



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Photographic Policy

Document Control			
Policy Owner	Kate Keys Marketing & Communications Manager		
Policy Author	Kate Keys Marketing & Communications Manager		
Version	3.0		
Consultation	Senior Management Team	Yes	23/01/24
	Trade Unions	No	
Equality Screened by	Kate Keys	Date	31/01/24
Equality Impact Assessment	N/A	Date	
Good Relations	N/A		
Approved By	Policy & Resources Committee	Date	
Adopted By	Council	Date	
Review Date	July 2023	By Whom	K. Keys
Circulation	Councillors, Staff & External Photographers		
Document Linkages	Child Protection Policy Vulnerable Adults Policy Retention & Disposal Policy Social Media Policy Data Protection Policy		

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1.0 Policy Summary

This policy sets out how photography, including still, video and electronic photographic images, is used by the Council and guides members of staff and third-party providers of photographic services on consent requirements for data processing purposes.

Any reference in the policy to photographs and photography should be interpreted as including still and moving imagery.

2.0 Introduction

Photography plays an important role and is used routinely by the Council to record activities and events and for use as part of its promotion of services, marketing campaigns, and events in order to inform the public, encourage take up of services or consultations, change behaviours or enhance the reputation of the Council.

Taking and using images of people, particularly children, is a sensitive area and a photographic policy provides a framework through which Council staff should operate and provides guidance on the taking, and appropriate use of, images of people.

3.0 Policy Aims & Objectives

The Photographic Policy aims to:

- ensure the Council takes and uses images of people appropriately and with the necessary safeguards in place.
- explain what steps the Council can take to protect everyone and in particular, children and vulnerable adults from unwanted photography on Council premises.

The policy objectives are to:

- ensure staff understand the sensitivities of taking and using a person's image.
- ensure the Council has the necessary permissions to take and use a person's image.

4.0 Policy Scope

The policy applies to the taking of still, video, and electronic photographic images using any equipment capable of recording images (including images captured by mobile devices) as part of an organised photocall, interview, or during an event or planned operation in Council owned premises or as part of a Council run event.

The policy is applicable to all employees, but is of particular relevance to:

- employees involved in the day to day running of a Council facility where people, particularly children and vulnerable adults, are present.
- employees who organise activities and events where members of the public, including children and vulnerable adults, will be present.
- employees who wish to use or commission still or moving imagery for use in printed, on- line and filmed material or for any marketing purpose.

The policy applies to any agent of the Council who records and/or processes images on its behalf.

The policy is, in part, also applicable to others photographing people, particularly children, in Council facilities or at Council events (e.g., parents, press). **While the Council does not wish to prevent individuals from taking photography of friends or family for personal use, it also understands that individuals using facilities do not expect to be photographed.**

The policy also applies to employees whose images are taken and used **internally and externally** by the Council for promotional purposes.

The policy does not apply to employees whose images must be taken and used for identification purposes.

5.0 Linkage to Corporate Plan

The development of a photographic policy is in line with the Council's commitment to design and deliver services around its people, as stated under the 'Delivering for our People' theme in the Corporate Plan 2020 – 2024.

6.0 Roles and Responsibilities

- Elected members will endorse the policy, its implementation, and procedures.
- The Senior Management Team will demonstrate its commitment to the policy by ensuring their Heads of Service and through them, the wider staff, implement the policy.
- Heads of Service will ensure the implementation of the policy and its procedures.
- The Marketing and Communications Service will support the dissemination of the policy and retain photographic permissions.
- All staff will adhere to the policy.

7.0 Procedure and Implementation

The policy is subject to the following procedures:

7.1 Processing and retention of images

The Council regularly uses photography for publicity purposes. Images are either electronic or in the form of prints and typically come from these sources:

- **Taken by a member of staff with a Council device**
- **Taken by a commissioned freelance photographer**
- **Submitted by a third party, for example, a member of staff using their own device or staff from a partner organisation.**

Images of individuals and groups can be considered as personal data.

Images of people will, therefore, be processed in line with the principles of the General Data Protection Regulation (GDPR) and on the basis of consent (the individual has given clear consent for their personal data to be processed for a specific purpose). **Consent will be recorded using the Council's official consent form. The Council will accept another consent form (such as another Council's template or an agent's template) providing it meets the Council's standards and authorises Mid Ulster District Council to use the image.**

GDPR expands the definition of sensitive data to include genetic data, biometric data and data concerning sexual orientation. Staff should therefore be aware of the context in which photographs are taken and used, and the privacy of individuals that are photographed, for example if individuals are in uniform or attending LGBTQ+ events, and gather the appropriate consents.

The exception is large public events, where the Council will process data on the basis of legitimate interest (the processing is necessary for the Council's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.) However, special measures will be put in place to ensure event attendees are aware in advance and during an event that images will be recorded.

Images containing personal data taken prior to 25 May 2018 (the date on which the General Data Protection Regulation is applicable) and for which the Council does not hold written consent forms will be processed on the basis of legitimate interest (the processing is necessary for the Council's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests).

All images should be retained in accordance with the Council's Retention and Disposal Policy and in line with General Data Protection Regulation principles.

Where copies of photographs are requested by third parties (individuals or organisations), they will only be supplied in cases where the image features individuals who represent that organisation.

An individual who has given consent may wish to withdraw that consent at a later date. If consent is withdrawn, the individual must be advised that the Council cannot recall any publications or films in which their image appears. However, once consent is withdrawn, no further use can be made of that individual's image and it should be immediately and permanently deleted.

7.2 Areas where photography is prohibited

The use of photographic equipment is **not permitted** without prior permission, in the following areas:

- Any leisure centre.
- Any changing area.
- Any toilet area.
- Theatre, auditoria or performance space.
- Any other area identified and agreed by a relevant senior officer.

7.3 Facilities/Events Where Photographs May Be Taken

7.31 Third Party Hire of Council Facilities for Private Functions

Where a Council facility is hired by a club, organisation or individual for a private function, such as a wedding, the Photographic Policy does not apply. Where any third-party hire involves children **and/or vulnerable adults**, and where children **and/or vulnerable adults** may be photographed, it is the responsibility of the hirer to obtain appropriate parental consent.

7.32 Swimming Pools

For promotional purposes and in special circumstances, photography will be allowed in swimming pool areas with prior permission from the facility manager. Where this is as part of a third-party hire of the pool, it is the responsibility of the hirer to ensure they have obtained the consent for any person to appear in a photograph.

Where the Council is taking and using images at or in a swimming pool, the normal consent procedures will apply.

7.33 Invitations to Council events

In cases where invitations are extended to specific groups and individuals to attend Council events, such as award ceremonies, presentations, and civic receptions (that is, where the guests are known in advance), and where photography will take place, attendees will be asked to provide their consent to be photographed either in advance of attendance or at the event itself.

Only those attendees who have given consent will be photographed.

7.34 Productions, shows and performance

Images of audiences may be recorded at Council-organised productions, shows and performances in exceptional circumstances and within defined controls.

In such circumstances, individuals are unlikely to be identifiable e.g., images are taken from the back of an auditorium or individuals are not in focus.

However, where individuals attending the event may be identifiable, audiences should be informed in advance and in writing that images may be recorded at the time of booking tickets, or, if this is not possible, as soon as practicable thereafter.

Artists and performers at any and all events will be asked to provide consent to their image being used at the time of booking.

7.35 Public Events

At large public events where significant numbers of people are expected to attend and where images of crowds are taken, it is not practicable to obtain consent.

In advance of the public event, the Council will state clearly on printed and on-line promotional materials that images may be recorded by stating:

Mid Ulster District Council and its agents will take photographs and video at this event for promotional purposes only. Images may be used in printed material, including newspapers, magazines and brochures, and online, including on websites and social media channels. For further information visit www.midulstercouncil.org/privacy.

At public events, signage will be erected prominently to inform attendees that images will be recorded by stating:

Mid Ulster District Council and its agents will take photographs and video at this event for promotional purposes only. Images may be used in printed material and online.

Our photographers will seek your consent before taking your photograph as an individual or as part of a small group. When taking images of large groups or crowds, where it is not possible to gain consent, we ask you to make yourself known to our photographers if you do not wish your image to be recorded.

www.midulstercouncil.org/privacy.

Where images of individuals or small groups are being taken at large public events, consent will be obtained in the normal manner.

7.4 Obtaining Permission

7.41 Adults

Where images are to be taken of adults, permission must be obtained, and the appropriate permission form completed.

7.42 Children

Article 8 of GDPR states that data controllers must obtain the consent of a parent or guardian when processing the personal data of a child under the age of 16 and that they also must make 'reasonable efforts' to verify that a parent or guardian has provided the appropriate consent.

Images of children may only be taken and used with the written consent of a parent or guardian. Should permission not be granted, or written consent not received, the relevant Council employee must make every effort to ensure the child in question is not photographed and this must be done with discretion and sensitivity.

A teacher or group leader cannot give consent for a child to be photographed. This means that the person in charge of any school or group attending a Council facility, event, or activity where images may be recorded, must sign a form to confirm that parental consent has already been received.

Should it be likely that images will be taken at a Council facility, event or activity, the facility manager or event organiser should make those attending aware at an early stage. This will ensure sufficient time for permission to be obtained and those children who should not be photographed to be made known to relevant staff.

All booking forms for children's events where images may be recorded, should incorporate consent into the booking form.

7.43 Use of images submitted by a third party

Members of the public or partner organisations may take photographs and later submit them to the council to be used for publicity purposes. These images should not be used if they contain identifiable individuals unless they are accompanied by a consent form which meets the Council's standards completed by the individual (or guardian of in the case of child) photographed. If consent has been given, this Policy and guidance will apply to the storage, use, and disposal of those photographs in the same way as it applies to photographs taken by or on behalf of the Council itself.

If the photograph is not accompanied by a completed consent form, it should not be used for publicity and should be returned to the sender. Any electronic copies of the image should also be deleted.

7.5 Unauthorised Photography Of Children

Historically, photography and video use has taken place in community and council facilities to record events. However, modern digital advances in equipment and software, including AI offer unprecedented opportunities for misuse. Whilst the Data Protection Act does not prevent individuals from taking photographs, the Council has a shared responsibility for the protection and safety of children, young persons and vulnerable adults using its facilities.

Any member of staff at a Council facility, event or activity who observes what they believe to be unauthorised or inappropriate photographing of a child(ren) or vulnerable adult(s) should approach the person concerned and establish if the person has obtained the necessary permission.

If not, and if it is appropriate and/or feasible to do so, permission may be arranged at that point.

If, however, it is not appropriate, the employee should advise the person of the Council's policy and ask them politely to stop taking images. If the person is unwilling

to co-operate, the employee should ask them to leave the area and then contact the facility manager or event organiser as soon as possible. The incident should be recorded.

An employee should never enter into a confrontational situation and always remember their personal safety.

Children will often photograph other children. This is usually innocent or, at worst, a prank. Nonetheless, in these situations, staff should make every effort to discourage the children from using photographic equipment. Including information on literature for activities and events to inform children and parents that the use of cameras, including mobile devices, is not permitted during the event or activity, will help to prevent the situation arising.

7.6 Good Practice

Even when photography of children is appropriate and the necessary permissions have been obtained, it is good practice to:

- Follow any commitment made on the consent form.
- Ensure children are appropriately dressed.
- Use photographs that represent the diversity of the young people participating.
- Not use images that are likely to cause distress, upset or embarrassment or illustrate a sensitive or negative issue.
- Use the image in its intended context.
- Always be vigilant when someone is using a camera, video or mobile device.
- Regularly review images and delete unwanted material.
- Report any concerns relating to any inappropriate or intrusive photography to the manager of the facility/service or the Designated Child Protection Officer
- Keep copies of all consent/permission forms and review in line with the retention of images procedures.

7.7 Use of drones

The Council owns and operates a drone with an attached camera and this is registered with the Civil Aviation Authority (CAA) to operate in the A1 and A3 categories. Video footage and photographs are captured on a memory card on board the drone and this footage is then transferred to the Council's secure server before being deleted from the card.

Drone operations carried out by the Council and/or its agents include:

- Photography at events
- Photography for promotional materials or video
- Observation of the progress of Council capital projects.

The Council understands that the use of drones has a higher impact on privacy and as such, we will carry out a Privacy Impact Assessment before performing drone operations.

8.0 Impact Assessment

8.0 Equality Screening & Impact

8.1. The policy has been subjected to equality screening in accordance with the council's screening process. The policy was screened out.

8.2 Rural Needs Impact

The policy does not have any rural impacts.

8.3 General Data Protection Regulation (GDPR) Implications

This policy is compliant with Council's GDPR requirements.

8.4 Staff & Financial Resources

Implementation of the policy may have an impact on resources required at large public events.

9.0 Support and Advice

For further information about the policy, please contact the Marketing and Communications Service.

10.0 Communication

The policy will be communicated internally using a range of appropriate internal communication methods.

The policy will also form part of the induction process for all new staff.

11.0 Monitoring and Review Arrangements

The effectiveness of the policy will be monitored using feedback from those staff involved in its implementation, the number of photographs taken and permissions received.

Formal review, with any appropriate recommendations for change, will take place every 2 years or more frequently if required.