Identifying and addressing the use of personal devices for capturing patient images for clinical discussion, amongst resident doctors

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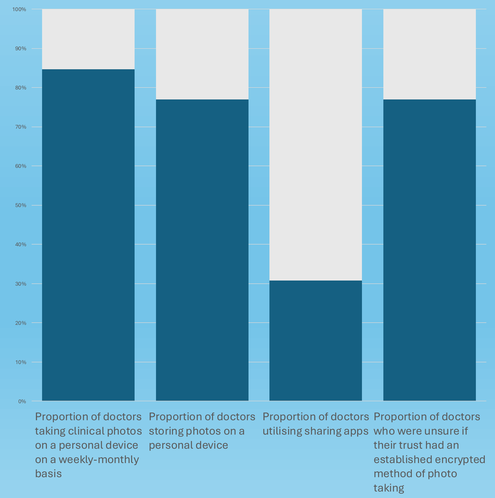
Introduction

The vast majority of clinicians now carry a smart phone with consistent network coverage, continuous GPS coverage and high-resolution cameras all in one device. This has created an environment where it is easier than ever to take a photo of a patient and share it for the purposes of advice, clinical discussion, or simple intrigue. However, it can be easy to overlook the significant fines and potential legal consequences for mishandling patient identifiable information, and what needs to be done to a personal device to ensure this does not happen.

In an acute setting, especially out of hours, the ability to take a photo, show or share it with a colleague for advice, can allow for quicker management plans and hopefully better prognoses. But how often are these image capture moments in keeping with the data protection act and GDPR? This project aimed to identify how many of our Resident Doctors were using their personal devices to take clinical photos, explore how they shared them, what they did with those images after and if they felt GDPR worried them when taking a photo.

Methods

An anonymous, voluntary survey was sent to all Resident Doctors within the Ophthalmology Department. The questions identified: if a clinician was using or had ever used their personal device to obtain an image, how they shared that image and if appliable which apps they used, did they delete the image, did they obtain consent, were they aware of any established photo sharing methods the Trust had already initiated and how many clinical photos did they have on their personal device at the time of completing the survey. All responses were anonymous for the purposes of honest answers.

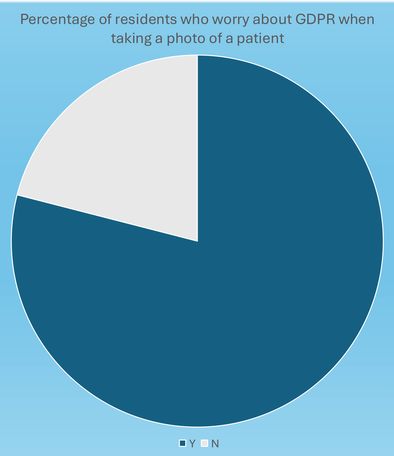


Results

13 Resident Doctors, all of whom worked the on-call rota, responded to the survey. Responses came from multiple doctors in each training level from Junior Clinical Fellow to ST7. All respondents felt that having a photo available enhanced case discussion and gained verbal consent from their patients. 11 respondents used their personal device to take clinical photos on a weekly or monthly basis. 10 respondents admitted to storing images to their personal device memory, rather than a dedicated app/server. Only 4 respondents admitted to utilising dedicated sharing apps which bypass personal storage. 10 respondents did not think or were unsure if the Trust had an established encrypted method of photo sharing. 79% of residents admitted to worrying about GDPR when taking a photo of a patient. At the time of survey completion, 7 respondents admitted to having between 1-20 images in their device personal storage and only 5 respondents admitted to always deleting images from their device.

Conclusion

This short project identified a significant issue. Doctors clearly felt that the ability to use their own device for image capture helped them on a daily or monthly basis, however the education behind how to manage these images needs further development. Based on the responses, clinicians are putting themselves into possible medicolegal situations simply because they do not know of a simple way to avoid it. We propose raising this at the next suitable teaching session and highlight the use of apps such as Pando or MS Teams to share clinical images. We wish to expand this survey regionally and identify if other trusts have a similar issue and what they have done to address any possible problems



Further reading

EU GDPR:
https://eur-lex.europa.eu/eli/reg/2016/679/oj
EU Best Practices:
https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices
ICO Data Protection:
https://ico.org.uk/
NHS Data Security and Information Governance:
https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance
HSE GDPR:
https://www.hse.ie/eng/gdpr/
GMC Guidance on Photography:
https://www.gmc-uk.org/-/media/documents/making-and-using-visual-and-audio-recordings-of-patients_pdf-58838365.pdf
MDU:
https://studentnotes.themdu.com/issue-archive/autumn-2020/smartphone-safety



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