

Hilltops Medical Centre



Sending Photos/Images to your GP via online triage

This policy covers the IG issues inherent in patients sending photos to a clinician via AccuRx.

When a patient is sending in photos, always make sure that they consent to those photographs being stored permanently in their medical record.

With the increased use of online and remote consultations, there may be some occasions where we ask you to send us an image of your area of concern. To protect both our patients and our team, we adhere to strict guidelines about the request, receipt, storage, and deletion of any images we ask you to send us. We will need the patients consent to store the photos, if the patient does not consent, then the patient will not be able to send any photos in.

You should then also put that in the wording of the invitation text (that allows them to upload the photos). For example:

Please use the link below to send us a photo.

Please use good lighting and take the image in landscape format (NOT a selfie) and please use a coin in the image to provide scale.

By sending this image you consent to us storing the image if clinically needed on your records for use in your medical care.

By law, we cannot receive any images of sensitive areas of any patients under the age of 18. For patients over the age of 18, the law is different, and images can be sent but only with the full consent of the patient. However, we would usually agree a different method of consultation if this was your area of concern.

You are not permitted to send any images to us without the express request of the clinician and this request will be documented in the medical record, including the type and location of the authorised image. Any images sent without express permission or that exceed the permission given will be deleted and may be subject to further action.

“The GMC's advice is that specific consent to receive and store the patient's photograph is necessary, irrespective of whether it is your idea or the patient's. The process of obtaining and documenting consent should include explaining why a photograph will help in providing clinical care.

Explain to the patient how the clinical records, including photographs, will be securely stored and that they won't be used for any other purpose without their express permission. Document these discussions and decisions in the clinical records."

The MDU have given further advice on this matter:

"You would need to explain to the patient why the provision of the photo(s) would assist in their care, the fact that their care may be affected by reliance on a photo rather than an examination in person and also what is going to happen to the photo(s) once received. The doctor would also need to ensure that a patient feels under no pressure to give consent for a photo to be taken/transmitted. This issue might arise even if it is the patient who has suggested the provision of a photograph to the doctor, if the patient has done so when the doctor has suggested that the patient attend the surgery for examination. Even if the patient does appear to consent, the patient may subsequently say that they felt under pressure from the doctor/the circumstances to do so "

Clear documentation of the consent process would be very important. For medico-legal reasons I consider that the photo should indeed be uploaded to the patient's records, and this explained to the patient so if the patient does not agree to this, no photo should be sent to the GP and relied upon."

Can the patient consent?

"Where the patient is a child who lacks capacity to make a decision about a photograph of them being shared with you, you will need the permission of someone with parental responsibility. If the patient is an adult who lacks capacity you must be satisfied that the photograph is necessary, will be of benefit to them and in their best interests." MDU

In general, and if clear consent has been obtained from the patient for the information to be received and stored securely, then the photo should be saved in their SystmOne medical record (for medicolegal purposes) – *if this is what you would do had you taken the photograph in a face-to-face consultation.*

What if the patient does not consent?

"If the patient does not agree to the retention of the photograph on their clinical records, it may make it retrospectively more difficult to understand the advice you gave, and the treatment recommended. In such circumstances you may wish to carefully consider whether a remote consultation method is the safest way to proceed." MDU

Photographs of intimate body areas of under 18s

"A further consideration is that taking, sending, and receiving intimate images of children under 18 may potentially lead to a criminal investigation. Frail patients and those lacking capacity may need assistance from others in trying to obtain an intimate photograph, and this could seriously impact their dignity and be an unreasonable burden on family or carers." MDU

“For the sharing of photographs to assist diagnosis, while no criminal offence would be committed if an adult patient sent a photo of their own genitals to a GP, an adult taking a picture of a child’s genitals and sending it to an adult could be committing a criminal offence as could the adult receiving it.” MDU

Again, the MDU say:

“Our view however is that it is not desirable that images of patients’ intimate body parts should be saved in their GP records, particularly those of children, and that this should be avoided. The easiest way of doing so is not to agree to receive such photos in the first place.”

And they are very clear on this:

“All in all, I cannot see any circumstances in which GPs should be seen to sanction the taking by parents or teenage patients of photographs of the intimate body parts of under-18s.”

No one under the age of 18 should be sending us photos of any sensitive body area, even if we think they have capacity to consent.

However, so long as the patient is over 18, has full capacity and understanding of the requirement of the photo, has given consent for the photograph to be sent and stored in their medical records, then no criminal offence would be committed if an adult (18 and above) sent a photo (e.g., of their own genitals) to their GP.

Is that photograph really from the patient?

Remember that you must be confident that the image sent is truly that of patient you are speaking to. It is not unheard of for patients to send photographs gleaned from the internet in order to obtain treatment.

Finally

Never open photos sent by the patient on your mobile phone, only ever on a PC.

Never save photos sent by the patient anywhere else but in their SystemOne medical record.