***Appendix A***

***Draft policy for patients and smartphone recordings***

The purpose of this policy is to provide comprehensive guidance regarding the making and use of audio and visual recordings throughout St. Michael’s Hospital, including the Li Ka Shing Knowledge Institute and any other owned or leased premises. This policy applies to all patients and visitors.

This policy covers all devices capable of capturing audio recordings and visual images, including those embedded in mobile phones or other communications devices, or those concealed in other non-photographic devices. This policy also covers live transmissions through audio or visual recording devices.

St. Michael’s Hospital permits audio and visual recording when the individual(s) who would be the subject of the audio or visual recording(s) (“recordings”), as well as any other patients, physicians, staff, volunteers, students, or members of the public who may be captured in those recordings have provided signed informed consent in *advance* of the recordings.

1. All physicians, staff, volunteers, and students are entitled to a safe and secure workplace that is free of harassment. Physicians, staff, volunteers, and students may refuse to consent to being audio or visually recorded, but they are encouraged to discuss why an individual wishes to make such recordings. In Labour and Delivery, for example, audio or visual recordings to capture early moments are encouraged, but recordings of the actual birth or of any emergency care are not permitted. Physicians, staff, volunteers, and students are encouraged to accommodate reasonable requests and are encouraged not to refuse to treat patients based on their being photographed or audio or visually recorded. St. Michael’s Hospital advocates transparent professionalism, and a recording made in a proper context can be an accurate record of that professionalism. Physicians, staff, volunteers, and students should also be aware that they could unknowingly be recorded and should act accordingly at all times. Where a physician, staff, volunteer, or student, acting reasonably, still does not consent, that individual is encouraged to provide alternative methods of documenting the activity where practicable (e.g., permitting a patient to take notes, advising how to obtain a copy of their health records, or following up with a letter summarizing the interaction). Physicians, staff, volunteers, and students may also refuse to make audio or visual recordings of patients, at the patient’s request, using his or her device, if such a request would interfere with the delivery of health care, take up an unreasonable amount of time, or put the security of the device at risk of being lost or stolen.

2. Physicians, staff, volunteers, and students shall act respectfully, maintaining courtesy and professionalism when dealing with the use of audio and visual recording devices, and shall also seek support in doing so when appropriate.

3. St. Michael’s Hospital considers that recordings of an individual who has explicitly refused consent to such activity may be a form of harassment and will respond in accordance with its obligations as an employer and workplace administrator.

4. Any person who is found to be using audio or visual recording devices without the requisite consents may be asked to cease such activity immediately and may be asked to erase, produce, or surrender any copies of the recordings already made. Physicians, staff, volunteers, and students may cite this policy where necessary.

5. If an individual refuses to cease using audio or visual recording devices, St. Michael’s Hospital security may be contacted to assist with the situation and may take action up to and including expelling the individual from the premises. Furthermore, the individual will be asked to erase, produce, or surrender any copies of the recordings for St. Michael’s Hospital records.