

Taking and publishing images, photographs and videos,

including on websites

Introduction

Taking and publishing of images, photographs and videos is usually enjoyed by children and parents, and by adults who may be vulnerable, and can bring good publicity, but steps need to be taken to ensure that privacy is respected and no embarrassment is caused. The issues are the same for still photographs or films, and regardless of the particular technology used. They also apply to audio clips from individuals. For convenience they are all referred to as images. Images count as personal data under the Data Protection Act 1998. It is therefore a legal requirement that the consent of the adult who may be vulnerable, or child and his/her parent or guardian is obtained for the taking and using of images.

**General**

1. Do not take pictures of children or adults who may be vulnerable without another adult present.
2. When an image is taken for publication or distribution, those being photographed should be aware that it is being done. Awareness can be assumed if:

* people are attending a photo-call
* the intention of taking images is included in the invitation to the event and people are given the option of opting out.

1. Ensure that any use of images reflects the diversity of age, ethnicity and gender of the activity.
2. Ensure that professional or amateur photographers commissioned to photograph events are given a copy of this guidance and agree to abide by it.

**Consent**

5. Except in the above circumstances, consent should be obtained before taking and using images, and a chance to opt out must be given.

***Written Consent***

6. Consent need not be in writing if it is not proposed to publish the images in any way; but if they are going to be displayed, used in a newspaper or magazine (including the Diocesan or parish newspaper or magazine), or put on a website, then specific written consent should be obtained.

7. Images should only be used for the specific purpose agreed by the person photographed. Written consent must specify what purposes the image will be used for, and how it will be stored if not destroyed. If the intention is to use an image on the internet, this must be clearly stated at the time that consent is sought. Further written consent is required if images are to be used in other ways than originally specified.

***For children***, written consent must be obtained from parents or guardians and children.

***For vulnerable adults***, images should only be used for a purpose which is explained to them, and to which they give their recorded and preferably signed informed consent, i.e. they understand and agree. They should see the photograph before being asked to give consent. The person who obtains the consent should sign and give their relationship to the person photographed, and the name and address of the organisation for which they work or volunteer. If the vulnerable adult cannot give informed consent the images should not be used, unless the individual cannot be identified from the photograph.

8. For any photographs submitted for use in any Diocesan communication (for instance in the DON Diocesan newspaper, or on the Diocesan website), it will be assumed that the parish has obtained the consent of the children, parents/guardians or vulnerable adults before such submissions are made.

9. In the case of a general photograph of a public event, such as a church fete, where no individual or group of people is the focus, prior consent of everyone is not required. It is still appropriate to consider carefully where and how such photographs should be displayed.

**Publication and use of images**

**For children:**

10. As a general guideline, if the image is to be published, avoid naming the child; and if a child is named, avoid using his or her image. However, there may be circumstances where, with the explicit, written consent of the child and his or her parent or guardian, it is permissible to use child’s full name, for instance when promoting a specific performance or achievement.

11. If children are scantily dressed, e.g. for swimming, then:

* + focus on the activity rather than a particular child
  + avoid full face and body shots
  + consider the age of the children involved.

**For adults who may be vulnerable:**

12. Specific consent should be sought for images of adults where it is the intention to name the person in the image in an accompanying caption or article.

13 .All images must respect the dignity of the person being photographed.

**Storage of images**

14. Be clear about whether the image is to be retained for further use.

15. Store the image securely.

16. Ideally, store consent forms with the image for future reference.

**Images taken by participants**

17. If, at a church-related event, children or adults who may be vulnerable use cameras or mobile phones to take photos of each other, or if parents or carers take photos of children or adults other than their own, they should be advised that these can be used for personal use only, and should not be displayed in any publicly accessible space, including on internet or web-based communication channels such as My Space.

***Schools, including church schools*** *will have their own policies, which apply to children on school premises or engaged in school-sponsored activities. The Department for Education also publishes advice on this issue, available from their website.* ***Newspapers and other print media*** *are bound by the Press Complaints Commission Code of Practice, of which the latest version was issued in June 2004. Legitimate journalism is a ‘special purpose’ under the Data Protection Act, which exempts it from the requirement of security, but there are numerous restrictions on photographing children. These are not likely to be relevant to church use but advice if needed should be obtained from the Diocesan Press Officer.*

See consent form

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