

# Photography policy

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## Policy history

Version	Author	Date	Change

# Photography policy

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## 1. Policy Statement of Intent

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Personal data means data which relates to a living individual who can be identified from that data<sup>1</sup>.

In accordance with the above, taking and retaining photographs of people is considered personal data under the Data Protection Act 1998, and the data protection principles apply.

You must get consent from anyone who appears in a photograph or video before it is taken or recorded. It is especially important that we seek permission when taking photos of children or young people, regardless of the situation.

Images must not be shared or used by a third party organisation unless we have explicit consent to do so.

By gaining consent and observing the permissions we have for photos and videos, we can provide necessary duty of care and protection of privacy that remains in line with the wider Association policies.

## 2. Taking photos at large and/or public events

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### 2.1 Getting consent

At any event such as this, regardless of the size, you must make it clear that photographs will be taken, and offer the opportunity for people to opt-out from their image being used. You must make it clear why we are using that person's image, how long we intend to use the image for, and what we will be using it for. The following statement should be used:

***There will be photography and video recordings taken at this event. These images may be used for promotional purposes, across our digital channels and within our future publications.***

***The images taken from this event may be used at any time, normally within a five year period from the date of capture.***

***If you do not wish your images to be used in this way please make your wishes known to a member of staff.***

This statement should be displayed using one or more of the following methods:

- During any online registration processes (if applicable)
- By making an announcement at the event
- By displaying a reasonably prominent sign in clear view at the event

<sup>1</sup> Information Commissioners Office (2016) Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

## 2.2 Opting out

If an individual chooses to opt out from their photo being used, they must be provided with a form of visual identification (e.g. a lanyard or sticker) to ensure the photographer can avoid taking their photo during the day. It is also recommended that staff also record a description of the individual in the event that the identification is not visible in a photograph.

For large events where a professional photographer is used, it is best practice for them to be briefed on those who have opted out.

## 2.3 Children and young people at large and/or public event

A consent form for children and young people (*Appendix 2*) must be completed by the parent or guardian before taking photos of those under the age of 18, regardless of how large or public the event is (see section 6 for more information).

Ensure you note the file names of the images within the section for office use only on the reverse of the consent form. For information on how to store consent forms see section 5.

## 3. Taking photos within a private environment

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*E.g. in a hospice, research lab or within a person's home*

Before taking photos or videos you must ensure that anyone who will be photographed has completed one of the following consent forms:

**Photography consent form (*Appendix 1*)** – for completion by an individual who will be identifiable in the photography or video recording.

**Photography consent form for children and young people under the age of 18 (*Appendix 2*)** – to be used when requesting the use of images of children and young people under the age of 18, for completion by the parent or guardian (*see section 6 for more information*).

**Verbal consent form (*Appendix 3*)** – may be used at times when it may not be possible for the individual to sign a consent form.

Ensure you note the file names of the images within the section *for office use only* on the reverse of the consent form. For information on how to store consent forms please see section 5.

**If the individual does not have the mental capacity to provide consent, the image should not be used.**

## 4. Accepting photos from an external supporter

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*E.g. from a fundraising event or through social media*

We often receive photographs or videos from supporters that they have taken and in order to use such images we need permission using the supporter consent form (*Appendix 4*). You may want to initially assess whether the photo is of sufficient quality and interest before going to the trouble of securing permission to use the photo.

If you think the photo is of sufficient quality and that the image content is potentially something we would use, then please secure permission to use the image using the *Consent form for photos submitted by supporters (Appendix 4)*. This can be sent to the supporter via email and they can fill it in and return by post, or they can complete it electronically and email it back.

Ensure you note the file names of the corresponding images within the section *for office use only* on the reverse of the consent form. For information on how to store consent forms please see section 5.

## 5. Storing consent forms and imagery

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Consent forms and imagery must be only be kept for the duration of the permissions, and should be kept in a secure location in line with [Data Protection policy](#),

### **For Staff**

#### **Consent forms**

For security and consistency, all consent forms need to be scanned and stored as a media file on the individuals Raiser's Edge record. If they do not yet have a Raiser's Edge record you will need to create a new account using the information provided on the consent form.

Complete the section for *office use only* on the reverse of the consent form by adding the Raiser's Edge record number.

If an individual requests that their image is no longer used by the Association, this must be noted on the Raiser's Edge record as an attribute. An email with the Raiser's Edge record number must then be sent to [resourcebank@mndassociation.org](mailto:resourcebank@mndassociation.org) to ensure any associated images are removed from the site.

#### **Imagery and recordings**

Resource Bank is a dedicated storage facility for all images that we have consent to use in our publications and digital channels. When sourcing images for usage ensure they are downloaded from the Resource Bank. Images should not be sourced from shared folders on MINT unless their consent and expiration can be guaranteed.

## **For Volunteers**

### **Consent forms**

All hard copies of consent forms must be filed in a lockable cabinet and kept only for the duration of the permission.

Digital copies must be password protected to ensure security and kept only for the duration of the permission.

### **Imagery and recordings**

In order to protect peoples data do not save imagery or recordings to personal computers unless they are password protected

### **Disposal**

After permission duration have lapsed consent forms, imagery and recordings must be disposed of in line with the data protection policy

## **6. Taking photos of vulnerable people**

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### **6.1 Getting consent**

As previously mentioned consent forms need to be obtained for all people who are visible within a photo.

For those under the age of 18 a consent form for children and young people (*Appendix 2*) must be completed by the parent or guardian before photos or recordings are taken.

When the likely use of an image / recording is known, the person, parent/guardian and child (if they are old enough to comprehend) should be made aware of the image use.

### **6.2 Risk factors**

Vulnerable people may be identifiable when a photograph is used alongside personal information.

#### **For children and young people**

It is particularly important to avoid using the full name alongside the image, naming of schools should also be avoided.

Use images of children in suitable clothing and in suitable context to reduce the risk of inappropriate use.

Do not feature a school uniform within the photograph unless it is absolutely necessary (e.g. to promote fundraising activity in schools) and try to ensure the school badge does not allow easy identification of the school as this may allow the child to be identified.

If a professional photographer is being used to take photos of vulnerable people, it must be made clear that the Association expects them to operate in line with this policy with regards to protection.

Photographers must have a valid enhanced adult and child workforce DBS check, and must try to avoid situations of unsupervised access to children.

## 7. Copyright

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### 7.1 Copyright

It is important to be sure of the copyright position of any photographs you intend to use, because photographic images are considered as artistic works under the laws of copyright. The first owner of copyright is usually the author of the work. The major exception is where such work is made in the course of employment, in which case the employer owns the copyright.

Commissioning and paying for work does not procure the copyright. Contractors and freelancers own the first copyright in their work unless the commissioning contract agrees otherwise. You should also remember that copyright lasts for over 50 years.

### 7.2 Sourcing images from the internet or social media

It is important that images are not sourced online (e.g. search engines or otherwise) unless we are certain that they are free from copyright, and we adhere to their terms of use.

If images are sourced this way it can be traced, and leaves the Association open to prosecution under the laws of copyright.

## Photography consent form

<b>Name</b>	
<b>Address</b>	
<b>Contact Number</b>	
<b>Email address</b>	
<b>Location of photograph</b>	

We would like to use your photograph/video recording for promotional purposes, and we require your consent to do so.

These images may appear in our promotional publications and presentations, within our digital channels, and within our promotional videos. These images may be used at any time, normally within a five year period from the date of capture. *Please note our website and digital channels may be seen throughout the world, and not just in the United Kingdom, where UK law applies.*

Please answer the questions below, then sign and date the form where shown.

*Please delete as applicable*

May we use your image in our promotional publications and presentations? **Yes / No**

May we use your image within our digital channels? **Yes / No**

May we record your image and use within promotional videos? **Yes / No**

May we use your full name alongside your image? **Yes / No**

I have read and understood the conditions of use on the reverse of this form [ ]

We greatly appreciate your support and would like to keep you informed about the important work we do and other ways you, your friends and family may choose to support us through volunteering, campaigning and financially via fundraising events and appeals. Please tick the boxes below if you are happy to receive these communications.

By Post [ ]                      by Email [ ]                      by Phone [ ]

If you ever change your mind about these choices, have any concerns or at any time you prefer not to receive these communication please contact us on 01604 250505 or email [communications@mndassociation.org](mailto:communications@mndassociation.org)

<b>Signature</b> (if completing digitally please write your name)	<b>Name (in capitals)</b>	<b>Date</b>

**Conditions of use**

I understand that details I provide and any photographs or film will be processed in accordance with the Data Protection Act 1998. I understand that the material produced may be used more than once, without restriction and without compensation to me. The association will not include personal email or postal addresses or telephone numbers in our promotional publications and presentations, or within our digital channels and promotional videos. If you wish to withdraw consent for the use of your image please email [communications@mndassociation.org](mailto:communications@mndassociation.org)

**For office use only**

File name(s) for corresponding images			
Raiser's Edge/membership number			
Completed by			

## Photography consent form for children and young people under the age of 18

<b>Name of parent or guardian</b>	
<b>Name of child/children</b>	
<b>Location of photograph</b>	
<b>Contact telephone number</b>	
<b>Email address</b>	

We would like to take photographs/make a video recording of your child/children for promotional purposes. To comply with the Data Protection Act 1998, we require your consent to do so.

These images may appear in our promotional publications and presentations, within our digital channels, and within promotional videos. These images may be used at any time, normally within a five year period from the date of capture. *Please note that digital channels can be viewed throughout the world, not just in the United Kingdom where UK law applies.*

Please answer the questions then sign and date the form where shown.

*Please delete as applicable*

- May we use your child's image in our promotional publications and presentations? Yes / No
- May we use your child's image within our digital channels? Yes / No
- May we record your child's image and use within our promotional videos? Yes / No
- May we use your child's first name alongside their image? Yes / No

I have read and understood the conditions of use on the reverse of this form [  ]

We greatly appreciate your support and would like to keep you informed about the important work we do and other ways you, your friends and family may choose to support us through volunteering, campaigning and financially via fundraising events and appeals. Please tick the boxes below if you are happy to receive these communications.

By Post [  ]      by Email [  ]      by Phone [  ]

If you ever change your mind about these choices, have any concerns or at any time you prefer not to receive these communication please contact us on 01604 250505 or email [communications@mndassociation.org](mailto:communications@mndassociation.org)

<b>Signature</b> (if completing digitally please write your name)	<b>Name (in capitals)</b>	<b>Date</b>

**Conditions of use**

I understand that details I provide and any photographs or film will be processed in accordance with the Data Protection Act 1998. I understand that the material produced may be used more than once, without restriction and without compensation to me. The association will not include personal email or postal addresses or telephone numbers in our promotional publications and presentations, or within our digital channels and promotional videos. If you wish to withdraw consent for the use of your image please email [communications@mndassociation.org](mailto:communications@mndassociation.org)

**For office use only**

File name(s) for corresponding images			
Raiser's Edge/membership number			
Completed by			

## Verbal consent form for photography

*To be completed by the photographer*

<b>Name of individual to be photographed</b>	
<b>Contact telephone number</b>	

<b>In accordance with the Data Protection Act 1998, I have explained that:</b>	<b>Please tick as completed</b>
Their image may appear in our promotional publications and presentations, within our digital channels, and within promotional videos.	
These images may be used at any time, normally within a five year period from the date of capture	
Please note that digital channels can be viewed throughout the world, not just in the United Kingdom where UK law applies.	

### The individual has agreed:

We may use their image in promotional publications and presentations	Yes / No
We may use their image within our digital channels	Yes / No
We may use their image in promotional videos	Yes / No
We may we use their full name alongside their image	Yes / No

The individual has read and understood the conditions of use on the reverse of this form [  ]

We greatly appreciate your support and would like to keep you informed about the important work we do and other ways you, your friends and family may choose to support us through volunteering, campaigning and financially via fundraising events and appeals. Please tick the boxes below if you are happy to receive these communications.

By Post [  ]      by Email [  ]      by Phone [  ]

If you ever change your mind about these choices, have any concerns or at any time you prefer not to receive these communication please contact us on 01604 250505 or email [communications@mndassociation.org](mailto:communications@mndassociation.org)

<b>Name of event</b>	
<b>Name of photographer</b>	
<b>Address of photographer</b>	
<b>Signature of photographer</b>	
<b>Date</b>	

**Conditions of use**

I understand that details I provide and any photographs or film will be processed in accordance with the Data Protection Act 1998. I understand that the material produced may be used more than once, without restriction and without compensation to me. The association will not include personal email or postal addresses or telephone numbers in our promotional publications and presentations, or within our digital channels and promotional videos. If you wish to withdraw consent for the use of your image please email [communications@mndassociation.org](mailto:communications@mndassociation.org)

**For office use only**

File name(s) for corresponding images			
Raiser's Edge/membership number			
Completed by			

## Consent form for photos submitted by supporters

<b>Name</b>	
<b>Contact telephone number</b>	
<b>Address</b>	
<b>Email address</b>	

We would like to use your photograph/video recording for promotional purposes, and we require your consent to do so.

These images may appear in our promotional publications and presentations, within our digital channels, and within our promotional videos. These images may be used at any time, normally within a five year period from the date of capture. *Please note our website and digital channels may be seen throughout the world, and not just in the United Kingdom, where UK law applies.*

Please answer the questions below on behalf of yourself and anyone else featured in the photo, then sign and date the form where shown.

*Please delete as applicable*

May we use the image in our promotional publications and presentations? **Yes / No**

May we use the image within our digital channels? **Yes / No**

May we record the image and use within our promotional videos? **Yes / No**

May we use your full name alongside your image? **Yes / No**

Do we have consent to use the photo from all individuals who are easily recognisable? **Yes / No**

If you did not take the photo, do you have permission from the photographer? **Yes / No**

We greatly appreciate your support and would like to keep you informed about the important work we do and other ways you, your friends and family may choose to support us through volunteering, campaigning and financially via fundraising events and appeals. Please tick the boxes below if you are happy to receive these communications.

By Post [  ]      by Email [  ]      by Phone [  ]

If you ever change your mind about these choices, have any concerns or at any time you prefer not to receive these communication please contact us on 01604 250505 or email [communications@mndassociation.org](mailto:communications@mndassociation.org)

I have read and understood the conditions of use on the reverse of this form [  ]

<b>Signature</b> (if completing digitally please write your name)	<b>Name (in capitals)</b>	<b>Date</b>

**Conditions of use**

I understand that details I provide and any photographs or film will be processed in accordance with the Data Protection Act 1998. I understand that the material produced may be used more than once, without restriction and without compensation to me. The association will not include personal email or postal addresses or telephone numbers in our promotional publications and presentations, or within our digital channels and promotional videos. If you wish to withdraw consent for the use of your image please email [communications@mndassociation.org](mailto:communications@mndassociation.org)

**For office use only**

File name(s) for corresponding images			
Raiser's Edge/membership number			
Completed by			