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| St Andrew’s Church  Safe use of Images Policy | |
| Committee | PCC |
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**Safe Use of Images Policy:** **St Andrew’s Church, Chorleywood**

**Data Protection**

The Data Protection Act places certain duties on St Andrew’s to ensure that relevant consent has been obtained to take and publish images and that all data is kept secure.

It is important always to check whether there are reasons that a particular person cannot be photographed or identified, especially if it is a child.

Permission must be obtained of all the people who will appear in a photograph, video or webcam image before footage is recorded. This is for both children and adults.

If images are taken at an event attended by large crowds, such as a community event, this may be regarded as a public area so it is unnecessary to obtain the permission of everyone in a crowd. However, there is no clear guidance on this so if in doubt, avoid using such images and use stock image instead.

It is a requirement of the Data Protection Act that images (both digital and hard copies) are safeguarded by storing them securely and only allow use by those authorised to do so. When images are finished with, they should be destroyed or deleted.

If copies of images are held on file, they should not be released without up-to-date consent forms. Care should be taken with archived images. An image taken at a specific time and in specific circumstances cannot necessarily be used again at a later date or in a different context. Doing so can result in legal action.

When publishing images of children and young people, these guidelines should be followed:

* If their picture is published, do not publish a name
* If their name is published, do not publish a picture
* Do not publish full names, addresses or e-mail addresses
* Do not publish individual close-up portraits
* When publishing children’s’ work it will be anonymised
* Give adult leaders and parents the opportunity to request that their contact information is not included in any published material

If parents are permitted to take images during or after an event or service, make it clear from the start that they must be for private use only and ask for them not to put the images on the internet (particularly if a parent posts a picture on the web that shows children other than just their own child). If the picture is being used for public use then consent must be obtained.

It may be appropriate to provide written guidance to parents beforehand and/or make an announcement at the start of the event/service.

**Consent**

Ensure that written permission has been obtained to take and publish images before beginning to take them. This permission should cover:

* How the image will be used

*(i.e. for a one-off article or as a general resource that could appear in a number of contexts)*

* How it will NOT be used

*(i.e. alongside articles or text that are of potentially sensitive or offensive subjects)*

* Where it will be used / who will it be available to

*(i.e. in internal/public-facing printed newsletters, on the web, in a DVD, in local and/or national media, in exhibitions etc.)*

* How long it will be used for

*(i.e. once only, for 2 years, 3 years, indefinitely etc. Be mindful that people’s circumstances change and it can become inappropriate to continue to use a photo)*

For children under 18 years old, the form should be completed by a parent or guardian.

Consent forms should also be obtained for adults, particularly if they are considered ‘vulnerable’, for example those with learning disabilities.

The parent/guardian or social worker may give written consent in these circumstances.

Be aware that some people may require help to understand and complete a consent form, need the information translated into a different language or have it supplied in a different format.

Completed consent paperwork should be kept on file for the duration of the time the image is being used. Once this time is up, the image should be destroyed.

Do not use an image unless it is known that permission to do so has been obtained. If this is unclear, use an alternative.

**Copyright**

Copyright law applies to almost everything and can be complex and ambiguous.

A few basic points are listed below:

* Copyright automatically belongs to the person who created the work. In the UK it does not need to be registered. Take care with any images released to the media, it is our responsibility to check with the owner of the copyright that it is OK to use them.
* If using someone else’s image their written permission must be obtained,

and always credit the artist

* Images are protected for the lifetime of the creator and for 70 years after his/her death
* Downloading images from the internet and using them on St Andrew’s church website without the copyright owners consent may breach copyright laws, and could be considered a criminal offence, leading to heavy fines. Be aware that picture agencies and photographers are increasingly using software to track their images.
* If something is put on the web, electronic global broadcasting rights from the owner of the copyright must be obtained.

**Context**

Be careful about the context in which an image is used, especially if it is of children.

* If used for publicity specifically related to an event, there should be little problem as long as the relevant consents have been obtained.
* For information that covers sensitive areas always use a stock picture. Using pictures of real children alongside these subjects could result in legal action by parents / carers.
* Do not use a photo in a context that is different to that stated on the consent form.
* Ensure that images cannot be construed as being provocative.
* When taking/using images, be representative of diversity by reflecting gender, race and disability.

**New media**

‘New media’ describes anything that relies on digital technology or computerised methods of communication for example the internet, social media, email, mobile phones, podcasts, live streaming etc.

New media is becoming more widely used; along with this increased use comes an increased responsibility to consider images are used safely within the new technology.

The information shared by new media is more accessible than in non-digital formats; it is easy for people to amend, manipulate or copy images, which makes them more open to abuse. As such more vigilance than ever must be taken about obtaining the relevant consent to publish images, how they are published and in monitoring their use.

If the use an image in any form of new media is planned, electronic global broadcasting rights from the owner of the copyright should be obtained, ensuring that the consent form states that the image will be used in digital formats, including the web.

When operating as a web-publisher, an image that has been uploaded onto the system by someone else should not be used without checking with the original publisher/owner that the relevant permissions have been obtained.

Where possible avoid pixelating and blurring an image in order to obscure the faces of persons in the image and use an alternative image instead.

Do not tag people on social media without their explicit written permission.

**Disability Discrimination Act (DDA)**

When using images in new media, ensure compliance with the DDA. The DDA applies to everyone who provides a service to the public. Service providers must ensure that they do not discriminate against disabled persons when using new media images. Where possible in order to comply with the DDA, ensure that images have meta tags and that do not overlay a photo with text. Further reasonable adjustments should be made on request to ensure new media is accessible to all users including those who are visually impaired.

**Releasing images to the media**

The legislation governing whether or not the media can publish an image is complicated and ambiguous. If in any doubt about publishing an image, do not release it to the media.

If an image to the media is released, be aware that St Andrew’s is responsible for checking that all the relevant written consents have been obtained for the people in it and that the owner of the copyright agrees to the image being published. If the media publishes an image supplied by St Andrew’s and the consents have not been obtained, responsibility falls to St Andrew’s PCC.

The laws surrounding this issue are becoming stricter, especially for pictures of children. Be extremely cautious not to release any pictures of children who are in care, under wardship or involved in family law cases. The legal implications are serious.

Date Written: 9/11/23

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