

ADOPTED 6<sup>TH</sup> SEPTEMBER 2023

# TALATON PARISH COUNCIL

## PHOTOGRAPHIC POLICY

In accordance with General Data Protection Regulation (`GDPR`) images of individuals are treated as personal data. Images of crowds in a public area are not. Photographs intended for publication on our website or elsewhere, must comply with the following:-

- i. The copyright of the photo must belong to the person who sends in the photo (the photographer), ensuring that the sender has the rights to allow publishing of the photo. The written consent of the photographer is required
- ii. For Data Protection Act 2018 purposes, we also need to have the explicit written consent of all persons (or the persons' parents or guardians if those persons are children under the age of 16) whose image appears on any photograph. This should cover the intended usage
- iii. If considered appropriate and of sufficient technical quality the photos will be displayed on the Council's website and may be used in other parish publications
- iv. Photo credits will be given in all cases where we use any image
- v. Websites and other online media can be seen throughout the world, and not just in the United Kingdom, where UK law applies. We will not use the photographs for any other purpose. It is therefore possible for any pictures published on the Internet to be copied and used by others. Should you not wish to accept this possibility, then please do not submit your photographs
- vi. We will store the photographs securely for up to five years. After this time, the photographs and the signed consent form will be destroyed. However, if the photographs we take are of historical or archiving interest, we may keep them indefinitely. They may also be shared with other organisations such as the Devon Record Office
- vii. If your photograph is published in a printed publication, we will not be able to remove it. However, you do have the right to request that the photograph is not used in future publications
- viii. We will respond promptly to any request to remove photographic images and/or personal data from the website where the person making such a request has a right to do so in accordance with their data protection rights. The contact details if you wish to make such request are:-
  - Email: [clerk.talatonpc@btinternet.com](mailto:clerk.talatonpc@btinternet.com)
  - Phone: 01404 814128
  - In writing to: Talaton Parish Clerk, 3 Katherines Lane, Ottery St Mary. Devon EX11 1FB
- ix. If we are holding an event that many people are attending and therefore it is impractical to seek consent then we will let people know that photography and/or videography will be taking place by putting up a poster in the event space

### CHILDREN

The Council recognises the need to manage the manner in which images of children and young people are used on the Council Website. For the purposes of this document, the Council Website (the Website) includes all images displayed on <https://www.talatonparishcouncil.co.uk/> and any sub-domains of that website which includes official Social Media platforms, where used.

The Council recognises that it has a duty of care to ensure that the child's welfare as well as their right to privacy, are protected.

The Council also recognises the importance of ensuring that the Website is an inclusive space, which accurately reflects the demographic of the parish in terms of gender, age, race and disability.

Children and young people form an important part of our community and in reporting and representing events within the village, images of children and young people may be displayed on the Website provided that the child's welfare and right to privacy are protected.

## **The Law**

The Protection of Children Act 1978 and Section 160 of the Criminal Justice Act 1988 make it an offence to make, distribute, show, or advertise indecent photographs of children.

Photographs and visual images are regarded as personal data under GDPR. Under GDPR, personal data must be:

- Fairly obtained
- Accurate
- Kept up to date
- Kept and used only for one or more specified lawful purposes

There is no specific legal constraint on taking photographs or displaying photographs of children and young people provided that the photographs are taken in a public place and are not sexual in nature and the Parent or Guardian has provided consent for those children under the age of 16.

## **Guidelines**

### **General**

1. The Council will maintain a record of who supplies images displayed on the website
2. Images of children and young people supplied to the Council will be used only for the purpose for which they were provided and for no other purpose
3. Copyright and ownership of all such photographs remains with the photographer
4. Photographs must be supplied by the photographer or a person supplying them with the permission of the photographer, unless the photographs are in the public domain
5. No photographs or images shall be permitted that are of a sexual or indecent nature

### **Parental Consent**

6. Parental Consent under GDPR must be provided for any photographs of children under the age of 16 taken within a private environment. A private environment is one which is not ordinarily open to members of the general public
7. Photographs of children under the age of 16, taken within a public place, require Parental Consent under GDPR. A public place is one that is open to the general public at all or most times.
8. The Council will remove all photographs of young people and children from the Website when requested to do so by the parents or guardians as soon as practically possible

**Welfare of Children and Young People**

9. When images of children and young people are used, care should be taken not to identify the child. We would recommend that the name of the child is not identified alongside the photograph and where a name is used, it should be a first name only
10. A child’s name may be used in full, accompanying a photograph, where the photograph illustrates an acknowledgement of that child, for instance an award ceremony. Where a child’s name is used Parental Consent under GDPR must be obtained regardless of whether it is a public or private location
11. Images will not be passed to other third parties (for example, local media), without full Parental Consent as referenced in (10) above
12. Images of children who are vulnerable will not be used
13. Images likely to cause embarrassment or upset to a child will not be used
14. Images of children and young people will only be used where they are properly dressed as appropriate to the activity depicted

**APPENDIX**

**Photography Requirements and Consent Form**

**TO BE COMPLETED BY THE PHOTOGRAPHER WHO HOLDS THE COPYRIGHT**

1. Name of photograph subject \_\_\_\_\_
2. Identifying features – eg woman with glasses \_\_\_\_\_  
\_\_\_\_\_
3. Event/Location \_\_\_\_\_
4. Photographers Name \_\_\_\_\_

I confirm that I have read and agree the terms and conditions of Talaton Parish Council’s Photographic Policy

I confirm that I hold the copyright to the photograph described above

Signature:.....Date:.....

A typed signature will suffice

**TO BE COMPLETED BY THE PERSON(S) IN THE PHOTOGRAPH (OR PARENT IF PERSON IS UNDER 16 YEARS OF AGE)**

- I confirm that I have read and agree the terms and conditions of Talaton Parish Council's Photographic Policy
- I consent to my personal data (ie a photograph) being collected and used as set out in the aforementioned Policy
- I consent (as the legal parent or guardian of a child under 16 years of age) to the said child's photograph being collected and used as set out in the aforementioned Policy

Signature:..... Date:.....

A typed signature will suffice

Please print your name in capitals (and your child's name if appropriate) below :

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