

## Patient Consent and Confidentiality

ACNR's policy is based on guidance from the Committee on Publication Ethics (COPE). Any manuscript containing patient personal data must comply with this policy.

### Patient consent policy

Any article that contains personal medical information about an identifiable living individual requires the patient's explicit consent before we can publish it. We will need the patient to sign our consent form, which requires the patient to have read the article. If the patient has not seen a final version of the manuscript, the form must be amended to make this clear. When informed consent has been obtained it is indicated on the published article.

If consent cannot be obtained because the patient cannot be traced, then publication will be possible only if the information can be sufficiently anonymised.

### Best practice for authors on obtaining consent for publication

#### *Deceased patients*

If the patient is deceased the UK data protection law does not apply, however we request that the author(s) seek permission from the next of kin as a matter of courtesy and medical ethics.

If the relatives are not contactable we will balance the value of the case, the likelihood of identification, and the likelihood of causing offence if identified in deciding whether we should publish without a relative's consent.

#### *Children*

If the patient is under the age of 18, we require parents or guardians to provide consent on their behalf. Where the child has sufficient understanding of the consent process and its implications, the child must also sign the consent form. For younger children, even if parents consent, authors should consider whether the child might regret publication of his or her identifiable details in the future.

The final decision to use material involving children (and those unable to legally consent for themselves) will be made by ACNR's editors. The editors will consider the possibility of future damage to an individual from publication of material about them.

### *Patients who lack capacity*

If the patient lacks the mental capacity to make a decision about publication our advice is that usually no one can give consent on behalf of the patient. Even if someone has this power, by means, for example of a health and welfare power of attorney, it has to be exercised in the best interests of the patient. There may be some benefit to the patient in having his or her case described in a publication, but usually this is not obvious or certain. In such cases we will normally require any personal information to be anonymised.

### *Images of patients*

If there is any chance that a patient may be identified from a photograph or other static or moving image, or from its legend or accompanying text, we need the patient's written consent to publication.

Images – such as x rays, laparoscopic images, ultrasound images, pathology slides, or images of undistinctive parts of the body – or multimedia files (e.g. video, audio) may be used without consent so long as they are anonymised by the removal of any identifying marks and are not accompanied by text that could reveal the patient's identity through clinical or personal detail.

# ACNR

Advances in Clinical Neuroscience & Rehabilitation

An exception to this policy of needing consent for recognisable photographs of individuals is when we use photographs from picture agencies to illustrate news stories and other articles.

## **Patient consent form**

Please use our consent form for any image, multimedia file or description that needs consent to publication.

Please print out the form, fill in the details, ask the patient or next of kin to read and sign the form, sign it yourself and submit it along with your manuscript.