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Editor

CLINICAL PHOTOGRAPHY, CONFIDENTIALITY AND CONSENT

Clinical photography involves use of patients' photographs to illustrate their clinical condition. It is widely used in specialities like dermatology, plastic surgery, orthopedics, neurosurgery, ophthalmology¹⁻³ with other specialties following suit. These photographs are used primarily for clinical purpose to monitor patient's clinical progress and secondarily for academic (teaching), research (publication) purposes and of late, commercial purposes^{2,4} with an intention to educate a wider number of clinicians, promoting research and health education of general population.²

Although clinical photography should ideally be done by a professional in a proper set up⁴, with the wide availability of smartphones and digital technologies, healthcare professionals are inclined to use personal smartphones to take clinical pictures which is faster and more convenient.² In order to reach out to a wider audience, it is not uncommon to see these clinical photographs being shared in the social media¹ which to some extent have been instrumental in improving knowledge, attitudes and skills.² However in many instances, healthcare professionals do so to showcase their abilities to gain attention.⁵ In addition, clinical photographs published in open access journals can also reach public domain.⁴ In doing so, patient's right to confidentiality may often be violated, most often because the healthcare professionals are unaware of the ethical guidelines.²

Like any health information shared by the patient to the treating doctor, clinical photographs are also sensitive and confidential documents.⁴

Clinical photography without consent may affect the doctor-patient relationship, breach the ethical code of conduct and could invite litigations^{1,3} so can be disclosed only after the patient has given informed consent for that specific purpose.^{4,5} Verbal consent does not suffice; a written, informed consent is mandatory even before taking the picture.³ Informed consent should clearly indicate the purpose of the photography, its role in management of patient's condition, the target audience and the associated risk of the picture landing in public domain if published for educational or research purpose.³ The patient should be provided with the autonomy, without undue pressure, to choose the purpose of the medical photograph whether it be for primary or to use it for secondary purpose at a later date and should be assured of the option to withdraw the consent any time later.³

Using personal smartphones for clinical photography are not advisable as privacy may be breached.³ However, if they have to be used for consultation, a written consent has to be obtained and the picture deleted after completion of consultation.³ Ideally, a trained medical photographer should take the pictures in a suitable environment, keeping in mind the rights and dignity of the patient.⁴ The clinical photographs should retain anonymity as far as possible to respect and maintain the patients' privacy.^{4,5} Any identifiable birthmarks, tattoos, jewelry, hospital tags etc should not be included. Eyes should be excluded unless necessary as just covering the eyes with shades or dots does not suffice in making the photograph anonymous.^{1,4}

Caution should be taken to avoid disclosing patient information for radiological images as well.⁵ These photographs should be approved by the patient.⁶ The data should be stored safely with controlled access.^{1,4}

As social media platforms have gained popularity in medical teaching and dissemination of research, its use by health professionals is undeniable. The flipside of social media is once any picture is posted, the person who uploads it has no control over its dissemination hence making it impossible to retrieve or delete it at one's will.² Sharing identifiable clinical photography for primary purpose in social media is not justifiable and should be completely avoided. As for secondary purpose, the interactions with the social media user should be carefully monitored to avoid offensive comments related to the clinical photographs.²

The gravity of breaching confidentiality may not be known to many of the health professionals especially in developing countries more so because of lack of ethical guidelines or being unaware of such guidelines. Development of

clear, written protocols and guidelines for clinical photography and consent for their use for different purposes is the need of the day.⁵ Incorporating ethical education related to clinical photography in medical education is also imperative for more awareness on this issue.⁵

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