

Photography policy

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Policy history

Version	Author	Date	Change
2.0	H Jennings	18/07/2018	Updates in accordance with GDPR

Photography Policy

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1. Policy Statement

This policy details our rules on obtaining consent when taking photographs or video. In short:

“If you do not have consent to use a photograph or video (which includes where and for how long it can be used), then you can’t use it”

Personal data means data which relates to a living individual who can be identified from that data, which includes photography and video¹.

In accordance with the above, taking and retaining photographs of people is considered personal data under the Data Protection Act 1998 and the General Data Protection Regulation 2018, which means the data protection principles apply.

You must obtain consent from anyone who appears in a photograph or video that will be used by the Association. Consent must be obtained before the photograph or video can be used. It is especially important that we obtain proper consent for photos or videos of children or young people. (This is not entirely applicable of photos taken at events, please see 2.1)

Photos or videos (Images) that we take for use by the Association must not be shared within any third-party organisations. If there is a requirement to share with a third-party we must obtain consent from the data subject 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

2.1 Getting consent

At any event, 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. You should also include the name of the event and the date. The following statement should be used:

Please Note: There will be photography and video at the *Regional Conference*. These images will be used for promotional purposes, in future publications and presentations and our digital and social media channels, normally within a five-year period from today, *20 May 2018*.

If you do not wish to appear in any photographs, please let a member of the MND Association staff know and they will make sure that you are not included in any images.

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

¹ 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 method 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 possible 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

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 particularly those living with MND, their carers and families. This form includes a section to confirm verbal consent.

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 for photographer (*Appendix 3*) – To be used when a photographer has been privately hired by the Association to capture a group or individuals.

Ensure you note the file names of the images within the section *for office use only*. 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

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

We often receive photographs or videos from supporters that they have taken. In order to use such images, we need permission using the supporter consent form or statement (*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 obtain permission to use the image by using either the *Consent form for photos submitted by supporters (Appendix 4)* or the *submitted photography statement (appendix 5)*. Both 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 consent form. For information on how to store consent forms please see section 5.

5. Storing consent forms and imagery

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](#), the General Data Protection Regulation and any future legislation.

For Staff

Consent forms

For security and consistency, all consent forms and statements 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 consent form by adding the Raiser's Edge record number.

If an individual request's 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 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. Resource bank user guides can be found on SharePoint.

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 a person's data, do not save imagery or recordings to personal computers unless they are password protected

Disposal

Once permission for an image has expired, consent forms, imagery and recordings must be disposed of in line with the data protection policy

6. Taking photos of vulnerable people

6.1 Getting consent

As previously mentioned consent forms need to be obtained for all people who are personally identifiable 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.

The use of the image will expire upon the child turning 18 years of age, or the expiry date on the consent form, whichever is first.

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 adult and child workforce DBS check, and must try to avoid situations of unsupervised access to children.

7. Copyright

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 during 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.

When the Association employs a third-party photographer to take photos they are usually considered to be the author of the work and so relevant agreements must be made to either buy the copyright or ensure we have a licence to use the images across all required media and for an unlimited period of time.

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 which leaves the Association open to prosecution under the laws of copyright.

Where consent is obtained for an image, but that consent is limited eg for use only in a specific campaign or has a specific time limit then this information must be made clear on the consent form or consent email.

This information must also be added to Raisers Edge as well as being noted if the image is loaded to the Resource Bank.

Photography consent form

Name	
Address	
Contact Number	
Email address	

We would like to use your image recording for promotional purposes, and we require your consent to do so. They may appear in our publications and presentations, across our digital channels, and within our videos. These images could be used at any time, normally within a **five-year period** from the date of consent. However, once a publication is printed it will likely remain in use for several years. *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.

May we use your image in our publications, presentations and promotional videos?	Yes / No
May we use your image within our digital channels, including social media?	Yes / No
May we use your full name alongside your image?	Yes / No
Are you over 18 years old?	Yes / No
Are you currently living with MND?	Yes / No

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, the General Data Protection Regulation and any future legislation. 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. You can withdraw consent of the use of your image at any time. For details on how we use your information, please see our privacy policy which can be found on the home page of our website.

I have read and understood the conditions of use []

Signature (if completing digitally please write your name)	Name (in capitals)	Date

For office use only:

URN:	Completed by:
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Photography consent form for children and young people under the age of 18

Name of parent or guardian	
Name of child	
Address of parent or guardian	
PLEASE NOTE: <i>The image will no longer be used once the child has turned 18 and is a consenting adult. To help us monitor this, please provide the child's date of birth below.</i>	
D.O.B of child	

We would like to use your child's image 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. Please be aware once a publication is printed it may remain in use for a number of years. These images may be used at any time, normally within a **five-year** period from the date of consent. *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 then sign and date the form where shown.

May we use the image in our publications, presentations & promotional videos?	Yes / No
May we use the image within our digital channels, including social media?	Yes / No
May we use the first name alongside their image?	Yes / No

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, the General Data Protection Regulation and any future legislation. 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. You can withdraw consent of the use of your image at any time. For details on how we use your information, please see our privacy policy which can be found on the home page of our website.

I have read and understood the conditions of use []

Signature (if completing digitally please write your name)	Name (in capitals)	Date

For office use only:

URN:	Completed by:
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Verbal consent form for photography

To be completed by the photographer

Name of event/photoshoot	
Name of photographer	
E-mail address of photographer	
Signature of photographer	
Date	

In accordance with the Data Protection Act 1998 and the General Data Protection Regulation, I have explained that:	Please tick as completed
Their image may appear in the MND Association's promotional publications and presentations, including 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	
Digital channels can be viewed throughout the world, not just in the United Kingdom where UK law applies.	

The individual/group has confirmed that:

We may use their image in promotional publications and presentations	Yes / No
We may use their image across digital channels	Yes / No
We may use their image in promotional videos	Yes / No
We may use their full name alongside their image	Yes / No
They are over 18 years of age	Yes / No

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, the General Data Protection Regulation and any future legislation. 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. You can withdraw consent of the use of your image at any time. For details on how we use your information, please see our privacy policy which can be found on the home page of our website.

The individual/group has read (or has been read) and understood the conditions of use []

For office use only:

URN:	Completed by:
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Consent form for photos submitted by supporters

Name	
Contact telephone number	
Email address	

We would like to use your image for promotional purposes, and we require your consent to do so. They may appear in our publications and presentations, across our digital channels, and within our videos.

These images could be used at any time, normally within a **five-year period** from the date of consent. However, once a publication is printed it will likely remain in use for several years. *Please note our website and digital channels may be seen throughout the world, and not just in the United Kingdom, where UK law applies.*

(Unfortunately, we cannot use any images that feature children under 18 unless we obtain consent from the parent or guardian. Please ask you MND Association staff contact for more details)

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

Please delete as applicable

May we use the image in our publications, presentations and promotional videos?	Yes / No
May we use the image within our digital channels, including social media?	Yes / No
May we use your name alongside your image?	Yes / No

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, the General Data Protection Regulation and any future legislation. 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. You can withdraw consent of the use of your image at any time. For details on how we use your information, please see our privacy policy which can be found on the home page of our website.

I have read and understood the conditions of use []

Signature (if completing digitally please write your name)	Name (in capitals)	Date

For office use only:

URN:	Completed by:
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Submitted photography statement (TBC)

Thank you for submitting your photo for use by the MND Association. If you have preference about where the photo is used or how your name is displayed, please detail in reply to this email.

(Please note, if anyone in the image is below 18 years of age, we are required to gain consent from the parent/guardian)

Please read and confirm you agree to the below statement:

By agreeing to the MND Associations conditions of use, I am permitting The Association to use my photograph/s within their publications and presentations, across their digital and social channels, and within their internal and external videos at any time with a **five-year period** of today's date. I am agreeing to my name being used alongside the photograph/s I have submitted. I can confirm I have been granted permission for the image to be used by the person/s within the image.

I understand that any photographs or film will be processed in accordance with the Data Protection Act 2018, the General Data Protection Regulation and any future legislation. 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. You can withdraw consent of the use of your image at any time. For details on how we use your information, please see our [privacy policy](#) which can be found on the home page of our website.