



# Privacy Fact Sheet

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## VHA Taking and Disclosing Photographs

This fact sheet addresses some of the questions that the VHA Privacy Office receives regarding consent for VHA to take photographs and use/disclosure of those photographs. Please share this fact sheet with people you feel would benefit from this information.

- 1. If photographs are taken for treatment purposes, are consents signed by the s required?** No. You do not need a consent form to take a photograph for treatment purposes (e.g., pictures of wounds or images from endoscopy; VIC card photo). With the exception of photographs taken for VIC cards, which are erased as soon as the cards are printed, file photographs taken for treatment purposes become parts of patients' medical records. Any disclosures of photographs from patients' medical records require prior written authorization or other legal authority.
- 2. What if a facility wants to take or use photographs for other purposes?** If the facility wants to take pictures for purposes other than treatment, the facility must use VA Form 10-3203 or other appropriate consent to take the photos. VA Form 10-3203 can be found at <http://www.va.gov/vaforms/medical/pdf/10-3203.pdf>. If the facility wants to use photographs currently maintained as components of patients' medical records for purposes other than treatment, the facility must obtain authorization using VA Form 10-5345 or other legal authority.
- 3. What if a facility wants to keep VIC card photos to use for purposes other than treatment, such as a database for missing patients or law enforcement?** The facility must obtain VA Form 10-3203 to take the pictures and VA Form 10-5345 to use the pictures in the future for these purposes in case other legal authority does not exist.
- 4. My facility is taking photographs of admitted Dementia and Alzheimer's patients in case they get lost. Is consent required?** Yes. Rather than being used for treatment purposes, the pictures will be used for a missing persons registry. Therefore, the facility must obtain VA Form 10-3203 from the Veteran or appropriate personal representative to take the photograph.
- 5. My facility takes photographs for identifying purposes for such things as ensuring the veteran is receiving the correct medications. Would this be considered treatment?** Yes. This is part of patient safety and falls under treatment.
- 6. When photographs are taken during an operation or surgical procedure for training purposes, what form should be used?** For training purposes you may use the OF 522, Request for Administration of Anesthesia and for Performance of Operations and other Procedures. A copy of the form can be found at <http://vaww.va.gov/vaforms/medical/pdf/OF522NC.pdf>.

### **Privacy Office at a glance...**

VHA-specific: VHA personnel should contact the VHA Privacy Office via email through the VHA 19 Privacy Issues mail group.

VA-wide: Other VA employees should contact Privacy and Records Management, John Buck, Director at 202-461-7498.

**Website:** <http://vaww.vhaco.va.gov/privacy>