

Appendix D Photography & the Data Protection Act (1998)

Notes

- (a) As the Data Protection Act (1998) was not drafted to cover specific circumstances and because (as yet) it has not been tested in court, it is not known how perceived breaches of the law will be legally interpreted. With this in mind, these procedures, which were written in conjunction with the University's Information Strategy Manager, should be regarded as general guidelines for good practice in the production and processing of photographic images rather than definitive points of law. They have, however, been drafted with the intention of erring on the side of caution where any doubts arise, in the hope that, should a complaint be filed against the institution, we can demonstrate that we are acting in good faith.
- (b) An official GCU Consent Form has been developed by PDS in conjunction with the University Information Manager for the purpose of obtaining subjects' consent to publish any image in which they might appear. [Can be found at the end of this Appendix]
- (c) Under the terms of the Data Protection Act (1998) photographs featuring pictures of people and any Consent Forms which accompany them are considered to contain personal information and, as such, should be stored securely.
- (d) The terms "published" and "publication" as used below, refer to both printed and electronic media (including web sites, TV and video).
- (e) If in doubt about how to apply these procedures to any specific situation involving the production or processing of photographic images, err on the side of caution or consult the University Information Strategy Manager, Pat McKay (x1450) for guidance before going ahead.

Commissioning New Photography

- Everyone who agrees to appear in a photograph commissioned by the University, should provide their express (written) consent to publish, via the official Consent Form, before the photoshoot begins. They must be fully informed of the consequences of giving their consent (e.g. that this information may be available to countries where their personal information is not protected by law)
- For shoots involving a number of different individuals and/or a number of different shots, an accurate note should be kept of who appears in each photograph, to allow the Consent Forms to be matched up to the appropriate images after the photographs have been processed.
- If the photography is taken in a tangible (i.e. non-digital) format, Consent Forms should be stored with the image to which they refer. If the photography is taken in a digital format, Consent Forms should be stored with a printout of the image to which they refer.
- If a subject appears in more than one photo at a shoot, copies of the Consent Form should be kept with each photo in which the subject appears.
- For photographs containing more than one subject, Consent Forms for all those featured should be stored with the photo to which they refer.
- Photographs may only be published in accordance with the conditions agreed by the subject in providing their express (written) consent.
- Photographs cannot be published if the appropriate Consent Forms are lost or mislaid.
- Exceptions:
 - Where protocol dictates that it would be inappropriate to ask subjects to complete a form:
 - Celebrities and dignitaries will generally expect their photos to be taken and published and should not be asked to complete a Consent Form.

- For visiting academics and guests of the University a quick explanation along the lines of “Do you mind if we take your picture for our publicity material?” will suffice.
- For events involving very large groups (Graduation Ceremonies, launches, etc.):
 - The inclusion of a note within the general documentation sent out to participants to the effect that photographs will be taken at the event for the purposes of publicising the University around the World should ensure that we are covered.
- If shots might include passers-by who are unaware that a photograph is being taken:
 - A notice should be displayed on location reading “Glasgow Caledonian University: Official Photoshoot. These images will be used to publicise the University around the world.” It is important that this wording is used.
- Shots including pictures of children (under 16 years):
 - For events such as Open Day the procedure for events involving very large groups should be followed.
 - For specific pictures in which children are featured, express consent (in the form of a completed Consent Form) must be provided by the child’s parents/guardians or by their school (depending on which is acting as the point of contact).
 - For specific pictures in which pre-school children are featured, express consent (in the form of a completed Consent Form) must be provided by the child’s parents/guardians.

Working with Images for which we do not have Express (Written) Consent to Publish

While consent to publish has been obtained for all the most recent photography commissioned by the University, it is unlikely that it was sought with regard to images created prior to the introduction of the Data Protection Act (1998). If working with images for which we do not have consent to publish, the following procedures should be followed:

- If the subjects were aware that their photo was being taken at the time:
 - Images **can** be used to update an **existing** publication or series of publications in which they have already appeared.
 - Images **cannot** be used in **new** publications unless the subjects cannot be identified. *e.g. at a small scale, blurred, silhouetted, etc.*
- If the subjects were unaware that their photo was being taken:
 - Images **cannot** be used in **any** publication unless the subjects cannot be identified. *e.g. at a small scale, blurred, silhouetted, etc.*
- If the images feature pictures of children (under 16 years) for which we do **not** have express (written) consent to publish:
 - Images **cannot** be used in **any** publication unless the subjects cannot be identified. *e.g. at a small scale, blurred, silhouetted, etc.*

Permission to Publish Photographic Images: Consent Form

Section 1

To be completed by anyone appearing in photography for publication by Glasgow Caledonian University

- How the photographs will be used

The photograph(s) in which you have agreed to appear will be used solely to promote the activities of Glasgow Caledonian University and will be held without limit of time. They may be used in printed and electronic form, and may appear in different publications (including web sites, television and large scale exhibition panels), within the UK and overseas, including countries outwith the European Economic Area.

- The Data Protection Act 1998

Under the terms of the Data Protection Act 1998, we need your permission to publish any photographs in which you feature.

- Consent

Please provide the information requested below, giving us your permission to use any images (or parts of images) in which you appear as a result of this photoshoot, in accordance with the conditions outlined above and the terms of the Data Protection Act 1998.

Name (Please Print) Signature Date

Department or Programme

Section 2

To be completed by anyone arranging photography for publication by Glasgow Caledonian University

The University can only publish images which are accompanied by the correct consent form(s). To ensure that this form is linked to the correct image(s), it is important that we are able to identify the individual to which it applies, in any photograph(s) in which they may appear. Please provide a brief objective description (e.g. gender, hair colour, clothes) to help ensure that this can be done.

Continue on the reverse of this form if necessary

Location of Photoshoot Date of Photoshoot

Permission to Publish Photographic Images: Consent Form

Section 1

To be completed by anyone appearing in photography for publication by Glasgow Caledonian University

- How the photographs will be used

The photograph(s) in which you have agreed to appear will be used solely to promote the activities of Glasgow Caledonian University and will be held without limit of time. They may be used in printed and electronic form, and may appear in different publications (including web sites, television and large scale exhibition panels), within the UK and overseas, including countries outwith the European Economic Area.

- The Data Protection Act 1998

Under the terms of the Data Protection Act 1998, we need your permission to publish any photographs in which you feature.

- Consent

Please provide the information requested below, giving us your permission to use any images (or parts of images) in which you appear as a result of this photoshoot, in accordance with the conditions outlined above and the terms of the Data Protection Act 1998.

Name (Please Print) Signature Date

Department or Programme

Section 2

To be completed by anyone arranging photography for publication by Glasgow Caledonian University

The University can only publish images which are accompanied by the correct consent form(s). To ensure that this form is linked to the correct image(s), it is important that we are able to identify the individual to which it applies, in any photograph(s) in which they may appear. Please provide a brief objective description (e.g. gender, hair colour, clothes) to help ensure that this can be done.

Continue on the reverse of this form if necessary

Location of Photoshoot Date of Photoshoot

