

Birthrights  
c/o Ramon Lee and Partners  
Eagle House  
167 City Road  
London  
EC1V 1AW

Mr Roland Sinker  
Chief Executive Officer  
Cambridge University Hospitals NHS Foundation Trust  
Hills Road  
Cambridge  
CB2 0QQ

### By Email

28<sup>th</sup> November 2017

Dear Mr Sinker,

I write to you from Birthrights, the charity devoted to protecting women's rights in pregnancy and childbirth. We advise and support women and health professionals to ensure that women receive respectful maternity care.

We understand that permission has been given to a film production company to film a documentary about stillbirth at the Rosie Hospital. Whilst we understand the potential benefits of a sensitively made documentary on this subject, we do have some serious concerns about this project, and in particular whether consent is being lawfully obtained and whether women are being treated in a respectful way.

We understand that continual filming has been permitted in quite an extensive area, with notices asking service users to raise any concerns with staff. We understand staff have been asked only to talk about why the cameras are there if asked and then to provide a sheet of written information or refer to the film crew. Our understanding is that footage will be deleted within a given timescale unless the documentary makers go in to save it, but that women and their partners will not be explicitly asked for consent to film in advance – instead this will be done retrospectively.

Please can you confirm that the Board are aware of, and have approved this project? Please can you confirm that this has been discussed with the Maternity Voices Partnership for the Trust?

In coming to their decision, please can you confirm that the Board (or alternative decision makers) have considered the Trust's duties under the European Convention of Human Rights/ Human Rights Act 1998?

As you will be aware such a filming project would engage individuals right to privacy, which is a reasonable expectation for medical procedures, consultations and examinations. Any interference with this right needs to be "in accordance with the law, and necessary in a democratic society in the interests of national security, public safety, or the economic wellbeing of the country, for prevention of disorder or crime, for protection of health or morals, or for the protection of the rights and freedoms of others". Any such legitimate and necessary interference still needs to be proportionate.



Please could you confirm what your legal basis is for filming this documentary?

Furthermore please can you confirm that you have assured yourselves that all service users, including the most vulnerable such as those with low literacy levels and those service users for whom English isn't their first language are able to access any notification of the filming?

Please confirm what is happening with the films and images of those individuals who don't give consent during the period that they are still held on the camera/computer? Is this in accordance with data protection laws? Has any consideration been given to what would happen if during the period before the material is deleted the camera/computer were to be hacked and those images/audio recordings removed and distributed to others?

How is consent being sought after the filming has taken place? What safeguards have been put in place to ensure that, just after being told their baby has died, and also having just being told that they have been filmed without their express permission, women and their partners are giving fully informed consent to use this footage and to be filmed going forwards at an extremely distressing and vulnerable moment in their lives? How are you ensuring no emotional persuasion is being used?

Assuming for the moment there is a legal basis for the filming, on what basis (under Article 8) do you judge the filming to be necessary ?

And on what grounds are you arguing that the restriction of individual's privacy to the extent of not seeking prior permission for filming and restricting the right of your staff to discuss this with women and their partners is proportionate to the aim?

I look forward to your swift response. Please be aware that we regard this as a public letter to you and will assume you are happy for us to share your response unless you explicitly state otherwise.

With regards



Rebecca Schiller  
**Chief Executive Officer, Birthrights**

Cc Anna Shasha – Head of Midwifery, The Rosie Hospital

