

Policy Title: Personal Use of Photographic, Video and Recording Equipment at Kaiser Permanente (KP) Facilities	Policy Number: SCR.RCO.PRIV.024
Regional Business Owner Title: Vice President, Regional Compliance Officer; Physician Director of Permanente Human Resources, Chief Compliance Officer, SCPMG and Chief Operating Officer, SCPMG	
Regional Custodian Title: Regional Privacy and Security Officer	Original Effective Date: February 5, 2016
Medical Center Business Owner Title: Medical Center Compliance and Privacy Officer	
Medical Center Custodian Title: Medical Center Compliance and Privacy Officer	Revision Effective Date:
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1.0 Policy Statement

Kaiser Permanente recognizes that the availability of modern photographic equipment has made it possible for people to preserve the important moments in their lives, including contacts with providers and healthcare institutions. At the same time, Kaiser Permanente must assure that patient care and safety is not disrupted or compromised and that the privacy rights of its patients, visitors and workforce members are protected.

2.0 Purpose

The purpose of this policy is to provide guidance regarding the appropriate and compliant use of personal photographic/video and recording equipment by members, patients, visitors, and workforce members at KP facilities.

3.0 Scope/Coverage

3.1 This policy applies to all KP workforce members and employees who are employed by any of the following entities (collectively referred to as "Kaiser Permanente"):

3.1.1 Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals (together, KFHP/H);

3.1.2 KFHP/H's subsidiaries;

3.1.3 Southern California Permanente Medical Group (SCPMG)

3.2 This policy applies to all individuals present in or on the campus of KP facilities, including members, patients, family members, friends and visitors.

4.0 Definitions

4.1 Consent: Express (not implied) verbal or written agreement or permission from a member/patient/visitor or workforce member.

4.2 HIPAA Authorization: Written permission from a member/patient for a use and/or disclosure of PHI that contains elements required by the HIPAA Privacy Rule and California law.

4.3 KP Facility: Any physical premises (including building interiors and exteriors) owned or leased by KP that are used in the conduct of KP business functions, including patient care delivery.

4.4 Personal Use: Any use by an individual for purposes other than authorized or approved KP business purposes.

4.5 Photographic equipment: Any apparatus for taking photographs including but not limited to a film camera, digital camera, as well as a camera on a cell phone, personal digital assistant (PDA), Google glasses, iPad and other hand held or hands free electronic devices. Photographic equipment also includes audiovisual recording devices, but does not include X-ray or imaging devices used for patient care.

4.6 KP Workforce: Employees, physicians, volunteers, trainees, or other persons who work for Kaiser Permanente, or work on its premises, and are under its control, even if another

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organization pays them. In some cases independent contractors who perform services on Kaiser Permanente premises may be treated as part of the Kaiser Permanente workforce.

4.7 Patient Care Areas: Any location where a member/patient receives care.

5.0 Provisions/Procedures

5.1 **Personal Use of Photographic/Video and Recording Equipment by Patients/Members/Visitors**

5.1.1 **Kaiser Permanente absolutely prohibits photographing or recording sound or images under the following circumstances:**

- 5.1.1.1 Photographing or recording sound or images of KP equipment is prohibited.
- 5.1.1.2 Photographing or recording images of KP documentation, of information about other patients/members, is prohibited.
- 5.1.1.3 Photographing or recording sound or images during a surgery or medical procedure without the permission of the provider.
- 5.1.1.4 Photographing or recording sound or images of emergency care or resuscitative procedures is prohibited.
- 5.1.1.5 Use of electrical cords, tripods and/or additional light sources is prohibited.

5.1.2 **Kaiser Permanente prohibits photographing or recording sound or images in patient care areas unless the following conditions are met:**

- 5.1.2.1 Photographing or recording sound or images of members/patients or visitors must not interfere with or disrupt patient care or safety.
- 5.1.2.2 All individuals being photographed or recorded must consent to the photograph and/or recording.

5.2 **Personal Use of Photographic/Video and Recording Equipment by KP Workforce**

5.2.1 **Kaiser Permanente prohibits personal use of photographic/video and recording equipment by workforce members unless all of the following conditions are met:**

- 5.2.1.1 Workforce members may not photograph or record for personal use of the workforce member sound or images of patients/members or visitors.
- 5.2.1.2 Workforce members may not photograph or record KP equipment showing protected health information, such as KP HealthConnect, imaging screens, ED track board etc., or proprietary or personal information.
- 5.2.1.3 KP workforce members may photograph or record sound or images of one another with the consent of each individual, such as during a social gathering or meeting.

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- 5.2.1.4** Personal photographs, images or sound recordings of workforce members may not be published or posted on social media or elsewhere without the consent of the workforce member(s).

5.3 Procedures

- 5.3.1** Appropriately worded and branded signage may be placed in prominent locations throughout KP facilities, especially near patient care areas.

5.4 Policy Exclusions

- 5.4.1** This policy governing personal use of photographic/video and recording equipment excludes photographing or recording sound or images of members/patients, staff or physicians or using member/patient, staff or physician images by authorized workforce for the following KP business purposes:
- 5.4.1.1** Patient care and/or treatment (e.g. ultrasonographers and the recording of fetal ultrasounds on DVD; Southern California Permanente Medical Group Regional Policy Title: Physician Usage of Cameras in the Workplace.)
 - 5.4.1.2** Quality improvement activities (see policy Video Recording for Quality Improvement NATL.DCSQ.012.)
 - 5.4.1.3** Authorized business activities or purposes related to KP workforce members job functions (e.g. internal audits, construction work, security or safety monitoring, education and training.)
 - 5.4.1.4** By outside parties (e.g. media) at KP facilities if approved by regional media relations or at the medical center by the public affairs director.
 - 5.4.1.5** Photo shoots or audiovisual recordings for business, marketing, internal communications or public relations purposes are excluded, as this media is approved by leadership in regional communications or at the medical center by the public affairs director.
 - 5.4.1.6** Service Line Requirements – due to the nature of the care provided in specific departments, e.g. labor and delivery, some medical center service lines may have differing requirements, subject to the approval of the medical center leadership.

6.0 References/Appendices

- 6.1** HIPAA Privacy Rule, 45 Code of Federal Regulations, Parts 160, 164
- 6.2** HIPAA Security Rule, 45 Code of Federal Regulations, Parts 160,162,164
- 6.3** California Civil Code Sections 56 et seq.
- 6.4** Kaiser Permanente Northwest Region Policy Title: Use of Photographic Equipment in Kaiser Permanente (KP) Facilities NW.RCO.PS.1002, effective date November 1, 2012.

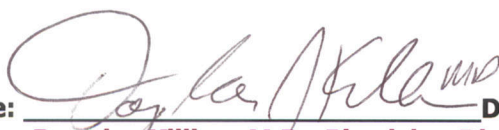
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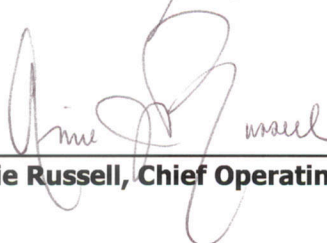
- 6.5** Kaiser Permanente National Human Resources Policy Title: Electronic Asset Usage NATL.HR.025, effective date January 10, 2013.
- 6.6** Kaiser Permanente National Business Lines Policy Title: Social Media Policy NATL.BSCPR.001, effective date November 1, 2013.
- 6.7** SCPMG Human Resources Policy Title: Physician Usage of Cameras in the Workplace SCAL.SCPMG.HR.009, effective date September 12, 2013.
- 6.8** Southern California Permanente Medical Group Questions and Answers, Cameras in the Workplace, June 6, 2013.

7.0 Approval

Include the signature(s) of the senior regional leader(s) that approved the policy and procedure in accordance with the SCAL regional policy and procedures guidelines.

Signature:  Date: 2/1/16
Sima Hartounian, Vice President, Regional Compliance Officer

Signature:  Date: 2/2/16
Douglas Killion, M.D., Physician Director of Permanente Human Resources, Chief Compliance Officer, SCPMG

Signature:  Date: 2/2/16
Annie Russell, Chief Operating Officer, SCPMG