

Photography and Film Policy

Introduction

1. The General Data Protection Regulation (GDPR) will apply in the UK and the rest of the EU from 25 May 2018. The GDPR sets out for the use of information about living identifiable individuals and applies to all organisations. Accordingly, whilst it does not apply to anonymous information it does include all media (i.e. audio, photo and film) containing identifiable individuals.
2. The GDPR requires a 'legal basis' when the University uses any media as the data controller and/or processor. For photo and film, this will generally (not exclusively) be either that the subject has consented to a given use or that there is a legitimate interest to use it.
3. The GDPR also requires a clear explanation to be provided to the data subject as to exactly where the media will be used and how long it will be kept for (which must be no longer than is necessary). In addition, the University must ensure that it is stored securely.
4. Where students appear in media and their inclusion is important (i.e. this student is part of the story of the photograph as opposed to any other student) then the University can cite legitimate interest as the legal reason for processing. This includes students who are representing societies or sports teams, performing, attending University events (such as Graduation or May Ball) or are the focus of a story (e.g. achieving or winning something of note). It also includes photographs taken within the last three years where students are demonstrating something specific to them, for example sports science students in the sports science lab.
5. However, where students appear in media but their specific inclusion is unimportant as a data subject, then consent is needed. This might, for example, apply when a student is talking to a tutor or is photographed in a social area such as Barjon.

Consent guidelines – General Photographs

6. All persons taking part in University activities should be informed that they may be photographed, filmed, videoed or otherwise captured in image form and that these images may be used on the University website, prospectus or other publicity material and may be provided to the media for publication in local or national

newspapers. The University acknowledges its responsibilities in capturing images by photography or other means under the provision of the following legislation:

- The Children and Young Persons Act 1963: The University undertakes to seek a license where necessary from the appropriate local authority for any performance activity in which children are taking part and which may be recorded with a view to being broadcast, published or shown to the public.
 - The Protection of Children Act 1978: The University recognises that it is a criminal offence to take, permit to be taken, distribute, have in one's possession or publish indecent photographs (including films and other imagery) of children.
 - The Human Rights Act 1998: The University recognises an individual's rights to privacy as protected by this Act.
 - The Data Protection Act 2018 (and any successor Acts including this provision): The University undertakes to inform all those whose images may be recorded (or their parents/guardians if under 18 years of age) of the purposes for which the images may be used.
7. Despite the above, if individuals are not readily identifiable from the photograph and it seems unlikely that any damage or distress will result from publication of the photograph then it is not necessary to obtain consent. This means that students and staff whose images appear as incidental detail in publicity photographs (e.g. at graduation or in campus photographs) will not need to give consent for the use of their image.
8. In addition, photographs taken for purely personal use are exempt from the Data Protection provisions. This includes photographs and videos taken by family members at a graduation ceremony.

Consent guidelines - Group Activities

9. When working with a large group, it is important that those doing so should take as many of the following steps as possible:
- Clear spoken notification of the media capture should be provided using the approved wording. This should be announced in advance so that individuals can leave the room briefly if they do not wish to appear in the photographs.
 - Visibility should be ensured by wearing an official Marjon photographer or video producer jacket and placing photography/video notifications signs around the media capture area.

Consent guidelines - Small Groups and Individuals

10. Photographs of a single individual or a small group of individuals where the individuals are the main subject of the photograph (even if they are not identified by name) are personal data. Written consent should therefore be obtained before any such photographs are taken, using a standard release wording available on the Data Protection section of the Intranet.
11. When gaining consent, it is important to ensure that the individuals are informed of what the images will be used for, where they will be reproduced and who will have access to the photographs.
12. 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 University can no longer remove any publications or films in which their image appears from circulation. However, once consent is withdrawn no further use can be made of that individual's image and it should be deleted.
13. Although the Data Protection Act does not specify an age limit, where images of children are being taken it is important to obtain written consent of the child's parent/guardian.
14. It might not be appropriate to ask VIPs or other subjects to complete consent forms, but verbal consent should still be secured under these circumstances, using the official wording (see appendix). The date and time where consent was given should be recorded and stored alongside the photos, if possible with the name of a second witness.

Storage and publication of photographs and film recordings

15. All media must be stored securely and deleted as soon as the expiration date is reached. Media should be stored and shared with colleagues via the Digital Asset Management System (DAM).
16. Media files uploaded to the DAM must be attributed with the details of any consents given. This should include permissions as to where the media can be used and for how long.

Photography and Filming at Events

17. All attendees must be notified of photography and/or filming at an event. This should be communicated before the event, for example on an email or web page corresponding to the event. It must also be noted at the start of the event, for example with the safety notices or as part of the welcome. Attendees must be told how to exclude themselves from any photos or film being taken at the event. In all

cases they can identify themselves to the Photographer or Video Producer. In addition, at major events, bright stickers or similar will be made available to be worn by attendees who do not consent.

18. As access to University grounds and publicly accessible spaces is not restricted, they are considered to be public areas in which filming or photography can take place at any time. Consequently, anyone who is on University property whilst any filming or photography is taking place is considered to have given their implied consent if they appear in the background of any footage or photo, as long as they are not readily identifiable from the photograph and it seems unlikely that any damage or distress will result from publication of the photo. This also applies to anyone attending ceremonial functions or seminars held on University property.
19. If filming or photography is to take place in a space which is inaccessible to the general public or during an event where such activity would not normally be expected, then signs should be placed at each entry point to indicate when and why the activity is occurring. This gives people who do not wish to appear in a photo or film the opportunity to avoid the area whilst that activity is taking place. Any signs should use a font large enough to be read from a reasonable distance (sample signage is available on the Intranet [here](#)).
20. During events (such as graduation) in which photography or filming is taking place, the person performing this activity must be clearly identified. This avoids any impression that photography or filming is being conducted surreptitiously. A large, brightly coloured badge (larger than a normal ID badge) with the word 'Photographer' would be sufficient.

Release forms

21. Release forms, which should be completed only by University staff and contractors employed on behalf of the University, are available on the Intranet [here](#).

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APPENDIX – The spoken notification:

The photos/video being taken now may be used by Plymouth Marjon University both online, on websites and social media and offline, in prospectuses or other printed materials. Please tell me before I start if you wish to be excluded from the photos (film).

The photos/video will be used for up to 5 years and may be kept for longer. To have them removed at any time you should contact the Data Protection Officer.