



## **USING IMAGES OF PEOPLE, PHOTOGRAPHS, VIDEOS AND WEBCAMS**

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## Introduction

Since the introduction of the Data Protection Act in 1998, we must be very careful if we use photographs, videos and web-cam images of clearly identifiable people. The increased use of the internet has led several people to ask for advice on using images of children and adults on our website and our printed publications. This document offers a set guideline for Service staff to follow on this subject.

The Data Protection Act 1998 also affects our use of photography and before proceeding you must ensure that:

- a. You must get the permission of all the people who will appear in a photograph, video or web-cam image before you record the footage. That means children as well as adults.
- b. Why you are using that person's image
- c. What you will be using it for, and
- d. Who might want to look at the pictures

A Public Sector employer has already been taken to court and paid substantial damages and costs for failing to obtain consent and for using a photograph of a child in an inappropriate situation.

If you are taking images at an event attended by a large group of people, such as a Station open day, this is regarded as a public area so you do not need to get the permission of everyone in the crowd shot. People in the foreground are also considered to be in a public area, however it is good practice that photographers address those within earshot, stating where the photograph may be published and giving them the opportunity to move away. If you want to use an image of, for example, the winner of a draw or competition at the open day with the crowd in the background – You must get the winner's verbal permission and record the fact that you have done so. You can record their consent when you take the photograph or later when you return to your office.

If you intend to use images supplied from other sources, it is the sources responsibility to get permission from all those appearing in the image before it is recorded. However, it is ultimately our responsibility to ensure that permission was obtained, so get this in writing from the source before proceeding.

### Specific corporate guidance

This document includes specific guidance for Brigade staff about procedures for taking photographs or recording video footage of people. Appendix A contains a set of sample consent forms that you should use.

## **Guidance for Wiltshire Fire & Rescue Service Staff**

Before you start taking images of people, it is vital that you get their consent to do so. You need to be particularly careful when dealing with children, so it is important that you get consent from the parent, guardian or carer of any child or young person up to the age of 18 ('parental consent'). We suggest you ask for parental consent early in any project or presentation and plan ahead in case the printed publication is transferred onto our website at a later date.

You need a person's consent (or parental consent for those under 18) when they are clearly recognisable in an image. A person may be unrecognisable if they have their back to the camera, or they appear out of focus in the foreground of a photograph while the camera zooms in on an object in the background. You should be especially sensitive in the case of children with special educational needs. If you need to get consent for children you should send a consent form to the parents or via the headteacher at the children's school. Remember allow plenty of time for this, so that you get the permission before you start your project.

Please note that the consent forms that schools have for school literature and websites do not cover literature produced by Brigade departments or used on the internet. You must have a separate, signed consent form for your project.

### **How long does consent last?**

It is recommended that you destroy images two years after the date on the consent form, in case family circumstances change, unless further consent is agreed. This is particularly important if your publication will have a high profile, eg if it will have a wide circulation or be publicising a conference.

If the images are for a specific project, you may want to state this on the form and agree not to use the photographs for other projects. The member of staff sending out the form must remember to delete whichever options do not apply.

### **Can I use existing photographs?**

You may have photographs on file. If you are re-using older photographs for which you did have consent but probably only for paper publications, we recommend that you renew this consent if you use the images on a website.

If you never had consent, ie you had the photographs before the Act came into force, you must be extremely careful and apply common sense when using them. For example, never use an image of an untraceable person. To help you make a balanced decision when re-using photographs, it may be helpful to consider the following:

- a. For what was the photograph originally taken, eg was it taken for a specific project?
- b. Where was the photograph taken, eg was it taken in a public place?
- c. When was it taken, eg is it a picture of a child who could now be an adult?

Any archived photograph will need to be organised so that consent can be checked at a later date if you re-use a photograph. This will be easier if you keep photographs and signed consent forms together. However, you must be prepared to destroy all photographs once the consent has expired.

### **Are there special rules for putting photographs on the web?**

If you are putting photographs of children on the internet, especially if they can be clearly identified, you should follow the guidance in this document. However, there may be occasions when you have a good reason for including an adult's or child's full name with a photograph. For example, you can include the full name of a competition winner if you have their consent, but it is not acceptable to include the full name of a person used in promotional literature.

### **What about using photographs of staff on the internet or intranet?**

Departments may from time to time wish to display photographs of staff on the internet. A likely reason for this is for staff recognition purposes. An 'image' is personal data and must not be processed for any other purpose than it was originally collected for.

Photographs taken for security reasons using a digital camera, to enable access to buildings for example, is a legitimate business purpose for processing personal data. Unless the staff member agreed for the image to be further processed by publishing it on the intranet or internet when the photograph was taken, it cannot be used for this or any other purpose without their consent.

Individuals may wish to give consent for their image to appear on the internet. Others may feel more comfortable with access restricted to their departments only. A choice could be offered about the disclosure of their personal data and their wishes should be respected. Using images of staff on the internet requires 'explicit consent'.

Individuals must be made aware of the risk to security when images are transmitted on the world wide web to countries without adequate levels of protection for processing personal data, outside the European Economic Area. The best evidence of explicit consent for publication on the web is a signature on a consent form – see Appendix A.

This guidance follows the standards set in the Code of Practice 'The use of personal data in employee/employer relationships' published by the Information Commissioner's Office, featuring the eight principles of the Data Protection Act 1998.

### **Can I use photographs from another source/agency?**

If you get photographs from another source/agency, you should ask the source/agency to guarantee that permission has been granted. Wherever possible, however, you should use the photographs that portray Wiltshire people. You should also tell the source/agency how you would be using the photographs because there are different charges for different situations. Ultimately, however, it is your responsibility to ensure that the agency obtained permission from the people in the photographs, so get this in writing from the source/agency.

## **What else should I think about?**

Remember to include images of people from different ethnic communities in your communications whenever possible and to use positive images of disabled people. This will ensure that your photographs are inclusive of the whole community and comply with the Disability Discrimination Act.

Only use images of children in suitable dress, to reduce the risk of the images being used inappropriately. For example, do not use photographs of children in swimming costumes. You will also need to be aware of copyright implications with any photographs that you may use from elsewhere.

## **Videos**

Before any adults or young people up to the age of 18 can appear in your video, you must get the correct permission, i.e. parental consent for those under 18. You can do this in the same way as for photographs of people, using the relevant consent form. Similarly, you must get the permission of anyone in your video that is part of a crowd and is easily recognisable.

## **Webcams**

The regulations for using webcams are similar to those for CCTV. This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter that area. In effect, this means you are getting their consent. However, as with photographs, you must tell the person:

- a. Why the webcam is there
- b. What you will use the images for, and
- c. Who might want to look at the pictures

## **MMS telephones**

Multi media messaging service mobile phones can take and transmit images, which may be personal data. The Wiltshire Fire & Rescue service does not condone the use of these phones by its staff whilst on Fire & Rescue Service Property or by firefighters attending incidents whilst on duty.

## **Getting consent**

To avoid any problems in the future, you must get a signed consent form before taking any images. For children, you send the consent form to the parents through the headteacher (if applicable) through the child's school. Once you have the signed form, you should keep it on file.

## **Copyright**

It is important to be sure of the copyright position of any photographs you intend to use, because photographic images are considered as artistic works under the laws of copyright.

Copyright is basically the right given to authors and creators of works, such as books, films or computer programs, to control the exploitation of their works. This right broadly covers copying, adapting, issuing copies to the public, performing in public and broadcasting the material. Copyright arises automatically and does not depend on the completion of any formalities, such as registration. Remember that photographs obtained on the Internet are also subject to copyright. The first owner of copyright is usually the author of the work. The major exception is where such work is in the course of employment, in which case the employer owns the copyright.

Commissioning and paying for work does not procure copyright. Contractors and freelancers own the first copyright in their work unless the commissioning contract agrees otherwise.

You should remember that copyright lasts for over 50 years. Photographs taken after 1 August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older photographs depending on the relevant Copyright Act at the time they were taken. See the table below

Date photograph taken	Length of copyright
Before 1912	Expired
1 July 1912 – 1 June 1957	50 years from the end of the year in which the photograph was taken
1 June 1957 – 1 August 1989	70 years from when the negative was taken
After 1 August 1989	70 years after the death of the photographer

Photographs on the Internet that are not owned by the Service should have photographic credit attached to them. It is our responsibility to ensure that all photographs on our web site have this credit applied. Photographs owned by the Service do not need a credit.

More information on copyright is available from the United Kingdom's Copyright Licensing Agency (tel: 020 7631 5555; e-mail: [cla@cla.co.uk](mailto:cla@cla.co.uk)) or International Federation of Reproduction Rights Organisation in Brussels (tel: 322551 0899; e-mail: [secretariat@ifrro.be](mailto:secretariat@ifrro.be); web: [www.ifrro.org](http://www.ifrro.org)).

For further information or advice please contact Emma Roberts at BHQ on 01380 731170 or e-mail [emma.roberts@wiltsfire.gov.uk](mailto:emma.roberts@wiltsfire.gov.uk)

Emma Roberts  
Information Rights Advisor  
Wiltshire Fire & Rescue Service

## Appendix A

### Consent forms for photographs, videos and webcams

The following forms have been prepared and are to be used by all Service staff considering taking images for use in a project or presentation.

The forms are as follows:

- a. Consent form for use by The Wiltshire Fire & Rescue Service commissioning photography of children. To be used when Wiltshire Fire & Rescue service are requesting the use of images of children.
- b. Consent form for Service staff commissioning photography of adults. For use when using any images of adults for a Service publication.
- c. Verbal consent form. For use at large events when you might need someone's consent unexpectedly, e.g. a competition winner.
- d. Consent form for using photographs of staff on the internet. Any staff pictures placed on the net must have explicit consent before they go live.

### Consent form for Wiltshire Fire & Rescue Service staff commissioning photography of children

To Name of parent or Guardian: \_\_\_\_\_

Or Headteacher's name: \_\_\_\_\_

Name of child: \_\_\_\_\_

School the child attends (If applicable) \_\_\_\_\_

Location of photograph \_\_\_\_\_

Wiltshire Fire & Rescue Service would like to \*take photographs/\*make a video recording of your \*child/\*children for promotional purposes. These images may appear in our printed publications, on video, on our website, or on all three. (\*Delete as appropriate)

To comply with the Data Protection Act 1998, we need your permission before we take any images of your \*child/\*children. Please answer the questions then sign and date the form where shown. Please return the completed form to:

E. Roberts, Information Rights Asdvisor, Wiltshire Fire & Rescue Service, Manor House, Potterne, Devizes, Wiltshire SN10 5PP

If photographs or recordings of school group[s] are organised and individual children cannot be easily identified, headteachers must find out whether any parents do not want their child to be in the photograph. **Headteachers should return the completed form to the address shown above.**

Please circle Your answer



#### To the parent

- May we use your child's image in our printed promotional publications? **Yes / No**
- May we use your child's image on our website? **Yes / No**
- May we record your child's image on our promotional videos? **Yes / No**



#### To the headteacher

I have checked which parents are happy for their children's images to be used in Wiltshire Fire & Rescue Service's printed publications, on its website, on video, or on all three. **Yes / No**

Please note that websites can be viewed throughout the world, not just in the United Kingdom where UK law applies. Please also note the conditions for using these images on the back of this form.

I have read and understood the conditions of use on the back of this form.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Your name (in block Capitals): \_\_\_\_\_

## Conditions of use

This form is valid for \*two years from the date of signing / \*for this project only. The consent will automatically expire after this time.

We will not re-use any images \*after this time / \*after the project is completed.

We will not include details or full names (which means first name and surname) of any child or adult in an image on video, on our website, or in printed publications, without good reason. For example, we may include the full name of a competition winner if we have their consent. However, we will not include the full name of a person used in promotional literature.

We will not include personal e-mail or postal addresses, or telephone or fax numbers on video or on our website or in printed publications.

If we use images of individual pupils, we will not use the name of that child in the accompanying text or photo caption without good reason. If a pupil is named in the text, we will not use a photograph of that child to accompany the article without good reason. For example, we may include a picture and full name of a competition prizewinner if we have their consent. However, we will not include a picture and full name of a person used in promotional literature.

We may use group or class images with very general labels, such as 'a class lecture' or 'visiting a Service Station'

We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.

\*Please delete the option that does not apply.

### Consent Form for Wiltshire Fire & Rescue Service Staff Commissioning Photography of Adults

To Name: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Tel No: \_\_\_\_\_

Location of Photograph: \_\_\_\_\_

Wiltshire Fire Brigade would like to take your photograph /\*make a video/webcam recording of you for ..... purposes. These images may appear in our printed publications, on video, on our website, or on all three. \*  
(\*Please delete as appropriate.)

To comply with the Data Protection Act 1998, we need your permission before we take any photographs or recordings of you. Please answer the questions below, then sign and date the form where shown. We will not use the images taken, or any other information you provide, for any other purpose.

Please return the completed form to: E.Roberts, Information Rights Advisor, Wiltshire Fire & Rescue Service, Manor House, Potterne, Devizes, Wiltshire SN10 5PP.

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May we use your image in printed publications produced by the Service for.....purposes?

**Yes / No**

May we use your image on our website?

**Yes / No**

May we record your image on our promotional videos?

**Yes / No**

Please note that websites can be seen throughout the world, and not just in the United Kingdom, where UK law applies. Please also note that the conditions for use of these images is on the back of this form

I have read and understood the conditions of use on the back of this form.

Your Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Your Name(capitals): \_\_\_\_\_

## **Conditions of Use**

This form is valid for \*two years from the date of signing / \*for this project only. Your consent will automatically expire after this time.

We will not re-use any images \*after this time / \*after the project is completed. We will not include details or full names (which means first name and surname) of any person in an image on our website, on video, or in printed publications, without good reason. For example, we may include the full name of a competition winner if we have their consent. However, we will not include the full name of a person used in promotional literature.

We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website or in printed publications.

\*Please delete the option that does not apply.

### Verbal Consent Form


Name of the project: \_\_\_\_\_

Name of the Photographer  
Or recorder \_\_\_\_\_

Photographer's address: \_\_\_\_\_  
\_\_\_\_\_

(Insert name of person to be  
photographed/recorded)

\_\_\_\_\_ has verbally agreed to have their \*photograph taken / \*be videoed.  
Contact telephone number: \_\_\_\_\_

	Please tick correct box	Yes	No
			
In accordance with the Data Protection Act 1998, I have explained that: We may use these images in printed publications produced by Wiltshire Fire & Rescue service, for..... purposes.			
We may use these images on our website, and it is understood that websites can be seen throughout the world and not just in the United Kingdom, where UK law applies.			
May we use these images in promotional videos			
This form is valid for * two years from the date of signing/ *for this project only.			
We will not re-use any images *after this time/*after the project is completed. Your consent automatically expires at that point			
We will not include details or full names (which means first name and surname) of any person, in an image on video, on our website or in printed publications, without good reason. For example, we may include the full name of a competition prizewinner if we have their consent. However, we would not include the full name of a person used in promotional literature.			
We will not include personal e-mail or postal addresses, or telephone or fax numbers, on our website or in printed publications.			

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Please delete the options that do not apply.

### Consent Form for using Photographs of Servicif on Intranet and Internet

**To** Name (block capitals): \_\_\_\_\_

Department: \_\_\_\_\_

Section: \_\_\_\_\_

Description: \_\_\_\_\_

Location of Photograph: \_\_\_\_\_

The Wiltshire Fire & Rescue service would like to use your photograph for ..... Purposes.

These images will appear on our web page. This page appears on the intranet only / internet. (\*delete as appropriate).

To comply with the Data protection Act 1998, we need your permission to use photographs of you. Please answer the question below, then sign and date the form where shown. We will not use the images taken, or any other information you provide, for any other purpose.

**Please return the completed form, even if you have chosen not to give your consent, to:**  
E.Roberts, Information Rights Advisor, Wiltshire Fire & Rescue service, Manor House, Potterne, Devizes, Wiltshire SN10 5PP.

Please circle  
Your answer



May we use your image on our web pages?	Yes / No
Intranet only, accessible by the Wiltshire Fire & Rescue Service only	Yes / No
The Service's Internet Site, viewable by anyone in the world.	Yes / No

Please confirm that you have read and understood the conditions for use on the back of this form. I confirm that I understand publication of my picture on Wiltshire Fire & Rescue Service intranet will mean that my picture will be viewable by those with access to the intranet alongside my job title and contact details and consent to such processing of my personal data. Equally, I understand that if my picture and details are placed on the internet, that potentially this will be accessible by anyone in the world with internet access.

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Conditions of use**

This form is valid for this project only / the duration of your employment with the Wiltshire Fire & Rescue Service (please delete)

Your consent will automatically not apply to any other usage of the photographs if you chose to give consent for this project only.

Images must only be used in circumstances where consent has been given.

Signed consent must be given for images to appear on the intranet or the internet (viewable by potentially anyone), or they cannot be published in this way.

Under the Data protection Act your rights include:

- In accordance with principle 1 of the Act, your consent (to the publication of your photograph) can be withdrawn at any time.
- In accordance with principle 2 of the Act, your photograph will not be used for any other purpose without your further consent.
- In accordance with principle 4 of the Act, your personal data will be accurately maintained and kept up to date.
- In accordance with principle 5 of the Act, publication of your photograph will cease and all electronic copies will be deleted when you leave the Brigade.
- In accordance with principle 8 of the Act, your photograph will not be published on the internet without your further explicit consent.