

IJPT Policy on the Use of Patient Images or Personal Information

Compliance and Patient Consent

Published materials must comply with laws and regulations concerning the privacy and/or security of personal information, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and other U.S. federal and state laws relating to privacy and security of personally identifiable information, the General Data Protection Regulation (GDPR) (EU) 2016/679 and member state implementing legislation, Canada’s Personal Information Protection and Electronic Documents Act, India’s Information Technology Act and related Privacy Rules, (together “Data Protection and Privacy Laws”).

Authors who wish to include case details or other personal information or images of patients and any other individuals must obtain related consents, permissions and releases prior to publication.

Requirements

It is the responsibility of the author to ensure that:

- Each individual — or legal guardian or other person with legal authority to act on the individual’s behalf — who appears in any image, illustration, photograph, video, recording, or case report (or in any other identifiable form) is made aware in advance of the fact that such photographs are being taken or such video, recording, photograph, image, illustration or report is being made, and of all the purposes for which they might be used, including disclosure to the International Journal of Particle Therapy and use by the International Journal of Particle Therapy. That individual, legal guardian or person with legal authority must give his/her explicit written consent. If such consent is made subject to any conditions, the International Journal of Particle Therapy must be made aware in writing of all such conditions. Written consents must be retained by the author and copies of the consents or evidence that such consents have been obtained must be provided to The International Journal of Particle Therapy upon request.
- The form of written consent complies with each requirement of all applicable Data Protection and Privacy Laws, particularly when obtaining consent for minor children, where an individual’s head or face is shown, or where reference is made to an individual’s name or other personal details.
- Images of minors that are deemed to be at risk of being used inappropriately are not submitted.
- Consent has been agreed upon by all adult stakeholders.
- The portrayal and captioning of the patient/research subject/individual is respectful to the individual.

Anonymized images

- Formal consents are not required for the use of anonymized images (i.e. the individual cannot be identified, such as CT scans, xrays, etc.), unless they feature identifying marks or captions that identify the patient.
- The use of censor bars (eyes) or blurring the face of the patient/research subject are not considered sufficient to anonymize an image.

Other considerations

- All elements of dates (except year) that are directly related to an individual, including admission date, discharge date, death date, and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older, should NOT be used. Read more about the [HIPAA Privacy Rule here](#).
- Patient/research subject names, initials, social security numbers, dates of birth or other personal or identifying information should not be used.
- Images of patients/research subjects should not be used unless the information is essential for scientific purposes and permission has been given as part of the consent.
- If identifying characteristics are altered to protect anonymity, authors should indicate that the alterations do not distort scientific meaning.