible and interact with and easily manage data (recordings and consent forms) from various devices and technology such as WiFi, computers, smartphones and cameras. A DAM system provides the following protection:

- Manages access to digital repository,
- Controls what material (recordings) users can access.

8.3 Management Storage and Access

- Recordings are to be managed and stored securely by the department responsible for making or requesting the recording. The completed Publicity and Media Consent Form must be filed to ensure easy retrieval and provide access and reference to the original recording. The recording must only be used for the purposes stated.
- Best practice is that recordings should not be permanently stored on external hard drives, computer hard drives or USB flash drives. When stored temporarily, they should be password protected.

9 Copy of recordings and requests for information

9.1 Copy of recordings requested by staff

- All requests for copies of recordings are to be forwarded to Public Relations, CHW or SCH.
- Before a recording is reproduced and used for any purpose, the consent must be checked. An additional consent must be obtained from the patient or guardian if the recording is to be reproduced and used for a purpose other than that indicated on the consent form.
- Prior to any public publication in journals, books, advertising or the internet, the patient's permission for the *specific use proposed* must be sought and written consent obtained. When published electronically and available on the intranet it enters the public domain and cannot be retracted, even if consent is withdrawn. Recordings that are to be used for public relations, publicity or communications purposes, such as promotional or information brochures need to be referred to the Public Relations Department to ensure appropriate permission is obtained from the patient or guardian before the release of any images.

9.2 Copy of recordings requested by patients/guardians

- Patients and guardians have the right to access and receive a copy of their child's recordings under the *Government Information (Public Access) Act, NSW 2009* and the *Health Records and Information Privacy Act*.
- All requests for copies of recordings are to be forwarded in writing to Public Relations.
- Public Relations may not be able to provide copies of recordings taken by third parties.
- In the case of a request by a third party a copy of the recordings can only be released if the patient or their parent/guardian has provided consent.

9.3 Public Relations recordings

- No information about any patient is to be divulged to the public unless permission from the patient or their parent or legal guardian is given.
- All requests to interview/photograph patients for Media purposes must be made through Public Relations Departments. Under no circumstance may public interviews or recordings be carried out in or around a SCHN facility or its grounds without the express permission of Public Relations.
- Media personnel and freelance photographers and videographers must, whilst on NSW Health premises, be accompanied by a Public Relations Officer or nominated staff member.
- A Consent Form must be completed and retained by Public Relations or the Department organising the recording.

Copyright notice and disclaimer:

The use of this document outside Sydney Children's Hospitals Network (SCHN), or its reproduction in whole or in part, is subject to acknowledgement that it is the property of SCHN. SCHN has done everything practicable to make this document accurate, up-to-date and in accordance with accepted legislation and standards at the date of publication. SCHN is not responsible for consequences arising from the use of this document outside SCHN. A current version of this document is only available electronically from the Hospitals. If this document is printed, it is only valid to the date of printing.

Appendix 1: Example Consent form – Paediatric Patient



Patient CONSENT FORM

Photography/Film/Video Recording for Media, Promotional, Fundraising or Social Events

If you or your child is being filmed, photographed or interviewed (the 'Material') as part of an activity **The Children's Hospital at Westmead or Sydney Children's Hospital, Randwick or NETS** you will need to complete and sign this consent form.

Agreement is voluntary and participation or refusal will not affect the care your child receives. You may withdraw your consent at any time.

PARENT/GUARDIAN CONSENT

I agree that The Children's Hospital at Westmead/Sydney Children's Hospitals Network may use this Material (or copies of it) for publication, advertising or illustration, now or in the future. I understand that if the image is published by an external (non-Hospital/Foundation) outlet, whether it is in electronic format or printed media, that it can be difficult to retract.

I consent to my child/children/myself being:

Photographed Filmed Interviewed

I consent to release the following information about my child/children/myself:

Name Age Suburb Medical Condition
(specified) _____

I give consent that the Material can be used for:

Media (as explained) Social Media Fundraising Creative Education

Please complete the information below:

_____	_____
PATIENT'S NAME	PATIENT'S DATE OF BIRTH
_____	_____
PARENT/GUARDIAN NAME(S)	PATIENT'S FAMILY NAMES (if photographed)
_____	_____
PARENT/GUARDIAN PHONE NUMBER (1) PARENT/GUARDIAN PHONE NUMBER (2)	PARENT/GUARDIAN EMAIL
_____	_____
PATIENT'S ADDRESS	PATIENT'S DOCTOR NAME
_____	_____
PARENT/GUARDIAN SIGNATURE(S)	DATE

Public Relations Department to complete:	
_____	_____
PURPOSE	WARD LOCATION
PHOTOGRAPHIC INFORMATION / DETAILS	
_____	_____
STAFF MEMBER NAME	STAFF MEMBER SIGNATURE

Appendix 2: Example Consent Form for Staff and Volunteers



Staff and volunteer CONSENT FORM

Photography/Film/Video Recording For Media, Promotional, Fundraising or Social Events

Complete and sign this consent form if you are being filmed, photographed or interviewed (the 'Material') as part of an activity The Children's Hospital at Westmead or Sydney Children's Hospital, Randwick, NETS or Sydney Children's Hospitals Network.

Agreement is voluntary and participation or refusal will not affect the care your child receives. You may withdraw your consent at any time.

CONSENT

I agree that The Children's Hospital at Westmead/Sydney Children's Hospital, Randwick/NETS/Sydney Children's Hospitals Network may use this Material (or copies of it) for publication, advertising or illustration, now or in the future. I understand that if the image is published by an external (non-Hospital/Foundation) outlet, whether it is in electronic format or printed media, that it can be difficult to retract.

I consent to myself being:

Photographed Filmed Interviewed

I consent to release the following information about myself:

Name _____ Position _____ Suburb _____
(specified) _____

I give consent that the Material can be used for:

Media (as explained) Social Media Fundraising Creative Education

Please complete the information below:

NAME	_____	_____
PHONE NUMBER	_____	EMAIL _____
DEPARTMENT	_____	_____
SIGNATURE(S)	_____	DATE _____

Public Relations Department to complete:

PURPOSE	_____	WARD LOCATION _____
PHOTOGRAPHIC INFORMATION / DETAILS		
STAFF MEMBER NAME	_____	STAFF MEMBER SIGNATURE _____

Appendix 3: Example Withdrawal of Consent form



WITHDRAWAL OF CONSENT FORM

Photography/Film/Video Recording For Media, Promotional, Fundraising or Social Events

PARENT/GUARDIAN WITHDRAWAL OF CONSENT

I withdraw my consent for myself/my child/my Ward/my children to have photos or videos for:

Sydney Children's Hospitals Network
The Children's Hospital at Westmead
Sydney Children's Hospital, Randwick
NETS
Children's Court Clinic

PURPOSE

DATE OF PHOTOGRAPHY _____

CHILD'S NAME _____ DATE OF BIRTH _____

PARENT/GUARDIAN NAME(S)

PARENT/GUARDIAN SIGNATURE(S)

DATE

Appendix 4: Poster for wards/clinics

NO PHOTO ZONE



We politely ask that you do not take photos or video in this area unless you have special permission from staff.



The Sydney
children's
Hospitals Network
care, advocacy, research, education



Appendix 6: Kids Simulation Australia Workflow

KSA workflow for Video Production

