



Guidance on Using Photographs and Images

1. Purpose

This guidance has been prepared to help ensure that images and photographs are used in line with the principles of the Data Protection Act and covers all photos or video recordings taken for Council business purposes.

2. Personal Data

Photos, images, CCTV recordings and video footage of individuals can be classified as personal data and are therefore regulated by the Data Protection Act 1998.

If an image can be used to identify someone and tell you something about them it is likely that the Information Commissioner will consider it to be personal data.

Personal data should only be used in a way agreed and understood by the individual (data subject) and this should be expressed in a fair processing or privacy statement.

3. Seeking Consent to use photos or images of

3.1 Individuals

Photos or images that clearly identify an individual and/or that suggest some biographical information (a particular equalities characteristic¹ for example) about a person should only be used by the Council with the individuals consent and understanding of how the image will be used – for example to:

- promote the Council, specific Council services, a planned Council or partnership event
- report on an event and shared with the media

Although the Data Protection Act does not specify that consent should be in writing, it is strongly advised that this is obtained to help field later queries or complaints about the use of images.

Pre printed consent pads are available from Corporate Communications or the Strategy Team and they already include the appropriate fair processing statement.

All Service Units are advised to use this when planning to take photographs at a Council event.

If you source an image from Council stock photos, you must check that appropriate consent has been obtained before it used – either with the Communications Team or the individual.

¹ Characteristics are described in the Equalities Act as: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

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3.2 Organised or targeted groups

Where it is an organised or targeted group – such as an exercise class at a Leisure Centre or a guided walk with rangers, advise the group that photos are going to be taken and exactly how they will be used, allowing individuals the opportunity to opt out of shots.

3.3 Public events or crowd shots

Members of the public are not automatically granted a right to privacy at a public event or occasion however it is important to consider the purposes for which the photographs are being taken and consider the impact on privacy.

It is good practice to ensure that there are clear signs around the venue indicating that photographs are being taken. A poster can be downloaded from the Loop and tailored to fit the event.

3.5 Children

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.

Separate guidance has been prepared by the Information Commissioner on the taking of photographs at school events.

The pre printed consent pads allow for parental consent.

4 Summary

The Council needs to be seen to be taking reasonable steps to protect people's privacy and it is not possible to cover every possible scenario in a single guidance note.

For additional advice and guidance please refer to the Information Management Handbook on the Loop or alternatively contact:

Communications Team – for stock images and official photographers

Strategy Team – for further advice and information on data protection and respecting people's dignity

Information Commissioners Office website – for further advice and guidance

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