



Recordings Made by Patients Policy

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1. Changes since last approval

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New document	0.1	10/2025

2. References

Document	Location
RCN – Position Statement on third party recording without consent	https://www.rcn.org.uk/About-us/Our-Influencing-work/Position-statements/rcn-position-on-photographing-filming-recording-nursing-staff-by-third-parties-without-consent
BMA – Patients recording consultations	https://www.bma.org.uk/advice-and-support/ethics/confidentiality-and-health-records/patients-recording-consultations
NHSO-CL-POL015 Photographic and Digital Recording Guidelines	Not yet published

3. Introduction

This policy is in place to protect the privacy of patients, staff and visitors and allow staff to challenge individuals making unauthorised recordings.

While patients and service users have the right to be informed and involved in their care, this must be balanced with the rights of healthcare staff to dignity, privacy, and a safe working environment. NHS Orkney takes its duty to protect staff from unsolicited and potentially harmful photographing, filming and recordings seriously.

Patients may request to lawfully record their own consultations for personal use under UK General Data Protection Regulation exemptions, this does not extend to recording staff without their knowledge or consent. This is especially the case if such recordings are shared publicly.

4. Purpose and scope

This policy extends to all filming and recordings whether in health or social care environments, in patients' homes, or in public areas such as streets where community staff are travelling or parking vehicles. It includes all recording devices, including but not limited to mobile phones, tablet computers, doorbell cameras, baby monitors, dash cameras and similar devices.

5. Responsibilities

Staff are responsible for fostering a positive relationship with their patients, and ensuring they understand the content of their consultations and other interactions with staff.

Staff and **managers** are responsible for following this policy where patients are making attempts to record consultations or staff members without consent.

Patients have a responsibility to familiarise themselves with this policy where there are questions or concerns about the nature of their consultation or care. Patients are asked to liaise with staff members directly where they would like to have a copy of any information shared.

6. Recordings Made by Patients

NHS Orkney has a zero-tolerance policy on unauthorised photographing, filming or recording of staff.

This policy extends to staff working in the community where patients may have private CCTV cameras or doorbell recording equipment installed on their property. In these instances, staff should be made aware of this facility in advance of their visit, and where requested patients should turn off this feature.

Signage will be made available in clinical areas to inform patients and visitors that photographing, filming or recording of staff without consent is prohibited.

The photographing, filming or recording of other patients or visitors is similarly prohibited.

7.1 Patient-staff relationship

Patients will be supported to understand the content of any consultation. This may include making recordings with the consent of the healthcare professional(s) involved for personal use only. Any such recordings must only contain the personal information of the patient, and not include that of the staff member(s). In practice this may mean audio recordings rather than videos. Staff are asked to accommodate recordings for these purposes wherever possible, and consider documenting the recording and consent arrangements in the consultation notes.

Whilst recording of consultations may be permitted by healthcare staff, the subsequent posting of the recording on a public forum may breach the privacy and data protection rights of others and is not permitted.

The unsolicited photographing, filming or recording of staff by patients, service users and the public, particularly when such content is uploaded to social media platforms, raises serious concerns regarding privacy, consent, and the psychological safety of healthcare professionals. It may also constitute a breach of privacy, data protection laws and lawful processing under GDPR Article 6 or harassment and can also lead to cyber stalking of identified individuals. Cyberstalking and harassment are criminal offences. Where the activity has caused or is likely to cause harm to the reputation of the individual affected then this may constitute defamation which may be pursued as a civil offence.

7.2 Legal provisions

The legal provisions which apply to recording consultations or other contacts include the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR), the Telecommunications Regulations 2000 and Article 8 of the Human Rights Act 1998.

Patients are advised that they are entitled to see their notes by informally asking the healthcare professional in charge of the consultation. Patients are also able to request a copy of medical notes through a Subject Access Request (SAR) made under the UK General Data Protection Regulations (GDPR). An application form is available on the NHS Orkney website.

7.3 Breaches

In the first instance, staff will make the request that filming ceases immediately and any audio or video recordings or photographs will be deleted. The staff member or their manager will refer the patient or their family member to this policy as appropriate.

As well as seeking immediate resolution with the patient or visitor concerned, staff will also report incidents which may constitute a breach of this policy using the organisation's incident reporting system to allow for internal investigation.

7.4 Escalation

Patients and visitors should be aware that it may be necessary to pursue legal action or involve police services in cases of harassment, defamation, or data protection breaches.

7.5 Consent to make a recording

Exploring the reasons a patient wishes to record their consultation also affords an important opportunity to highlight risk to patients on the potential detrimental effect of sharing their consultations online. This may be particularly relevant where there are concerns a patient may have impaired capacity to make an informed judgement.