

“Mind if I record this?” – patients making audiovisual recordings of consultations: a survey of surgeons’ experiences

D Magowan, L Burton, GL Williams (with thanks to the Welsh Barber Surgeons)

Department of General Surgery, Royal Gwent Hospital, Newport, UK

Consideration: Registrar prize Email: drewmagowan@gmail.com

Introduction

Audiovisual recordings made by patients of their clinical encounters are becoming increasingly common. This may be done with or without our knowledge or consent, and is considered admissible legal evidence. A recent survey revealed that 15% of patients had secretly recorded a clinical encounter and a further 11% were aware of someone who had done so. Many surgeons may feel uncomfortable being recorded and lack knowledge regarding the legal implications. The aim of this study was to gauge how surgeons react to being recorded, and what specific medicolegal insight they have regarding these matters.

Methods

150 surveys were distributed to surgeons in two hospitals in South Wales by e-mail, Survey Monkey and paper copy between 28/10/2019 and 09/03/2020. The survey was anonymous and recorded level of training, as well as four simple questions regarding how surgeons may react to being recorded and what they felt their legal rights were.

Results

There were 91 respondents: 28 consultants, 36 registrars, and 27 junior surgical trainees. 56% were uncomfortable with being recorded and 23% would stop a consultation if their patient insisted on recording it - these issues were most marked for junior surgical trainees. 62% were unaware of their legal rights and 21% believed they were legally able to refuse to continue a consultation - this belief was particularly marked amongst consultants.

Conclusion

Many surgeons are uncomfortable with being recorded and lack knowledge regarding their medicolegal standing. A sizeable percentage of junior surgeons would refuse to be recorded and many consultants feel they are legally able to do so. Our patients record us much more commonly than we realise, we may not legally refuse their requests to do so, and even covert recordings have been allowed in court. This issue will likely become more prevalent in the coming years due to the ubiquity of smartphones and increasingly common use of audiovisual outpatient consultations in the wake of the COVID-19 pandemic. There are currently no guidelines from any surgical governing body on this topic.