

# Knowledge of image rights and privacy in medical internship

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## Abstract

Healthcare professionals' education and training must be guided by respect for the ethical and legal principles of the profession. This descriptive, quantitative and cross-sectional study analyzed the level of knowledge exhibited by medical interns at the Universidad Privada del Este, Ciudad del Este headquarters, on the right to use patient images on the internet. Interns from the Universidad Privada del Este, Ciudad del Este headquarters, doing their internship in 2024 were included in the study sample. A total of 50 participants answered an online questionnaire. Regarding the use of images in medical settings, 34 were in favor whereas 16 were against. This study highlights the need to improve teaching about image rights and privacy in medical education.

**Keywords:** Privacy. Internship and residency. Students, medical.

## Resumo

### Conhecimento de direitos de imagem e privacidade no internato em medicina

A formação dos profissionais de saúde deve ser orientada pelo respeito aos princípios éticos e legais da profissão. O objetivo deste estudo foi analisar o nível de conhecimento dos estagiários de medicina da Universidad Privada del Este, sede Ciudad del Este, sobre o direito de uso de imagens de pacientes na internet. O estudo foi descritivo, quantitativo e transversal. A mostra foi composta por médicos internos da Universidad Privada del Este, sede Ciudad del Este, que estavam fazendo estágio em 2024. Participaram 50 médicos internos que responderam a um questionário on-line. Em relação ao uso de imagens em contextos médicos 34 estavam a favor, enquanto 16 contra. Este estudo destaca a necessidade de melhorar o ensino sobre direitos de imagem e privacidade na formação médica.

**Palavras-chave:** Privacidade. Internato e residência. Estudantes de medicina.

## Resumen

### Conocimiento sobre derechos y privacidad de imágenes en medicina interna

La formación de los profesionales de la salud debe estar guiada por el respeto a los principios éticos y legales de la profesión. El objetivo de este estudio fue evaluar el nivel de conocimiento de los pasantes de medicina de la Universidad Privada del Este, sede Ciudad del Este, sobre el derecho de uso de imágenes de pacientes en internet. El estudio fue descriptivo, cuantitativo y transversal. La población estuvo constituida por médicos internos de la Universidad Privada del Este, sede Ciudad del Este, que se encontraban realizando su pasantía en el año 2024. Participaron 50 médicos internos que respondieron a un cuestionario digital. Se encontró que 34 estaban a favor del uso de imágenes en entornos médicos, mientras que 16 estaban en contra. Este estudio pone de manifiesto la necesidad de mejorar la enseñanza sobre los derechos de imagen y la privacidad en la formación médica.

**Palabras clave:** Privacidad. Internado y residencia. Estudiantes de medicina.

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The numerous conflicts arising from daily medical practices, technological advances and new forms of health care have become an object of study in recent years. The ethical principles that have been majorly impacted at the beginning of this millennium notably include information privacy and confidentiality, which refer to the provider-patient relationship, since the potential risk of violation of one of them significantly compromises the establishment of the trust that is necessary in the social relations and quality work between health care users, providers and institutions<sup>1-4</sup>.

Health care provider education should be oriented toward respect for the ethical and legal principles of the profession. However, technological advance has contributed to the rise of several types of risks in clinical practice, aggravated by the popularization of social media, which has increased the irregular and excessive exposure of patient images to the non-specialized public. With academic work in the practical field, the constant concern with the possible capture and publication of patient images without authorization leads us to reflect on bioethics education, which addresses image and privacy rights<sup>4,5</sup>.

Social media have changed our perception of the world. These tools, created to inform and socialize, have also come to be used as work tools<sup>5</sup>. Each user has a profile connected to the network, so any new information or event is updated immediately. However, with the exceptional emergence and rise of new technologies, which amplify and affirm the image as a central element of life in society, we face the threat of image and privacy violations. With the evolution of the Internet, and with the creation of new media, there are new digital platforms that use the image as the main element<sup>6,7</sup>.

From this perspective, even with the argument that the captured image will be used for the benefit of society, it is necessary to reflect on the provisions of the medical code of ethics concerning the possibility of photographing patients without prior authorization and transmitting these images to people that are not directly involved in their care. It should be noted that, when used well, technology is a major help to health care professionals, provided it does not

violate patient rights and does not expose them to situations that may embarrass or harm them<sup>3,8</sup>.

Based on this context, the objective of this study is to assess the knowledge level of medical interns from Universidad Privada del Este, Ciudad del Este campus (UPE CDE campus), on the right to use patient images on the Internet.

## Method

This is a descriptive, quantitative and cross-sectional study. The sample consisted of medical interns from the UPE CDE campus who were undergoing internship in 2024. The study included medical interns from UPE, CDE campus, who were undergoing internship in the Department of Alto Paraná, Paraguay. Participants whose informed consent was not signed and those who did not fully answer the questionnaire were excluded.

Data collection used a digital questionnaire via Google Forms; information about the research and informed consent was also available in the digital version. The questionnaire applied had been previously used in the study of Leal and collaborators, and included questions about the participants' sociodemographic aspects and knowledge about the capture and reproduction of patient images in health care settings<sup>9</sup>. The questionnaires were previously applied to two specialists in the field of medicine as a method assessment strategy.

For data analysis, we used descriptive statistics through calculations of absolute frequency and relative frequency.

This study was approved by the Research Ethics Committee, and the informed consent was signed by each participant. The present study involves the participation of human beings; therefore, the procedures performed are in accordance with the ethical standards of Universidad Privada del Este, CDE campus, and with the *International Ethical Guidelines for Health-related Research with Human Beings* of the Council of International Organizations of Medical Sciences (CIOMS) of 2016.

Among other topics, these guidelines address the social and scientific value, respect for the rights (guideline 1), of people able to give informed consent (guideline 9), the collection, storage and

use of data in health-related research (guideline 11) and the use of data obtained online and digital tools in health-related research (guideline 22)<sup>10</sup>.

This study poses no risk to participants. All information obtained and the research results were treated confidentially; therefore, this information was stored and separated from the identification data to anonymize the results, which were then archived electronically. In the information database, identification data were removed and only participant identification codes were included.

This study is expected to contribute to the advancement of knowledge about patient image

rights and the assessment of the providers' degree of awareness of the ethical aspects of displaying patient images on the internet. Participants could opt out from participating in the study at any time. No conflicts of interest were found in this research.

## Results

This research obtained a sample of 50 medical interns from UPE, CDE campus. To answer the questionnaire, participants accessed the link in Google Forms. The data obtained are described in Tables 1 and 2.

**Table 1.** Results of the questionnaire applied

Question	Answer			
	Yes n	%	No n	%
Have you ever photographed or filmed a patient (patient, exam, chart, children, etc.)?	34	68	16	32
Did you request any verbal authorization from the patient or guardian to capture the images?	34	68	16	32
Did you ask the patient or guardian for written permission to capture the images?	9	18	41	82
Did you write down in the medical record the patient or guardian authorization to capture the images?	10	20	40	80
Have you ever seen someone photograph or film a patient or any procedure without authorization?	27	54	23	46
Do you think taking photos of someone without their prior permission has legal implications?	46	92	4	8
Do you think an individual's image should be preserved?	49	98	1	2
Do you know of any provision in the Federal Constitution, the Civil Code or the Brazilian Penal Code that deals with the capture and use of the person's image?	27	54	23	46
Do you know of any legislation in your profession's code of ethics that provides for the capture and use of patient images?	21	42	29	58
Did you take professional ethics classes during your undergraduate education?	47	94	3	6

Source: Prepared by the author.

**Table 2.** Results of the questionnaire applied

How do you assess your knowledge of your profession's code of ethics?	n	%
Low	11	22
Medium	32	64
High	7	14

Source: Prepared by the author.

Following the questioning about the act of photographing or filming a patient, in the affirmative cases, the reasons were also requested, obtaining the following answers (Table 3):

**Table 3.**Reasons interns photograph or film their patients

Reasons	n	%
Clinical case	18	36
Discussion with colleagues	14	28
Other	12	24
Did not do it	2	4
Publication	2	4

Source: Prepared by the author.

Discussion

In recent years, technological advances have promoted the widespread use of information and communication technologies in the field of health care, increasing practicality and accessibility for both health care professionals and patients. This trend has facilitated the sharing of medical images in various scenarios, such as hospital settings, where their use can contribute to patient diagnosis, treatment and follow-up.

However, the increased use of images in the field of health care has raised concerns as to the preservation of patient image rights, which should be considered an integral part of respect for privacy and confidentiality in health care <sup>11</sup>.

This study, conducted with 50 participants, shows that 34 of them responded in favor of the use of images in medical settings, while 16 expressed their disagreement. These results indicate that, although most respondents perceive benefits in the use of images, a significant portion has reservations, possibly related to privacy and respect for patient rights.

In addition, this study shows an underlying problem: several health care providers in training are unaware of the importance of preserving the patient's image. This result indicates a gap in the curriculum of study programs, in which ethics and standards on the proper use of images in clinical contexts are not usually exhaustively addressed <sup>12</sup>.

The lack of education in this area can lead to compromised confidentiality and respect for

patient identity, which are fundamental principles in the provider-patient relationship. Hence the need to reinforce, in the curriculum, subjects related to image rights and professional ethics, so future health care professionals acquire a comprehensive and applicable understanding of the rights of their patients in this regard.

The main reasons the participants pointed out for the use of images in medical settings include the educational and collaborative value they provide. Specifically, 36% of respondents justified their stance with the usefulness of images for presenting clinical cases, while 28% considered the value of these records for discussion among colleagues, and 24% chose not to specify the reason.

It is widely recognized that the practical training of interns in the health care field, especially in their daily interactions with patients, is essential for their learning. In this context, information and communication technologies play a crucial role, providing the recording of visual data that contribute to the understanding of pathologies and treatments, and assist in the development of diagnostic and therapeutic skills <sup>13</sup>.

However, the use of patient images—although beneficial for professional training and the improvement of medical care—should be made with the utmost caution and respect for the rights of individuals. The use of these resources must be subject to patient informed consent to ensure respect for their privacy and dignity. Explicit

authorization becomes an essential requirement, so the educational and clinical benefits do not translate into a transgression of the patient's fundamental rights<sup>14</sup>.

The analysis of practices related to patient consent to image use, with both verbal and written authorization, shows that participants in favor of using images request some type of authorization from patients. However, 16 participants are not in favor of using images and do not perform any type of capture. Although most ask for verbal consent, this practice may not be sufficient to comply with informed consent guidelines as described in the CIOMS *International Ethical Guidelines for Health-Related Research Involving Human Beings*.

According to guideline 9 of this council, the patient or their guardian should receive detailed information about the use of the images, that is, the purpose, the means of dissemination and the public that will have access to them. Verbal authorization alone may not be sufficient to ensure that the patient is fully informed about these aspects<sup>10</sup>.

In this research, only 9 participants reported requesting written permission, while 25 participants who captured images did not adopt this formal practice. This finding is concerning in the context of the right to privacy, addressed by Leal and collaborators and reinforced by Gonçalves and collaborators.

Patient privacy and intimacy are fundamental rights protected by law, and any use of images without formal authorization may constitute a violation of these rights, with possible legal consequences. Obtaining written consent not only formalizes the authorization, but also protects both parties, ensuring that the patient is informed about the use of their image and that the professional has documentation proving consent<sup>11,15</sup>.

When asked if they had ever witnessed a patient being filmed or photographed without authorization, 27 participants answered yes, while 23 answered no. These data show that there are still health care professionals who do not protect the privacy of patients, contrary to what is determined by the Paraguay Ministry of Public Health and Social Welfare Resolution 146,

of March 8, 2012, article 4, which says that all health care professionals have an obligation to protect the rights to privacy of people, therefore, health care services are strictly prohibited from filming or photographing users without due consent<sup>3</sup>.

The fact that almost half of the respondents answered no (23) demonstrates their understanding of the importance of preserving the confidentiality of data and images that, without authorization, violate ethical standards and harm the good doctor-patient relationship. The Code of Medical Ethics, through the Federal Council of Medicine (CFM) Resolution 2217, article 22, establishes that *physicians must obtain the consent of the patient or their legal representative after explaining the procedure to be performed, except in cases of imminent risk of death*<sup>16</sup>.

The data obtained showed that most participants did not adopt the practice of obtaining informed consent from the patient for image capture. The World Medical Association's International Code of Medical Ethics sets standards for physician obligations regarding patient privacy rights. Principle 15 emphasizes that the physician must respect the patient's right to be informed at all stages of the treatment process by obtaining the patient's voluntary informed consent before providing any medical care. This procedure ensures that the patient receives and understands the information necessary to make an independent and informed decision about care<sup>17</sup>.

It is of utmost importance that medical education considers the ethical values of these future professionals, provides a broad approach in all areas, including hospital settings, and develops a mindset that understands what limits should be established. The study conducted by Leal and collaborators notes that university institutions have difficulty providing adequate guidance to future professionals and that many students obtain this authorization verbally, which results in the undue use of images<sup>9</sup>.

This study also shows that 92% of participants say they are aware of the possible legal consequences. Previous studies on ethics applied

to the hypothesis of capturing images without proper authorization indicate their real need in the medical profession. At the same time, it is fundamental to have true supervision to take action against possible violations of the patient's image and breaches of doctor-patient confidentiality. The Paraguay Ministry of Public Health and Social Welfare supervises and applies measures to those who captured images of patients without their consent<sup>3</sup>.

The other 8% show the negative attitude of some medical interns, who are unaware of the legal measures in force regarding the capture of images without consent, which constitutes a violation of the autonomy and privacy of the individual. However, the Brazilian CFM Resolution 2.126/2015 establishes that physicians may not disclose photographs in a work situation to compare results of aesthetic interventions<sup>18</sup>. Therefore, the patient image right is protected by the codes of ethics of each profession. And undue and unauthorized exposure of patient image causes irreparable damage and intense embarrassment, compromises the ethics and legal responsibility of the professional involved, and may even give rise to an indemnity fine depending on the legislation of the country in which the professional works<sup>9</sup>.

Of the participants, 98% believe that patient image should be preserved. The existence of information confidentiality in the provider-patient relationship is fundamental, as it is a right of the patient, and ensuring this right is a duty of the professional<sup>19</sup>. According to the Brazilian Federal Constitution of 1988 and international treaties, the right to privacy is a fundamental right. In addition, the current challenges oppose the need to balance the right to privacy with other equally legitimate rights and interests, such as freedom of expression and the right to information about possible interests in the academic field of medicine.

In this circumstance, the Brazilian courts of justice play a fundamental role in establishing the limits of privacy, since the disclosure of information that identifies people, whether linked images or not, must be preceded by complete clarification and strict compliance

with legal procedures to avoid abuse and the disclosure of information about the privacy of those affected<sup>12</sup>.

In Paraguay and Brazil, both the Constitution and the Civil Code establish protections for the image and privacy of people, recognizing the image as a fundamental right of the individual. In the case of Brazil, the Federal Constitution, article 5, item X, protects people's intimacy, private life, honor and image, so its use without consent constitutes a violation of these rights and implies the right to indemnification<sup>20</sup>. Similarly, the Civil Code, article 20, regulates the capture and disclosure of images without authorization<sup>21</sup>. On the other hand, in Paraguay, the Constitution also safeguards the right to privacy, and the Penal Code establishes penalties for those who disclose images without authorization from the person<sup>22</sup>.

The survey conducted showed that 58% of the participants were unaware of the existence of these legal standards. These results indicate a concerning gap in knowledge about image and privacy rights, which is particularly relevant in the medical context. In clinical practice, respect for patient image and privacy rights is fundamental to ensure trust in the doctor-patient relationship. The future health care professionals' unawareness of these regulations can lead to ethical and legal issues that compromise the quality of care and patient safety.

In a context where privacy protection is increasingly important, especially in the medical field, this unawareness can have important consequences. Medical students should receive more comprehensive education on professional rights and ethics to avoid potential conflicts and ensure that the rights of their patients are respected. The fact that most students are unaware of image protection laws suggests the need to reinforce these subjects in medical education programs and education on human rights, privacy and professional ethics, which would significantly contribute toward a medical practice that is more ethical and safe for all.

In the medical field, the capture and use of patient images are strictly regulated by professional codes of ethics, which impose



the obligation to protect the privacy and confidentiality of patient information<sup>4,16,17</sup>.

In the study with medical students undergoing internship, the fact that, out of 50 respondents, 27 answered “yes” as to having knowledge of these regulations demonstrates a growing but still insufficient awareness. The 23 students who answered “no” reflect an important need for education on medical ethics, as the lack of knowledge of these regulations can expose both patients and future professionals to legal and ethical risks. This shows the importance of including ethics education in the training of students, to ensure that they can exercise their practice while respecting the rights of patients<sup>8</sup>.

Most students indicated that they had taken ethics classes, which reflects the concern of many higher education institutions to integrate this subject into their curricula, especially in areas that involve major ethical responsibility, such as medicine.

However, a minority still has had no access to this education, which may indicate a gap in some curricula or a curricular choice that should be reviewed<sup>5</sup>. In professions that imply complex ethical decisions, ethics education is fundamental to prepare students for facing moral dilemmas and foster responsible professional behavior. A valuable strategy would be to implement ethics as a mandatory course for all undergraduate programs to ensure that all professionals receive a solid ethical foundation before entering the labor market<sup>6</sup>.

Most students assess their knowledge of the medical code of ethics as medium, suggesting that, while they have a basic understanding, there are still areas that need to be reinforced. These data may indicate that education on the code of ethics may not be sufficiently in-depth in medical programs, or that students are not fully familiar with the ethical guidelines and principles applicable to medical practice<sup>4</sup>.

The fact that 11 students (approximately 20%) consider themselves as having “low” knowledge may indicate the need for greater emphasis on ethics education throughout medical training. Adequate knowledge of the code of ethics is crucial to ensure that future professionals are well

prepared to deal with ethical dilemmas and make responsible decisions in clinical practice<sup>5</sup>.

In addition, the minority of medical interns consider themselves well-informed about the code, which shows that few have an in-depth knowledge of the subject. These data may suggest that medical ethics content needs to be addressed more practically and frequently, such as in case discussions, simulations, or periodic assessments, so that students can better internalize this knowledge. Reinforcing the education on ethics, especially based on real and applied situations, can contribute toward raising the level of security of future physicians in relation to the code of ethics, thus raising their awareness of their professional responsibilities<sup>6</sup>.

## Final considerations

This study assessed the reasons for capturing images of patients and the knowledge level of medical interns about image rights. The results showed gaps in the knowledge of these privacy rights, which reinforces the importance of solid ethics education for medical professionals, especially as to the use and treatment of images of individuals in the doctor-patient relationship.

It is fundamental that educational institutions adopt an expanded and more practical approach to bioethics, privacy, confidentiality and rights of medical care users in the medical curriculum, so physicians learn how to deal with the ethical and legal dilemmas that arise in clinical practice and, at the same time, can ensure the exercise of their profession while protecting and respecting the rights of all patients.

These measures can significantly contribute toward reducing legal issues and providing understanding of the importance of protecting the dignity and privacy of patients. Educational means must be clear and continuous to ensure the preservation of the patient's identity, the judicious and authorized sharing of information in the academic setting and the promotion of safe, ethical and legal practices for all involved. Such compliance enables medical practice to meet high ethical standards and foster a relationship of trust and respect in the health care sector.

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