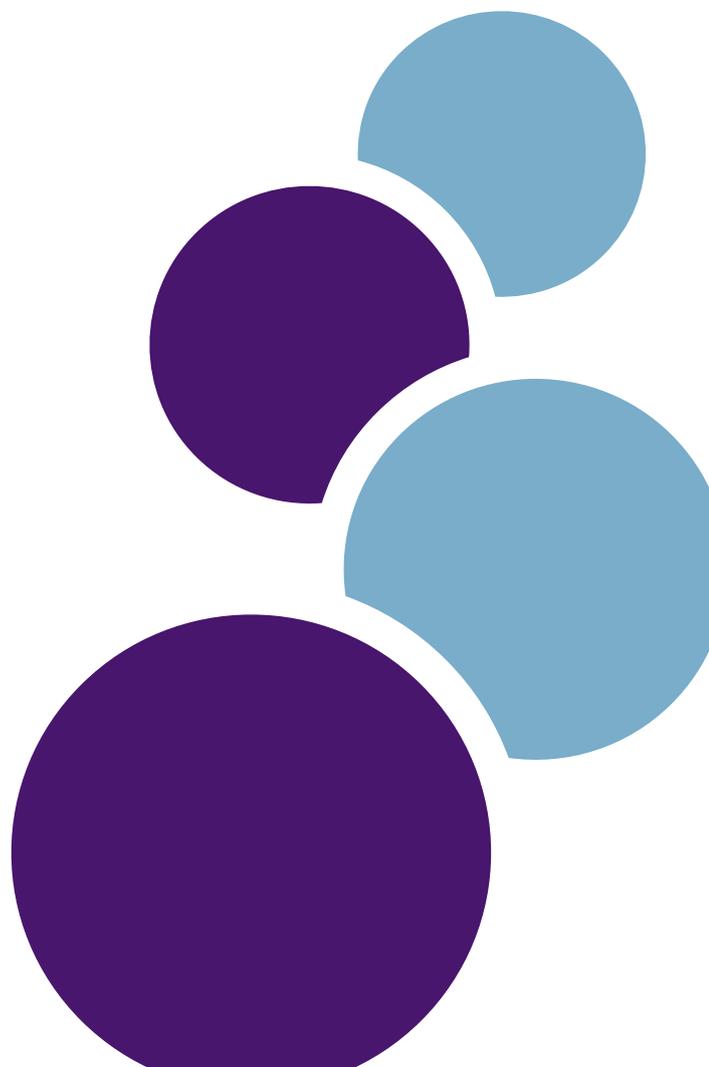


HTA guidelines: filming or photographing a donor/recipient organ donation operation

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What is the Human Tissue Authority?

1. The Human Tissue Authority (HTA) is a statutory regulator, established in 2005, to oversee compliance with the [Human Tissue Act 2004 \(HT Act\)](#). We license organisations that remove, store and use human bodies and tissues for certain purposes. We aim to maintain public confidence that human tissue and organs are used safely, ethically, and with proper consent, which is a fundamental principle of the HT Act.
2. We often receive enquiries about filming or taking photographs of activities that we regulate or that take place on HTA-licensed premises, for example:
 - different parts of the living donation process
 - the use of donated bodies for training in medical schools or surgical training centres;
 - post mortem examinations in mortuaries;
 - organ transplants in hospitals.
3. This guidance is for anyone considering filming or taking photographs of any part of the organ donation process This might include staff from these centres or journalists. Further detail can be found in our [Codes of Practice](#) or on our [website](#).
4. When we refer to photography and filming in this guidance, we intend to capture any recorded, still or live-images, regardless of how they are shown.

The HTA's role in organ donation

5. Donating organs and tissue can help those in need of a transplant. The HTA licenses and inspects hospitals that undertake organ transplants across the UK. In particular, we make sure that the donor and recipient and their family are treated with dignity, respect and sensitivity. We also make sure that when organs are used, their quality and safety is maintained which minimises any risks, for example the transmission of disease.

6. NHS Blood and Transplant (NHSBT) is responsible for the allocation of organs. This includes organs from deceased donors, and non-directed living donors. The term 'non-directed altruistic donation' is a form of donation where a healthy living person donates an organ (commonly a kidney) or part organ (liver lobe), to an unknown recipient, that is, someone they have never met and is not known to them.

Filming or photographing a donor/recipient organ donation operation

7. The transplantation of an organ is an activity that can only take place:
 - on premises licensed by the HTA;
 - in the case of living donation, with consent from the individual in life
 - in the case of an adult who is unable to give consent or a child who lacks competence, from someone able to give consent for them);
 - in the case of deceased donation, with consent from the individual in life or a family member or relative.
8. We recognise the importance of images in education, and while the making and displaying of images (including photographs, films and electronic images) fall outside of the scope of the HT Act, and cannot be formally regulated, we expect establishments to take care not to compromise the dignity of the deceased, and to put systems in place to prevent the inappropriate use of images.
9. We consider it important to seek prior consent in respect of any filming, photography and use of such footage (including publication, live streaming or subsequent broadcast). Ideally, consent should be sought from the donor before they die. If this has not happened, permission should be sought from family members or relatives
10. Confidentiality should remain an integral part of the organ donation and transplant process. The anonymity of the deceased should always be maintained, unless consent has been given for their identity to be made public. In addition, in some donation processes, including non-directed altruistic donations, the anonymity of the donor and recipient before the donation is vital.
11. Donor families and recipients should be informed that taking part may mean they discover the identity of the other parties involved. For this reason, you may want to consider making the location of donors and recipients non-

specific, for example, the region can be given but not the town. The locations of the transplant centres involved should not be made available to the donor family or recipient. You may also wish to consider blurring the images or altering voices and also removing any meta-data from digital images and videos before they are published (e.g. location data and time-stamps).

12. If the nature of the transplant is novel or unusual, extra care must be taken to ensure confidentiality and anonymity.
13. In the spirit of the consent that must be given for activities covered by the HT Act, we advise that filming is not contrary to the consent given by the individuals or their family, and that the donor, recipient and their families are treated with dignity and respect.
14. You should consider obtaining special permission from all participants, including NHSBT, the donor and/or donor's family, the recipient, the transplant team and filmmaker/photographer. You should consider having a written agreement between all parties. This should include any conditions placed on consent.
15. You may also wish to consider including the right for all parties to preview the edited material before it is broadcast. This will help ensure that you have complied with any conditions placed on consent.
16. Where the donation and transplantation process involves a child, or an adult who does not have capacity to give consent, you should consult the HTA Code of Practice on [Consent](#) for further information on who can give consent on their behalf.
17. The information in our Codes or Practice on [Consent](#) and [Donation of Solid Organs and Tissue for Transplantation](#) can help ensure that the individual person and their family are given due consideration throughout the process of filming or photographing. The General Medical Council's (GMC) publication '[Making and using visual and audio recordings of patients](#)' may also be a useful resource.

Please note:

Consideration should be given to the rights of any other individuals whose personal information is photographed or filmed at the same time as footage is taken of the body or body part (e.g. the images or voices of people who are present at an anatomical examination).

It remains the responsibility of the person or organisation who collects and uses such personal information to respect the rights of any individuals involved, and to comply with applicable laws regarding the collection and use of such information, including data protection laws.

You can also speak to the HTA for further information; please [contact our press office](#) (020 7269 1912).