



Photographic and Filming Policy **and Guidance**

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Introduction

This Policy and Guidance explains what steps need to be taken when the Council obtains images for its own use and when films or photographs are taken on council premises by others.

For the avoidance of doubt, this Policy and Guidance applies to cameras, mobile phones, videos and any other equipment capable of recording images. Any reference to photographs and photography should be interpreted as including filming.

The Council recognises that taking photographs and using video recording equipment is part of daily life. It does not wish to prevent individuals from taking photographs of their friends and families for personal use. However, the Council also appreciates that individuals using council facilities do not expect to be photographed or filmed by others, particularly when their image could be published on the internet or used for commercial or publicity purposes.

The Council is particularly mindful of its child protection obligations and this Policy and Guidance seeks to explain what steps the Council can take to protect everyone and in particular children and vulnerable adults from unwanted photography or filming on council premises.

The Council regularly uses photographs for publicity purposes. The Data Protection Act will apply where the photographs are taken for official use and stored with personal details such as names and addresses. This Policy and Guidance advises what steps are needed to take to ensure compliance with the Act.

There are two main sections to this Policy:

Section 1: Photographs taken by or on behalf the Council

- 1a) Photographs of identifiable individuals taken for the Council's Own Publicity Purposes.
- 1b) Event Photography for the Council's Publicity Purposes.
- 1c) Photographs taken for non-publicity purposes.

Section 2: Photographs taken by members of the public

- 2a) Casual users of the Council leisure facilities.
 - 2b) Individuals who hire or use council facilities and wish to take images for their own personal use, for example birthday parties.
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- 2c) Third party hirers such as theatre companies and clubs/organisations or individuals wishing to photograph or film in the Council's facilities for coaching/commercial or publicity purposes.

Section 1: Photographs taken by or on behalf of the Council

Gedling Borough Council regularly uses photography and filming for publicity purposes. Most photography work is commissioned through the Communications Team and all enquiries should initially be sent through the Communications Team.

The Council will commission images or filming for a number of reasons and uses. They include:

- Printed materials such as newsletters or brochures.
- Display materials, such as banners and posters.
- To issue to the media alongside press releases.
- To use on the Internet and/or website.

Images are either electronic or in the form of photographic prints and photography typically coming from these sources:

1. Taken by a member of staff with a Gedling Borough Council camera;
2. Taken by a commissioned freelance photographer; or
3. Submitted by a third party, for example a member of staff using their own equipment or staff from a partner organisation.

1a. Photographs of identifiable individuals taken for the Council's Own Publicity Purposes

Permission for photos – In order to protect the Council against any action for breach of the Data Protection Act, you must obtain written permission for the use of photographs (Appendix A).

Please ensure that if you organise photographs on behalf of the Council that you use the Council's official consent form (Appendix A). The Council will accept another consent form [such as another Council's template] provided it meets the Council's standards and authorises Gedling Borough Council to use the image. For further advice please contact the Communications Team.

Once the form has been signed the specified conditions must be adhered to. The forms must be stored alongside the photos to which they apply. Unless agreed otherwise with the Communications Team, they must be stored in the communications office and will be in folders dated by the year and split into directorates for easy access.

Photos of children - Children (under 18) cannot give their own consent to photography; the consent of a parent or guardian is required. Such consent must be obtained from the child's parent or guardian on the official consent form (Appendix A). The Council will accept another consent form [such as one obtained by the school] provided it meets the Council's standards and authorises Gedling Borough Council to use the image. For further advice please contact the Communications Team.

Schools and community group photos – A head teacher or community group leader may be able to authorise consent for a group of children being photographed for publicity purposes. Head teachers routinely obtain written permission from parents to allow their children to be photographed whilst at school or participating in activities, which the school are involved in. The teacher/leader must sign the Council's official consent form [or one which meets the Council's standards] to accept responsibility on behalf of the parents, for the children being photographed/filmed. You should contact the Communications Team or Senior Solicitor for further advice and guidance.

Withdrawal of consent – 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 deleted.

Storing Images - Images containing individuals should be stored in a restricted file with a copy of the relevant completed consent form, which only the Communications Team has access to. Images will be filed by date and year, and will be reviewed every three years by the Communications Team.

Disposal of images – Photographs that are out of date or no longer usable will be destroyed appropriately by shredding and deletion of the electronic version or archived.

Use of images in borough publications - Care should be taken to avoid including any personal information where images are used. If images are to be used, the inclusion of detailed personal information will be avoided. However in certain situations the Council may use general information on the photograph e.g. John Smith, Arnold.

Correct use of images - There are two potential consequences of using an image wrongly:

1. Committing a libel
2. Disclosing personal data in breach of the Data Protection Act

To minimise any risk the photograph must be used in its proper context. It is not recommended to use a specific photo of an individual to illustrate a general topic without making explicit reference to this in the caption.

Photographers - If any Council officer wishes to have photos taken or a film made to promote the work they are doing at the Council, they must always seek advice from the Communications Team and **must** always use the Council's official Photo and Filming Consent forms (Appendix A). The Communications Team works with a number of experienced photographers who are familiar with the Council's work.

The Council's official photographers will have been subject to an enhanced CRB checked, where applicable ISA registered, issued with the Council's Photography Policy and signed an indemnity form (Appendix B). The Communications Team will approve all official photographers.

Copyright – If photography is being commissioned and purchased from an external photographer, the Council must be clear that it expects to purchase not just specific prints or uses of the photograph, but rights to use the photograph where and when it pleases.

To avoid any doubt the photographer will agree to these terms:

"I hereby agree that Gedling Borough Council may use photographs commissioned and paid for by them for any usage that they wish and for whatever time they wish.

All photography fees negotiated reflect that usage. As photographer, I do retain copyright to photographs created and transfer unlimited reproduction rights to Gedling Borough Council and any partner agency."

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 the Council's Consent Form or a consent form, which meets the Council's standard, completed by the individual photographed. The photograph and consent form should be forwarded to the Communications Team. 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 purposes and should be returned to the sender. Any electronic copies of the photograph should also be deleted.

1b. Event photography for the Council's publicity purposes

In most cases it is practical to gain the permission of individuals being photographed, it is not always possible to do so for large groups at public events such as Gedling Show, Arnold Carnival, public meetings or photo calls at council facilities.

Access to these public events in publicly accessible areas is not restricted. The Council therefore considers that any person who is present at these events is considered to have given implied consent to appear in the background of any photograph or film.

The Council will however make every effort to ensure the public is aware a photographer is on site taking photos for publicity purposes. It will do the following:

- Put laminated signs at the entrance to the venue to warn the public that photos may be taken at the event (Appendix C).
- Include a notice in the programme or tickets where possible for example 'Please take note the Council's official photographer is on site taking photographs/filming for publicity purposes'
- Ensure the official council photographer has a florescent waistcoat with 'Council Photographer' in large lettering on the back.

This will enable any person who does not wish to be photographed or filmed, the opportunity of taking steps to avoid being photographed or filmed.

Any photographers/film/video operators wishing to record an event should notify the event organiser or the Council.

Photos from events, such as the Gedling Show and Arnold Carnival may be used on the Council's website and in promotional material to promote the success of the event. When using such images names will not be used in the captions. Providing the Council takes practical steps to make the public aware a photographer is on site, individuals are deemed to have given their consent by remaining at the event or location in which photographs are being taken.

Employees and visitors who have concerns about any photography taking place at an event, should contact the organiser. If appropriate, the person about whom there are concerns should be asked to leave and the event organiser or Council representative should be informed.

Use of images submitted by a third party – members of the public or partner organisations may take photographs at council events and later submit them to the Council to be used for publicity purposes. If the Council has made every effort to ensure the public is aware a photographer is on site taking photos at the event for publicity purposes as outlined above, these images may be used by the Council. For further advice please contact the Communications Team.

1c. Photographs taken for non-publicity purposes

This Policy and Guidance is not intended to apply to photographs taken by or on behalf of the Council for day to day business purposes, such as event planning or recording purposes. Photographs will be routinely taken by council

officers for example, for recording event layouts, the progress of developments, displays etc. Such photographs are unlikely to contain images of individuals other than council officers and will not be released into the public domain.

These images can be stored by individual departments and will not need to be referred to the Communications Team. Officers must however be mindful that the Data Protection Act will apply where such photographs contain images of individuals and are stored with personal details. They must be stored and disposed of appropriately in accordance with the Act. For further advice, please contact the Council's Senior Solicitor.

In addition, this Policy and Guidance is not intended to apply to photographs taken by or on behalf of the Council in the course of an investigation. Such images may be used as evidence in court proceedings and therefore will be governed by separate evidential procedure rules. You are advised to seek advice from the Council's Legal Section in relation to the storage and use of such images.

Section 2: Photographs taken by members of the public

2a. Casual users of the Council leisure facilities.

Historically, photography and video use has taken place in community and council facilities to record events. However, modern digital photography and mobile phones offer unprecedented opportunities for mis-use. The magnification and manipulation which is now possible, together with the fact that there is no need for a third party to develop images is a cause for concern for the Council, particularly from a child protection point of view. 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 and young persons and vulnerable adults using its facilities.

The Council does not wish to restrict photography in its parks and open spaces and in any event, would be unable to require third parties taking photographs to seek permission. However, anyone found to be taking photographs which are intrusive or inappropriate will be asked to cease doing so immediately and will be reported to the Police and Head of Leisure by way of a report of concern (regarding child protection issues). Such concern must be reported by completing a Child Protection Referral Form which is included as an Appendix to the Council's Child Protection Policy.

The Council does however wish to exert control over photographs taken in leisure centres which are likely to be considered an intrusion into the activities taking place and may offend other users. As a result, photography is not allowed in any part of the building without permission of the Leisure Centre Duty Manager. This includes all types of photography i.e. cameras, mobile phones, videos etc.

The Duty Manager will require proof of identification of the photographer before permission will be granted to film or take any photographs.

Casual users of the Council leisure facilities are permitted to take photographs/films on the premises, providing permission from the Duty Manager is obtained on one of the Council's Casual User Consent Forms (Appendix D). The Duty Manager is responsible for retaining a copy of each completed Casual User Consent Form on file at the leisure facility.

Photography is not permitted in changing rooms, showers, locker areas or toilets or any other area that the Duty Manager may decide upon at their discretion.

Persons found to be taking photographs without permission will be stopped immediately, and informed of the correct procedure. Persistent offenders will be requested to leave the premises and the incident reported to the Head of Leisure.

Anyone found to be taking photographs without permission which are intrusive or inappropriate will be reported to the Police and Head of Leisure by way of a report of concern (regarding child protection issues). Such concern must be reported by completing a Child Protection Referral Form which is included as an Appendix to the Council's Child Protection Policy.

2b. Photography at private functions/events held on Council premises

The Data Protection Act does not prevent individuals from taking photographs for their families, friends and colleagues. In fact, photographs taken purely for personal use are exempt from the provisions of the Act.

The Council does not wish to prevent individuals from taking photographs or filming for their own use at private events held at the Council's premises. The Council's standard terms and conditions of hire give consent for photography and filming at exclusive use parties, functions and events. The hirer is responsible for the control of such photography and filming.

In view of the fact that the Data Protection Act does not apply, the Council does not require the hirer to obtain the consent of the individuals being photographed or filmed. In addition the hirer is not required to sign a photographic/filming indemnity form.

2c. Photography for coaching, publicity or commercial purposes on Council premises

The Data Protection Act may apply to photographs or films taken by third parties for coaching, commercial or publicity purposes on council premises. Compliance with the Act is the responsibility of the person taking and storing those photographs and films.

However, individuals using the council's facilities may not wish their images to be taken and used by a third party in this way. In addition, the Council has a responsibility to take precautions to protect children using its facilities.

The Council therefore requires permission to be obtained before photography/filming can take place. Should permission be granted the Council would make it clear that it is the responsibility of the photographer to obtain permission from individuals being photographed or filmed. The Council does however require the photographer to provide an indemnity to protect it against any legal action. The standard indemnity form is attached as Appendix B.

A quick guide to what forms you will need

For further information on this Photographic and Filming Policy, please contact the Council's Communications Manager on 0115 901 3801 or the Centre Manager from the relevant Council facility.

Image/film needed	Consent required from the Council	Consent required from the individual
1a. The Council taking images of identifiable individuals for its own publicity purposes	N/A	Consent is required for images where people can be identified and where the Council or partners may use images for publicity purposes (Appendix A)
1b. Photography or filming at Council events such as Gedling Show or public meetings	N/A	No formal consent needed, but put warning notices up at the event and make sure the photographer can be identified
1c. Photography or filming by the Council for non-publicity purposes.	N/A	N/A
2a. Casual users of the Council leisure facilities	Consent to photograph/film must be given by the leisure centre Duty Manager (Appendix D)	N/A
2b. Individuals who hire Council facilities and wish to take images for their own personal use, for example birthday parties	Consent given through the terms and conditions of hire on the booking form.	No consent forms required from individuals, as it is the responsibility of the hirer.
2c. Third party hirers such as theatre companies and clubs/organisations or individuals wishing to photograph or film in the Council's facilities for coaching/commercial or publicity purposes	Consent to photograph /film must be given and an indemnity form completed (Appendix B)	The hirer is required to obtain consent from individuals being photographed/filmed.

APPENDIX A**Photography / Filming Consent Form**

To help us comply with the Data Protection Act 1998, we would like your consent before we take a photograph/video of you / your child.

This photograph/video may be sent out to the media with a press release, used in our publications, in exhibitions or on our website* to promote the Council's services and events.

* Please note that websites can be seen throughout the world, and not just in the United Kingdom, where the UK law applies.

I (print name)	<p>have read and understood the information above and give permission for Gedling Borough Council to use the photograph/video(s) as detailed above.</p> <p>agree to the Council providing a copy of the photograph/video(s) to other partners (such as other local authorities), the event organiser(s) and others who appear in the photograph/video(s) with me.</p>
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In the case of a child or adult who is unable to grant consent:	
I (print name)	am the representative e.g. parent, guardian or carer of
(print name of the person being represented)	

Signature:	Date:
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Address:
Telephone number:
Email Address:

The Legal Bit

- The person signing this form must be capable of giving his or her consent to the photo/video(s) being used by Gedling Borough Council and its partners in the manner and for the purpose(s) detailed overleaf and any other reproductions or adaptations of them either complete or in part, alone or in conjunction with any wording and / or drawing and acknowledges that no payment has been made to him or her in exchange for the photo/video.
- In the case of people who are incapable of giving their consent {such as children or vulnerable adults}, a representative e.g. a parent, guardian or carer, who represents the person in his or her best interests, must sign this form.

- Addresses will not be disclosed in detail, but we may state for example, 'John Smith from Carlton'. Telephone numbers and email addresses will not be disclosed. Contact details will not be sold on or transferred to any third party.
- A copy of this completed form will be stored and linked to all relevant transparencies, negatives, digital image files or prints.
- Copyright in the photo/video(s) belongs to Gedling Borough Council. Any reproduction or distribution of the video(s) by a third party will constitute an infringement of copyright without credit or by-line stating the authorship of the photo/video(s).
- The photo/video(s) will not be substantially edited, adapted or altered from their original intention or purpose, or used for anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress.
- Photos/videos will be kept for up to three years, unless the Council is notified in that period of a change of circumstances, and then reviewed. After review, images that are out of date or no longer useable will be destroyed or archived.

Please pass this form back to the photographer.

For Gedling Borough Council use only
Photographers name:
Photograph/video date:
Photograph/video location:
Purpose of photograph/video: The original intention of taking and storing the photograph/video. ----- ----- ----- ----- -----
Description of photograph/video Subject, services, situations and activities. For group photo/video, please complete the names of the individuals shown in the photo/video from left to right. Alternatively highlight any items/colour of clothing to help identify who's who in the future. ----- ----- ----- ----- -----
Image library references:

APPENDIX B



Photographic/Filming Indemnity Form

Undertakings given in connection with taking photos or filming on Council premises

<Name> of <address>

This is to confirm that in consideration of the undertakings by <name> hereinafter set out, Gedling Borough Council grants permission to <name> to film/photograph <description of event> on the Council’s premises at <address> on <date>.

<Name> undertakes to obtain consent from all parties whose image will be recorded during filming.

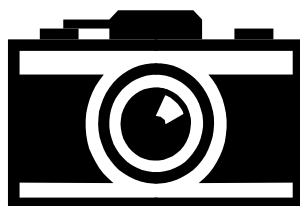
<Name> undertakes to indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred, arising out of or in the course of or caused by the use of the Council’s premises for filming by <name>, provided that the Council will give notice of any such action, proceedings, claim or demand or liability as soon as reasonably possible after notice of such has been given to the Council.

<Name> further undertakes to make good or indemnify the Council for any loss or damage to council owned property or premises which arises directly from the negligence or omission of it’s employees or representatives or the presence on the Council’s land of any equipment belonging to or being used by it’s employees or representatives.

<Name> declares that it will maintain public liability insurance to the value of £5million.

Signed:
For and on behalf of <name>

Dated:

APPENDIX C**PUBLIC NOTICE****Photography**

Images of children and adults taking part in this event may be captured by the organiser or other authorised agents by means of film photography and digital photography. These images are intended to be used for promotional purposes i.e. distribution on the Internet, media publications and corporate publications.

Gedling Borough Council acknowledges its responsibilities in capturing images by photography under the provisions of the Data Protection Act 1998. Where possible and practical to do so, the Council will seek written consent to capture images. Where this is not possible for practical reasons, individuals are deemed to have given their consent by remaining at the event.

Thank you for your co-operation



APPENDIX D**CASUAL USER CONSENT FORM**

Name:	
Address:	
Images to be taken:	
Reason for images:	
Premises covered:	

Permission is hereby given for you to take photographs or film on the Council premises, subject to the following conditions:

- No photography or filming to take place in the following areas,
 - changing rooms,
 - showers,
 - locker areas,
 - toilets, or
 - other areas as specified by the Duty Manager.
- You must respect other users of the Council's facilities. If any customer complains or expresses concern, you must stop taking photographs and filming immediately.
- You must endeavour not to take images of any third parties without their agreement.
- You must not publish any of the images taken which include third parties [including on the internet].

Signed: Dated:
 Duty Manager

I confirm that the information I have provided is valid and will agree to comply with the above conditions.

Signed: Dated: