NHS Tayside has now considered your request dated 01 July 2019.

**Extract from Request**

“Would you please be able to provide the following information regarding appointments and/or consultations that are held in private settings (i.e. not settings where there is the potential for a breach of other patient’s confidentiality (e.g. group therapy sessions or bays in accident and emergency departments)):

1) Does your Board allow patients and/or their nominated representatives to make audio recordings of their appointments and/or consultations with a member of staff when they ask the staff member if it is acceptable to do so?

2) Could you please provide the name(s) of the policy/policies and a copy of the specific section of the policy/policies that is used to inform staff of the policy/policies when a patient and/or their nominated representatives requests to audio record their appointment/consultation?

3) Does your Board allow patients and/or their nominated representatives to make video recordings of their appointments and/or consultations with a member of staff when they ask the staff member if it is acceptable to do so?

4) Could you please provide the name(s) of the policy/policies and a copy of the specific section of the policy/policies that is used to inform staff of the policy/policies when a patient and/or their nominated representatives requests to video record their appointment/consultation?

5) Does your Board allow patients and/or their nominated representatives to make audio recordings of their appointments and/or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?

6) Could you please provide the name(s) of the policy/policies and a copy of the specific section of the policy/policies that is used to inform staff of the policy/policies if they discover a patient and/or their nominated representatives has audio recorded their appointment/consultation covertly?

7) Does your Board allow patients and/or their nominated representatives to make video recordings of their appointments and/or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?

8) Could you please provide the name(s) of the policy/policies and a copy of the specific section of the policy/policies that is used to inform staff of the policy/policies if they discover a patient and/or their nominated representatives has video recorded their appointment/consultation covertly?

9) Should your Board’s policies not allow patients and/or their nominated to make audio and / or video recordings (having informed the member of staff and/or covertly) of their appointments and/or consultations could you please provide a copy of your Board’s policies regarding what procedures should be followed by both members of the Board’s staff and the patient and/or their nominated representatives where there may be a specific need for the patient and/or their nominated representatives to audio and/or video record their appointments and/or consultations (e.g. medical issues such as dementia, the patient having nobody available to act as an advocate for them or any other need identified by the patient and/or their nominated representatives)?
10) Could you please provide a copy of the impact assessment undertaken of the policy/policies cited in response to question 9?
11) Should your Board’s policies not allow patients and/or their nominated representatives to make audio and/or video recordings (having informed the member of staff and/or covertly) of their appointments and/or consultations could you please provide a copy of the information that staff can give to the patient and/or their nominated representatives explaining why it is not allowed?
12) Should your Board’s policies state that it is for the staff member to decide whether they are prepared to allow appointments and/or consultations to be audio and/or video recorded by the patient and/or their nominated representatives could you please provide the name(s) of the policy/policies and a copy of the specific section of the policy/policies that states what procedures should be followed by both members of the Board’s staff and the patient and/or their nominated representatives when the member of staff states they are not prepared to be audio and/or video recorded but the patient and/or their nominated representatives are insistent on doing so?
13) Should your Board have no policy regarding the situations as detailed in questions 1, 3, 5, 7, 9 or 12 could you please detail what procedures should be followed by both members of the Board’s staff and the patient and / or their nominated representatives should any of the situations detailed occur?”

Response

1) The GDPR does not prohibit individuals from making recordings for purely personal or household activity.
2) NHS Tayside does not have a policy for patient audio recording.
3) The GDPR does not prohibit individuals from making recordings for purely personal or household activity.
4) NHS Tayside does not have a policy for patient video recording.
5) NHS Tayside does not allow for audio recordings to be made without permission.
6) NHS Tayside does not have a policy for patient audio recording.
7) NHS Tayside does not allow for video recordings to be made without permission.
8) NHS Tayside does not have a policy for patient video recording.
9) NHS Tayside does not have a policy for patient audio/video recording.
10) Not applicable.
11) Not applicable.
12) NHS Tayside does not have a policy for patient audio/video recording.
13) NHS Tayside has no documented policies for patient audio/video recording. Audio and video recording consent is on an ad hoc basis.


<table>
<thead>
<tr>
<th>Document Ref.</th>
<th>FOISA Exemption Applied</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>IGTFOISA6464</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
Under section 20 (1) of the Act, if you are dissatisfied with the way NHS Tayside has dealt with your request, you have a right to request a review of our actions and decisions in relation to your request, and you have a right to appeal to the Scottish Information Commission.

A request for an internal review must be made in writing no later than forty working days from receipt of this response and sent to:

Head of Information Governance
Maryfield House (South)
30 Mains Loans
Dundee
DD4 7BT

Or by email to informationgovernance.tayside@nhs.net

If you are not content with the outcome of the internal review, you have the right to apply directly to the Scottish Information Commissioner for a decision. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner
Kincardine Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

Or via the online appeal service: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

If you have any queries about this correspondence, please contact:

Information Governance Team
Maryfield House
30 Mains Loan
Dundee
DD4 7BT

Telephone - 01382 424413
E-mail: informationgovernance.tayside@nhs.net

Information Governance
NHS Tayside
30 July 2019