

Overview

Summary statement: Worth Parish is committed to obtaining the appropriate and legally required form of consent before photos and video are taken and used.

Photography and Video of Children

Worth Parish is committed to the following principles and practices:

1. Worth Parish must obtain written parental permission for all children (aged less than 18 years) before they are photographed. Leaders must inform photographers prior to an event of any children who should not be photographed.
2. In those situations where prior written parental permission has not been obtained (for example, at a Bring and Share Lunch), verbal consent must be obtained before photos and video of children are taken and written consent must be obtained before those images are used in any form.
3. If written parental consent has not been obtained for a child who is included in a group shot (e.g. nativity play), the individual publishing the picture on the website, in a newsletter or other media will obscure the image of that child prior to publishing or displaying the photo.
4. Photos and videos will have the minimum necessary amount of personal data accompanying them when shared.

For example, children in photos will not be named without good reason and only with the express permission of the person with parental responsibility for that child. Their street address is never to be included. This is important because images can be used as a means of identifying children when associated with personal information and this information can make a child vulnerable to an individual who may wish to contact and start to “groom” that child for abuse – online (e.g. through websites or social networking) or through direct contact in the off-line, “real” world. Information placed on the internet has also been used by estranged parents (e.g. in adoption or domestic violence circumstances) to identify, trace and cause significant difficulties for children. Photographs are also sometimes used or adapted for inappropriate use.

5. We may use group images with very general labels, such as “youth enjoying sport” or “making Christmas decorations”.
6. If naming a child or group of children in an image is considered necessary and written parental permission has been granted Worth Parish will only use their first names, as this will reduce the risk of inappropriate, unsolicited attention from other people.
7. We will only use images of people who are suitably dressed.
8. Photographers should not photograph any child who has asked not to be photographed or who is under court order (where known).
9. Photography or video filming should focus on the activity not on a particular young person.
10. Images should focus on small groups rather than individuals.
11. All concerns regarding inappropriate behaviour or intrusive photography should be reported to a member of the clergy and the Child Safeguarding Officer(s).

Photography and Video of Adults

1. At any time an individual adult or small group of adults is photographed or filmed, each adult must be asked for either written or verbal consent before their image is used.
2. The taking of photographs, film or other images of vulnerable adults is not appropriate without prior consent. Worth Parish must ensure that such consent is in place before making any such image of a vulnerable adult.
3. Special care must be taken when using any image of a vulnerable adult in general publicity or in print publications. All images must maintain the dignity of the individual.
4. Photographers/videographers submitting photos/video to the church for use must provide written releases from the adults in the picture or sign a release stating that they obtained verbal consent from the individuals in the photo.

Taking Photos and Filming Video in Large Group Situations

It is not always necessary to obtain written consent before a photo or video is used:

“The general rule in the Data Protection Act is that individuals should, at least, be aware that personal data about them has been, or is going to be, shared – even if their consent for the sharing is not needed.” (*Data Sharing Code of Practice*, ICO, p19)

However, photos and video count as personal data and when such data conveys a person’s religious beliefs it counts as sensitive personal data because the data could be used in a discriminatory way. The Information Commissioners Office advises that:

“Consent or explicit consent for data sharing is most likely to be needed where: • confidential or particularly sensitive information is going to be shared without a clear legal basis for doing so; • the individual would be likely to object should the data be shared without his or her consent; or • the sharing is likely to have a significant impact on an individual or group of individuals.” (*Data Sharing Code of Practice*, ICO, p15).

Accordingly, it is our judgement that explicit written consent will not be needed in many cases. In many cases, particularly large group situations where the distribution and completion of consent forms would be impractical, a clear ‘privacy notice’ will be reasonable. This means photos and video should not be taken in large group situations without a privacy notice being given.

Privacy Notices

The Data Protection Act requires that people be made aware of which organisations are using their personal data and what it is being used for. In situations where explicit written permission is not required fairness requires that personal data is shared in a way that is reasonable and that people would be likely to expect and would not reasonably object to if given the chance. Since having your photo taken in Church and shared widely is not an

integral part of Christian worship people are unlikely to expect it. Since data which conveys a person's religious beliefs counts as sensitive personal data it is therefore fair and transparent to issue a privacy notice.

A privacy notice should at least tell the individual:

- Who you are (the name of the group/organisation taking, storing and sharing photos)
- Why you are going to share their personal data
- Who you are going to share it with

A privacy notice may also include:

- Our arrangements for keeping their data secure
- Who to contact if they have an objection or wish to make a complaint
- Where more information about the use of their data may be found (for example, a copy of Worth Parish Photo and Video Policy may be found on the church website or a poster at the back of Church).

A privacy notice may take a number of forms. For example: sending a letter, reading out a script (when making an announcement during a meeting it is a good practice to document this), sending an email or a text message, or a poster.

Sample Privacy Notice:

“We occasionally take photos during church-run activities to illustrate life at Worth Parish. These may be used in printed materials (magazine), on our website and Worth Parish social media (Facebook/Twitter/Instagram). We will not name your child in photographs and can also provide digital photographs for you to keep.

Please complete this permission form so we can use photos of your children taken during the **eventname**. Please email hello@worthparish.org if you require a copy of our Photo and Video Policy.

I give Worth Parish permission to use photographs of my child to help publicise the parish. I am happy with photos being used in:

- Printed material, for example the parish magazine
- Worth Parish website
- The parish's Facebook page / Twitter / Instagram

We will not name or give personal details of your child in photographs.”

Official Photos and Videos Versus Personal Use

Photos & video taken for official Church use are covered by the Data Protection Act and so people (adults and children) attending Church activities should be advised why they are being taken, and explicit consent obtained under some circumstances (see above). Photos & video taken purely for personal use are exempt from the Act. Examples:

– The entire congregation or a small sub-section are photographed during a Sunday morning service and the photo is to be used on the Church website. This will be the personal data of those photographed but will not breach the Act as long as the children and their legal guardians are aware this is happening and the context in which the photo will be used.

– Grandparents attending the nativity play during the service wish to video it. These images are for personal use and the Data Protection Act does not apply.

For more information about this see ‘Data Protection Good Practice’ by the Information Commissioners Office.

Security

The Data Protection Act requires organisations to have appropriate technical and organisational measures in place to protect the personal data in their possession. It states:

“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.”

Therefore in order to minimise risk of theft and loss of, and unwarranted access to people’s personal data Worth Parish is committed to the following:

1. Photos and video must be stored securely and password protected. This also means files on unencrypted, non-password protected memory sticks (etc) need to be deleted as soon as possible after use (for example, in the transfer of data between Church computers).
2. Access to the digital files is to be restricted on a ‘need to know basis.’ For example, clergy and web masters who need access to the files in order to use them for the purpose for which they were collected.
3. Photos and video may only be shared and used for the purposes to which consent has been given.

Retention of Data

1. Photos and videos may only be stored long enough to fulfil the purpose for which they were collected. When the need to use them has passed they are to be deleted.
2. If an individual objects to the storage and sharing of a photo or video containing their image or that of a person they are legally responsible for then we will permanently delete, destroy or return all copies of that file within the possession of Worth Parish and let them know that we intend to do so. We are legally obliged to respond to such complaints within 21 days.

Copyright Policy

1. Unless otherwise indicated, photographs and videos published by Worth Parish are the property of and are copyrighted or licensed by Worth Parish and may not be used for any purpose (including but not limited to downloading, printing, distributing and linking) without permission from Worth Parish.
2. Worth Parish will obtain permission to use any photographs and graphics from other sources before using within any publication, website or other medium.

Administrative Guidelines

1. A copy of this Photo Policy will be included on the church website and copies maintained in the church office and at the back of church.
2. A privacy notice is to be included on the Church Notice Sheet and announced from the front at services where photos and video are taken. For example, at our Christmas services.
3. All appropriate staff and ministry leaders will be required to adhere to the photo policy.
4. Where someone declines, asks or does not provide permission for a photo to be published, Worth Parish must comply immediately to refrain from taking the photo or delete or remove the photograph.
5. All appropriate staff and ministry leaders will be responsible for clearing any photos/videos from their groups or events before submitting them for publication. With the photos/videos they should submit a signed 'Photo and Video Release Form' that indicates that they have cleared the photos/videos for publication and granting the church the right to use them. In this way, the burden of complying with the policy is with the leader of the group rather than the webmaster/publisher.

Appendix 1:

Consent to use of images (Worth Parish)

We occasionally take photos and video during Church run activities to illustrate life at Worth Parish. These may be used in printed materials (magazine), on our website and the Worth Parish social media (Facebook/Twitter/Instagram).

To comply with GDPR legislation, we need your permission before we use images of you and/or your children in this way so we would ask you to sign and date the form below. We will not use the images for any other purpose.

A copy of our Photo and Video Policy can be obtained through the Parish Office or may be viewed on our website.

Adult Consent: [18 or over] I/We hereby give consent to allowing my/our images to be used as described above.

Signed:

Date:

Print Name:

Children:

If you have parental responsibility for a child or children please complete the following:

I hereby give consent to allowing images of my child/children (named below) to be used as described above:

Signature of adult with parental responsibility:

Date:

Print name:

Conditions of use

1. This form is valid indefinitely from the date of signing.
2. When using photos and video we will not include details or names of any person without good reason and only with your express consent.
3. We will not include personal email, postal addresses, and telephone or fax numbers.
4. We will only use images of people who are suitably dressed to reduce the risk of such images being used inappropriately.