

# Photography Policy



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Because a person can be identified by their image, the collection and use of photographs are governed by the General Data Protection Regulation. Certain measures must be undertaken to ensure that the rights of individuals are respected in the collection and use of photographs at the Society.

To comply with the General Data Protection Regulation the Society is obliged to inform individuals if an identifiable image of them has been captured and must get their consent before it is used in publicity materials such as leaflets, magazines or on the Society Website. Any photographs on show in a public area, such as the lecture room notice board, must also have the consent of the individual involved before being displayed.

## 1. Collection of Photographs

### Posed photographs

In situations where an individual or a group of people are the focus of the photograph, consent must be sought before the photograph is taken. The potential subjects should be told where and for what reason the photograph may be used and be given the chance to opt in/out of the photograph. This can be achieved verbally, by stating the following:

*"This photograph will appear [in publication/on a lecture board/on the web site]. If you don't want to appear in the photo, please [leave the room/move to the side] now. By remaining in the frame of the picture you are giving consent for the photo to be used."*

In most cases verbal consent is sufficient, although photographers may prefer to use a consent form to be signed by the subjects to ensure they have appropriate consent. If children under the age of 18 years are clearly recognisable in an image, consent from a parent or guardian should be obtained. For organised children's visits such as schools or uniformed groups (Cubs/Brownies etc), consent can be obtained from the group leader/teacher. Often with groups of this type, consent will be given for some children and not

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others and the group leader/teacher will make this clear. In such cases it is often simpler to ask the group leader/teacher to take the pictures and send us copies of any images that are deemed to be acceptable for use.

When photographs are to be taken of a group activity such as a lecture, it should be announced in advance to give individuals not wishing to appear in the photograph the chance to leave the lecture or area of the photograph.

Many photographs are used within the Society for publicity purposes, such as the production of Event Horizon, the Society's monthly magazine. Permission for these photographs are gained during an event or lecture.

## General Photographs

If an individual is not readily identifiable from the photograph it is not necessary to obtain consent to take, display or publish the photo. This applies to volunteers and members of the public whose images are incidental detail, such as in crowd scenes at events, lectures, open evenings or any other Society led occasions.

People in the foreground of these shots who are within earshot of the photographer should be warned verbally and given the opportunity to move away if they wish.

It is best practice to give warning in writing that photography may be taking place, such as through notices displayed at events or through the inclusion of a sentence in printed programmes or publicity material.

## External photographers

If an external photographer is invited to the Society or to an event organised by the Society, it is important that they are fully briefed on the Society requirements in relation to the General Data Protection Regulation and the taking of photographs.

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Photographs taken for journalistic purposes may be exempt from some parts of the General Data Protection Regulation, although individuals may still have some concerns about their image appearing in the press and should therefore still be warned of the photograph being taken.

## Photographs supplied by third parties

If photographs are supplied by third parties, whether by an institution, individual or an agency, the provider of the images must be able to confirm that any clearly identifiable individuals have consented to distribution and subsequent use of the photograph. It is ultimately the Society's responsibility to ensure that permission has been obtained.

## 2. Use of Photographs

Photographs should only be used for the purposes for which they were collected. If a photograph was taken for use in a lecture, it should not be used on the Society's website without further consent from the individual. Under no circumstances should a photograph be used if consent has been explicitly refused.

The General Data Protection Regulation only applies to living individuals. If you are re-using an old image and are certain that no-one shown in the image is still living, it does not fall under the provisions of the General Data Protection Regulation or the Data Protection Act. If there is doubt over whether individuals shown in the image are alive or dead, estimate their age at the time the image was taken and assume a lifespan of 100 years.

If you would like to use images for which no consent was sought at the time (for example, a photograph taken before the Data Protection Act came into force) or for which you are unsure whether consent was given, you must make reasonable efforts to gain consent. If it is impossible to trace the subject and gain consent you should consider whether they were aware that their photograph was being taken. You may also be able to assess whether the

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subjects of the photograph could have reasonably expected it to be re-used by the Society (for example, participants of an Open Evening event might reasonably expect the Society to re-use that photograph in publications). If use of the photograph could cause damage or distress to the subjects, either because of the way in which they have been photographed or because of the way in which you intend to use the photograph, you should not use the photograph. Always seek further advice before using an image of an individual which has been obtained without their consent.

## Personal use

Photographs taken purely for personal use are not subject to the General Data Protection Regulation and the Data Protection Act. If a member of the Society takes a photograph of an event for their own personal use, they do not have to obtain consent. If this photograph is later supplied to the Society for publicity use, then it becomes subject to the Regulation and the Act and cannot be used without consent.

## 3. Withdrawing consent

The Society must respect the wishes of an individual who may have given consent for the collection and use of a photograph but subsequently wishes to withdraw consent. In this case, the Society may not be able to recall documents in which an image has already occurred, but must not make further use of the image. If the photograph is on display in a public area such as a notice board, it must be removed within 21 days.

To raise issues or concerns with our content please contact any member of the committee.