



Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 3<sup>rd</sup> October 2019  
Ein Cyf / Our Ref: 19-F-046

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✉ FOIA.Requests@wales.nhs.uk

Corporate Services  
Headquarters  
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Port Talbot, SA12 7BR

[Redacted]

[Redacted]

I refer to your Freedom of Information Act Request acknowledged by ourselves on 2<sup>nd</sup> July 2019. I am sorry for the delay in responding. Your request sought information relating to appointments in private settings.

***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?***  
Yes. Our view is that open audio recording is better than covert recording.
- 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?***

I can confirm that there is no policy at present, but formal guidance is due to be released in December 2019. This is currently in draft format and as a result I am unable to comply with your request. This is in line with Section 22 of the Freedom of Information Act which states that information is exempt if it is intended that the information held by the public authority will be published at a future date.



Current support available to staff is found within the Information Governance (IG) Procedures section 7.13 which states:

**“The recording of meetings – audio visual or audio only**

There is separate guidance available on this matter available on the IG Intranet pages (see Section 9.2). It is essential that no patients, relatives or personal information are recorded inadvertently in the background at any time, and that no patient is recorded without their explicit consent for anything other than their direct medical care – or that of their legal guardian if appropriate.”

Section 9.2 of the Information Governance Procedures is a link to the IG Intranet Pages, and the relevant section within these states:

“If you need advice about the recording of meetings or consultations, please look at this article [please see attached article from [www.gponline.com](http://www.gponline.com) which is the article linked within the IG Intranet pages]. It is legal advice for GPs, but is completely applicable within the SBU healthcare setting. Local guidelines are in production, but will state the same as this article. Further advice may be sought from the IG Department, the Communications Department and/or the Medical Illustration Department”

- 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?**

Yes. Our view is that open audio recording is better than covert recording.

- 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?**

Please refer to the answer given to Question 2.

- 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)?**

This would be down to individual departments / service areas to address. Information Governance would offer advice if requested. Our view is that open recording is better than covert recording. This issue will be covered by the guidance.

- 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?**

Please refer to the answer given to Question 2. In addition, we have issued guidance to staff in the form of bulletins (see attached) and also designed a poster to display on wards (see attached).

- 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)?**

This would be down to individual departments / service areas to address. Information Governance would offer advice if requested. Our view is that open recording is better than covert recording. This issue will be covered by the guidance.

**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?**

Please refer to the answer given to Question 2. In addition, we have issued guidance to staff in the form of bulletins (see attached) and also designed a poster to display on wards (see attached).

**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)?**

The Health Board does allow patients to make audio and/or video recordings of their appointments and/or consultations, as per the current guidance available on our intranet pages and within the IG Procedures. The guidance does state a preference for open recording over covert. When the Guidance Document – which will include procedures for specific needs / requirements – has been circulated in December, this will be communicated to staff via a bulletin, via email cascade and will be available on the IG Intranet pages.

**10) Could you please provide a copy of the impact assessment undertaken of the policy / policies cited in response to question 9?**

In completing our draft guidance stating that recording is allowed, the impact on staff and patients has been taken into account. This reasoning will be fully available in the guidance.

**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?**

Our guidance will state that recording is allowed, and a handout to give to patients will be made available via the IG Intranet pages.



**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?**

Please refer to the answer given to Question 2. In addition, we have issued guidance to staff in the form of bulletins (see attached) and also designed a poster to display on wards (see attached).

**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?**

Please refer to the answer given to Question 2. In addition, we have issued guidance to staff in the form of bulletins (see attached) and also designed a poster to display on wards (see attached).

I hope this information is helpful. If you require anything further please contact us at [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2<sup>nd</sup> Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger  
**Director of Corporate Governance**

