



DETERMINING PRIVACY & PROTECTION

USE OF ELECTRONIC MONITORING AND RECORDING DEVICES IN RESIDENT ROOMS IN LONG-TERM CARE SETTINGS

You, your family or legal representative might have thought about installing an electronic monitoring or recording device in your room, for a variety of reasons. An electronic device should only be installed in your room if you give permission. You should be aware of what aspects of your daily life will be monitored, recorded, and/or shared. Your wishes and your rights to privacy and dignity are important and must be thoroughly considered. This document is meant to help guide a discussion and make sure everyone is aware of the risks and benefits before an electronic device is installed. Please take the time to discuss the questions presented in this document. For additional information, see the companion document titled “Use of Electronic Monitoring and Recording Devices in Long-Term Care Settings.”

If the resident has a legal guardian or activated health care power of attorney, the resident still maintains their right to privacy. The resident’s personal preferences, history of privacy expectations, and right to dignity must be respected. Long-term care settings should consult with their attorney if seeking legal advice or direction. This document is not exhaustive. Each resident’s situation is different and may require asking different or additional questions.

This document does not constitute legal advice or direction.

CONSIDER YOUR PERSONAL HISTORY

Do you feel comfortable being photographed or recorded?

Is personal privacy important to you?

Do you often say “yes” to please others, even if it is different from what you really want?

Do you know how to turn off the electronic device?

If not, would you be comfortable asking staff or someone to help you?

Did you at any time in your own home use cameras or other electronic devices?

If so, what was your experience and level of comfort?

Are there any places where you live now where you are not comfortable being recorded or monitored? For example, while you are asleep, using the bathroom, having a visitor, etc.

Are there any activities that you do not want recorded or monitored? Consider things such as receiving personal care, getting dressed, using the bathroom, bathing, etc.

CONSIDER YOUR RELATIONSHIPS

Is the ability to spend time with others privately important to you?

Do you enjoy private, physical, or intimate interactions with others?

If so, is there a potential that these interactions could take place while the electronic device is in use?

Do you have conversations with relatives, friends, an attorney, and/or medical professionals that you would prefer be private and confidential, and not recorded or listened to by someone else?

Do you have relationships that could be negatively impacted if your conversations or visits with others are recorded or monitored?

Have you ever used electronic devices to connect with family and friends (i.e. an Alexa, Siri, Google Assistant, FaceTime, etc.)?

If so, what was your experience and level of comfort?

CONSIDER THE BENEFITS AND RISKS OF AN ELECTRONIC DEVICE

What is your goal for using this device?

Are there other ways to accomplish that goal?

What would be the benefits of having an electronic device in your room?

Would there be any negatives to having an electronic device in your room?

Are you aware that there is a risk personal video footage could be shared with others or hacked and used inappropriately?

Do you feel that the benefits of using the device outweigh any risks?

Is there a plan in place to stop the recording or monitoring when you want it to be stopped?

Do you know how long the device will be installed in your room?

Is there a chance that you may not remember or know that you are being recorded or monitored?

CONSIDER ALTERNATIVES TO AN ELECTRONIC DEVICE

Discuss the reason for installing an electronic device and if other options would meet your needs. Things to consider:

- Report concerns right away and work together to develop a solution to problems.
- Communicate openly and often, ideally before problems occur, and follow-up to make sure that conditions are improving.
- Make sure your care plan includes your preferences for your care, any specific needs you have, and approaches that best meet your needs.

- Be aware what resources are available when there is a problem. Be willing to consider creative and perhaps new solutions to resolve issues.
- Call your regional ombudsman if you want to talk about your rights or if you have any concerns that you haven't been able to resolve.

Electronic devices should not be considered a substitute for personal care, visitation, or direct involvement in the lives of people living in long-term care settings.

For more information on this topic or to contact a Long Term Care Ombudsman:

Wisconsin Board on Aging and Long Term Care

Serving persons 60 and over

Phone: 1-800-815-0015

Email: boaltc@wisconsin.gov

Website: <http://longtermcare.wi.gov>