

Disclosure of CCTV Footage from a Hospital's Treatment Areas

Mr. Karin, husband of Mrs. Nawida (the deceased), together with Police Lieutenant Colonel Tin, her son, submitted a written request to the Director of Sri Rak Hospital for ten items of information relating to the doctors, nurses, and staff involved in Mrs. Nawida's treatment. Sri Rak Hospital, however, refused to disclose the CCTV footage covering all areas which Mrs. Nawida passed and where she received treatment until her death, on the grounds that applicable laws protect such footage from disclosure without consent. The hospital advised that anyone with legal authority wishing to obtain an explanation of the treatment may contact the hospital's coordinator directly. Subsequently, Mr. Karin filed an appeal with the Information Disclosure Commissioner.

The Information Disclosure Commissioner relating to medical and public health considered that the CCTV footage from Sri Rak Hospital's premises contains information relating to the movement and treatment of all patients in various treatment areas, including the emergency room, at the time in question. As the cameras were installed primarily for the safety of patients and medical staff, the footage constitutes official information in the possession or under the control of Sri Rak Hospital under Section 4 of the Official Information Act B.E. 2540 (1997) which defines "personal information" as information relating to all the personal particulars of a person, such as education, financial status, health record, criminal record or employment record, which contain the name of such person or contain a numeric reference, code or such other indications identifying that person as fingerprint, tape or diskette in which a person's sound is recorded, or photograph, and shall also include information relating to personal particulars of the deceased persons. The CCTV footage from Sri Rak Hospital's premises constitutes personal information of all patients captured therein, including Mrs. Nawida. Her legal heirs may therefore request only the portion of the footage relating specifically to Mrs. Nawida, in accordance with Ministerial Regulation No. 2 (B.E. 2541) issued under the Official Information Act B.E. 2540 (1997). However, the Commissioner found that disclosing the CCTV footage in full would constitute an unreasonable encroachment upon the personal privacy of other patients under Section 15 (5) of the Official Information Act B.E. 2540 (1997). The Commissioner therefore ruled that Sri Rak Hospital's refusal to disclose the footage was lawful, and the appeal is hereby dismissed.

Should there be any inquiries on practices regarding the Official Information Act, B.E. 2540 (1997), please contact the Office of the Official Information Commission, the Office of Permanent Secretary, the Prime Minister's Office via telephone at 0 2283 4678-79.

"To disclose is the key, to conceal is the exemption"

Translated by
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