

How long can digital monitoring technologies be used in my bedroom and/or bathroom?

Your consultant psychiatrist, with your involvement and the involvement of your care team, will consider how long digital monitoring technologies will be used and decide if it will be used 24/7 or for a shorter time period and for how long it should be used for. For example, it will be decided if digital monitoring technologies should be used 24/7 or just at night time and for how many days or weeks the order should last. Its use will be reviewed at your care planning meeting and your consultant psychiatrist and care team, with your involvement, will decide if digital monitoring technologies should be stopped. At the moment, care planning meetings happen once a week.

Can I remove my consent to use digital monitoring technologies in my bedroom and/or bathroom?

Yes, you can remove your consent by talking to your care team or in writing at any time. If this happens, staff should turn off or remove digital monitoring technologies straight away.

Will digital monitoring technologies record me or capture my image in my bedroom and/or bathroom?

No, digital monitoring technologies should not record you and any images captured should be blurred to hide your identity.

What safeguards will be in place to protect my rights to privacy and dignity?

When digital monitoring technologies are used in your bedroom and/or bathroom staff should take care to protect your right to privacy and dignity such as:

- Making sure an impact assessment is completed before using digital monitoring technologies with your involvement which considers your human rights.
- Making sure that any information captured by digital monitoring technologies is carefully managed and complies with the law.
- Making sure that you are not recorded and your image is blurred to protect your privacy.
- Turning off digital monitoring technologies if it worsens your symptoms and is not helping your recovery.

What can I do if I have feedback, a query or a concern about the use of digital monitoring technologies?

The Code requires staff to provide you with contact details for a person who you can share any feedback, ask questions or share any concerns about the use of digital monitoring technologies. The approved centre should have a complaint policy in place, and you can ask a member of staff to explain the policy to you.

Who should I contact if I have any questions about the information in this leaflet?

If you have any questions you can contact a member of the Standards team in the Mental Health Commission by emailing standards@mhcir.ie.

For more information

You can ask for a printed copy of the Code of Practice on the Use of Digital Monitoring Technologies from the staff working in the approved centre or you can view the Code on the Mental Health Commission's website: www.mhcirl.ie

You can also ask the Mental Health Commission to email a copy of the Code to you by contacting standards@mhcir.ie.

Please note: This leaflet is only a guide to the Code of Practice on the Use of Digital Monitoring Technologies. It is not a legal interpretation, and it does not give a full description of the Code. Please do not rely on it for advice.

Who we are

The Mental Health Commission was set up under the Mental Health Act 2001. We have two important jobs:

- to make sure that mental health services maintain high standards and good practices, and
- to take all reasonable steps to protect the interests of people detained in approved centres

The Assisted Decision-Making (Capacity) Act 2015 expanded our role to include setting up the Decision Support Service (DSS). The DSS helps adults who may need support – now or in the future – to make decisions about their personal welfare, including health care, and their property and finances.



What you need to know about the Use of Digital Monitoring Technologies in approved centres

When you use mental health services in Ireland, your rights and interests are protected by the Mental Health Act 2001- 2018. All staff who give you care and treatment must follow this law. The Act allows the Mental Health Commission to prepare codes of practice to help staff working in mental health services. A code of practice is a guide to the best way of doing things.

We have produced a Code of Practice on the Use of Digital Monitoring Technologies that your care team should follow if they decide to use digital monitoring technologies in your care and treatment in an approved centre. An approved centre is a hospital or in-patient service that is registered by the Mental Health Commission. In this leaflet, we aim to answer your questions about the Code of Practice (“The Code”).

Who does the Code apply to?

The Code applies to staff who provide care and treatment to people in an approved centre. All staff involved in your care and treatment should follow it and the Inspector of Mental Health Services checks this.

What are digital monitoring technologies?

Digital monitoring technologies, sometimes referred to as surveillance technologies, are technologies used by staff in an approved centre to observe or monitor you to inform your care and treatment and ensure your health, safety and wellbeing.

Will digital monitoring technologies replace the care and treatment provided by staff?

No, digital monitoring technologies should not replace the care and treatment provided by staff. Staff remain responsible for your care and treatment.

What types of digital monitoring technologies can be used?

It will be up to the approved centre to decide what digital monitoring technologies are suitable for your care and treatment and they should discuss this with you. Some examples of digital monitoring technologies are CCTV, body worn cameras, infrared cameras, sensors and tracking devices. Currently, approved centres in Ireland mainly use CCTV and it is not allowed to record a person's image. Other countries, such as the UK, use other forms of technology like infrared and body worn cameras in mental health services.

Who can use digital monitoring technologies and who can view and access the information?

Only health professionals involved in your care and treatment can use and access information from digital monitoring technologies, for example, a nurse or consultant psychiatrist. Members of the public or security staff should not be able to view digital monitoring technologies used in the approved centre. Any staff using digital monitoring technology should be trained on how it works.

Will I be told when digital monitoring technologies are used?

Staff should make sure that you fully understand and are involved in all decisions about your care and treatment. Staff will tell you verbally and in writing when digital monitoring technologies are used. With your agreement they can also tell your supporter if you have one. If digital monitoring technologies, such as CCTV, are used in communal spaces, such as living rooms, kitchens, waiting rooms, there should be signs on display letting you know it is being used. The Code provides a list of information that the care team should give to you.

Can digital monitoring technologies record me and my image in communal areas in the approved centre?

No, digital monitoring technologies should not record, store or process your image as this is against the law for approved centres. However, digital monitoring technologies may record, store and process other information, such as health information, and this information is required to be captured, stored and processed in line with data protection law.

Can I object to the use of digital monitoring technologies in communal areas?

Yes, you can raise any concerns or feedback you have about the use of digital monitoring technologies in communal areas (for example, the dining area or sitting room) with staff. The Code provides that staff should address any concerns you raise and document those concerns in your individual care plan. For example, if you don't want CCTV used in the dining room you have the right to raise your concerns with staff who should listen to your concerns and explain to you why CCTV is being used and tell you that the CCTV is not recording you. However, CCTV may still continue to be used despite your objection.

Can digital monitoring technologies be used in my bedroom and/or bathroom?

Digital monitoring technologies should only be used in your bedroom and/or bathroom in rare and exceptional circumstances to prevent serious harm to you or others. Your consultant psychiatrist and care team are required by the Code to complete an assessment to decide if it's necessary to use digital monitoring technologies in your bedroom and/or bathroom. They should explain to you why they want to use digital monitoring technologies, how long they will be used for and get your consent, if you are able to provide it, to use them in your bedroom and/or bathroom.

Can I refuse the use of digital monitoring technologies in my bedroom and/or bathroom?

Yes, you can refuse the use of digital monitoring technologies in your bedroom and/or bathroom if you are able to give consent. Staff should make a note that you did not give consent and digital monitoring technologies will not be used in your bedroom and/or bathroom.

What if I am not able to give my consent to using digital monitoring technologies in my bedroom and/or bathroom?

If you are not able to consent to the use of digital monitoring technologies in your bedroom and/or bathroom, staff will look at any decision-making arrangements in place under the Assisted Decision-Making (Capacity) Act 2015 to see if consent can be given in another way. If these arrangements are in place, and consent is not given, staff cannot use digital monitoring technology in your bedroom and/or bathroom.

What if I don't have an arrangement in place under the Assisted Decision-Making (Capacity) Act 2015 and I cannot give consent?

If there are no arrangements in place under the Assisted Decision-Making (Capacity) Act 2015 and you cannot give consent, then a consultant psychiatrist that is not directly involved in your care and treatment needs to agree to the request from the consultant psychiatrist involved in your care and treatment to use digital monitoring technologies in your bedroom and/or bathroom.