



1. Purpose

1.1 To recognise the benefits of taking photographs in Serendipity Healthcare Ltd, whilst protecting the Service User's privacy, acting in the best interest of the Service User as necessary and ensuring that Serendipity Healthcare Ltd complies with legislation and regulation in relation to the taking of photographs.

1.2 To support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
CARING	C3: How are people's privacy, dignity and independence respected and promoted?
EFFECTIVE	E2: How does the service make sure that staff have the skills, knowledge and experience to deliver effective care and support?
SAFE	S2: How are risks to people assessed and their safety monitored and managed, so they are supported to stay safe and their freedom is respected?

1.3 To meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:

- Human Rights Act 1998
- Mental Capacity Act 2005
- General Data Protection Regulation 2016
- Data Protection Act 2018

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- Commissioners
- External health professionals

3. Objectives

3.1 It is acknowledged that photography in health and social care has many benefits, from identifying the Service User, mapping wound progress for accurate assessment and capturing moments of joy and positive wellbeing. This policy sets out to recognise this, whilst ensuring that Care Workers and other relevant staff understand and comply with the rights of the Service User and legislation.

3.2 Serendipity Healthcare Ltd will understand the legal and best practice requirements in relation to using, storing and disposing of photographic images at Serendipity Healthcare Ltd.



3.3 To ensure that Serendipity Healthcare Ltd complies with the General Data Protection Regulation and that the Service User understands that in relation to GDPR and Photographs they have:

- The right to be informed
- The right to access
- The right to erasure

4. Policy

4.1 Service Users will be asked to provide their consent for photographs or for recordings to be taken and will be provided with information regarding the intended use and storage arrangements for these. To achieve this safely the following apply:

- Consent will be obtained as delegated by The Registered Manager
- Photographs/recordings will be stored in a manner that does not allow them to be accessed by unauthorised persons, or for unauthorised purposes

4.2 Photographs will only be taken where it is deemed to be for the benefit of the Service User.

4.3 Photographs taken will be captured using the identified camera of Serendipity Healthcare Ltd. Care Workers will not use their own devices to capture images of Service Users. The intentional taking of images of Service Users is prohibited and could lead to disciplinary action.

4.4 Images will be stored in accordance with the Data Protection Act and Caldicott principles, as defined within this policy.

4.5 Transferring of images electronically (where consented to do so) to other parties such as family members or healthcare professionals will be via as secure a medium as possible at Serendipity Healthcare Ltd.

4.6 Images will never be stored in a way that breaches data protection and Caldicott principles.

4.7 A separate policy is available regarding the use of social networking sites. For the purpose of this policy, however, Care Workers will ensure that no Service User identifiable information will be placed in the public domain without clear consent from the Service User.

5. Procedure

5.1 Photographs of Service Users

Photographs of Service Users may normally only be taken for the purposes of:

- Placing on a Care Plan or Medications Administration Sheet in order to definitively identify the Service User. The photograph for this purpose will be only of the Service User's face
- Placing in a Care Plan to provide definitive proof of the appearance, size or other characteristics of a wound or skin lesion. The photograph for this purpose will be only of the area referred to, with any appropriate scales to indicate size
- Capturing joyful times that evidence the Service User's wellbeing for families and loved ones to appreciate

POL77 – Photographs Policy and Procedure

Serendipity Healthcare Ltd
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- Photographs of Service Users in any other context, such as a social setting or occasion, will be as far as possible, taken to avoid identification of individuals and, where they can be identified, the photograph will only be taken with the specific written approval by each identifiable person of each photograph and according to the context in which it will be used

5.2 Photographs of Service users Documents or Property

Photographs of service users' documents or property may normally only be taken for:

- Photographing service users' medication to add to service users' file
- Photographing service users' documents to add to service users' file

5.3 Storage of Photographs

Following printing or other use of an authorised photograph, the original will be stored in a secure facility accessible to authorised persons only. This may include password-protected media in the case of digital photographs, and locked filing in the case of printed photographs.

5.4 Consent and Capacity Considerations

- Service Users must be advised of the purpose of the photograph before consent is gained
- When approaching Service Users for agreement to take a photograph, consent must be considered in line with the Mental Capacity Act 2005. If a Service User is legally proven to lack the capacity to consent, decisions will be made in their best interest
- In the event of a Service User passing away before consent is gained, images can only be released with the permission of the deceased's personal representative

5.5 Photographs of Employees

Care Workers will be aware of what the photographs will be used for once a photograph is taken. Photographs may only be taken for the purpose of:

- Placing on a personnel file
- An Identification Badge
- As a way of introducing Service Users to the team e.g., website, noticeboards etc.
- In newsletters and articles to promote Serendipity Healthcare Ltd

5.6 General Data Protection Regulation

Serendipity Healthcare Ltd will ensure that it understands the implications of GDPR. Serendipity Healthcare Ltd will review its GDPR policies.

Where services are provided to children or photographs may contain images of children e.g. a Service User's grandchildren, parental or guardian consent will be required and robust child protection processes will be followed. Serendipity Healthcare Ltd will ensure that GDPR legislation in relation to children is followed.

5.7 In the event of a breach in this policy, the following must apply:

- An Occurrence form will be completed
- The incident will be fully investigated and reviewed
- Duty of Candour will be applied
- The incident will be discussed at staff meetings or through supervisions to identify reflection and learning
- Staff will be offered refresher training with the contents of this policy and associated legislation
- Where deemed intentional misconduct by staff, disciplinary action will be taken



6. Definitions

6.1 Caldicott Principles

- The Caldicott Report sets out a number of general principles that health and social care organisations should use when reviewing their use of Service User information and these are set out below:
 - Principle 1 - Justify the purpose(s)
 - Principle 2 - Do not use personally identifiable information unless necessary
 - Principle 3 - Use the minimum personally identifiable information
 - Principle 4 - Access to personally identifiable information should be on a strict need-to-know basis
 - Principle 5 - Everyone should be aware of their responsibilities
 - Principle 6 - Understand and comply with the law

6.2 Data Protection Principles

- Everyone responsible for using data must follow strict rules called 'data protection principles'. They must make sure the information is:
 - Used fairly and lawfully
 - Used for limited, specifically stated purposes
 - Used in a way that is adequate, relevant, and not excessive Principles of the Data Protection Act 2018:
 - Personal data shall be processed fairly and lawfully
 - Personal data shall be obtained only for one or more specified and lawful purposes
 - Personal data shall be adequate, relevant, and not excessive in relation to the purpose or purposes for which they are processed
 - Personal data shall be accurate and, where necessary, kept up to date
 - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes
 - Personal data shall be processed in accordance with the rights of data subjects under this Act
 - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
 - Personal data shall not be transferred to a country or territory outside the European Economic Area

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