

FACULTY OF FORENSIC & LEGAL MEDICINE

of the Royal College of Physicians of London



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Forensic Science Regulator
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Dear Mr Rennison

Forensic Regulator's Guidance on the Use of Photographs for Non-CJS Purposes

The Faculty of Forensic and legal Medicine (FFLM) was established in 2006 by the Royal College of Physicians of London and has been founded to achieve the following objectives:

- To promote for the public benefit the advancement of education and knowledge in the field of forensic and legal medicine;
- To develop and maintain for the public benefit the good practice of forensic and legal medicine by ensuring the highest professional standards of competence and ethical integrity.

The FFLM includes three different professional groups:

- Forensic practitioners
- Medically qualified coroners
- Medico-legal advisers to the medical defence organisations.

The FFLM welcomes the opportunity to comment on the Forensic Regulator's Guidance on the Use of Photographs for Non-CJS Purposes. These comments follow a consultation with our membership as follows:

1. The term forensic medicine, which includes both clinical and pathological aspects, should be introduced and emphasised throughout.
2. There should be consistency in terminology; forensic practitioners should be defined, rather than switching from the term forensic pathologist and medical practitioner.
3. Paragraph 3.1.2 – the FFLM had developed guidance in conjunction with the Royal College of Paediatrics and Child Health (RCPCH) in relation to "Intimate Images" www.fflm.ac.uk.
4. Paragraph 5.2.2 - the GMC has specific guidance in respect of making and using visual and audio recordings for teaching purposes and these should be complied with. Doctors should also refer to Confidentiality: disclosing information for education and training purposes.
5. Paragraph 5.3.1 – this also applies to Forensic Physicians as well as Forensic Pathologists.
6. Paragraph 6.1 – It should be noted that "identifiable photograph" is not synonymous with "personal data" as defined by the DPA - so it could be one, but not the other.

7. Paragraph 6.2 - "sensitive" in this context does not seem synonymous with "sensitive personal data" under the DPA, and this might need clarifying. It should be noted that the FFLM has guidance in relation to "Intimate Images".
8. Paragraph 6.2.2(a) - it should be noted that the DPA only applies to living data subjects.
9. Paragraph 7.2.2 – it would need to be DPA compliant for living subjects.
10. Paragraph 7.3 - the GMC has specific guidance in respect of making and using visual and audio recordings for teaching purposes and these should be complied with. Doctors should also refer to Confidentiality: disclosing information for education and training purposes.
11. Paragraph 7.4.2 - the GMC has specific guidance in respect of making and using visual and audio recordings for teaching purposes and these should be complied with. Doctors should also refer to Confidentiality: disclosing information for education and training purposes.
12. Paragraph 7.6.1 – suggest add "and all legal and regulatory requirements must be complied with".

Finally, forensic medicine is an extremely visual subject and it is crucial that appropriate teaching opportunities are not lost.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Wall', written in a cursive style.

**Professor Ian Wall FRCP FRCGP FFFLM FACLM MFMLM DMJ DOccMed
Academic Dean**