



WE REMEMBER SUBMARINERS

Photograph and Video Policy

This document informs those within the charity We Remember Submariners (WRS) of the specific procedures and legal requirements to adhere to confidently use imagery for multiple purposes (foremost marketing).

The purpose of this policy statement is to:

- Protect children, young people and vulnerable adults who take part in WRS's services, events and activities, specifically those where photographs and videos may be taken.
- Set out the overarching principles that guide our approach to photographs and videos being taken of children, young people and vulnerable adults during our events and activities.
- To ensure that WRS operate in line with their core values and within the law when creating, using and sharing images of children, young people and vulnerable adults, this policy statement applies to all WRS Officials, volunteers and other adults associated with WRS activity.

1. INTRODUCTION

The aim of this policy is to:

- 1.1 Inform how WRS complies with the Data Protection Act 2018 when managing images of service users and volunteers.
- 1.2 Set out WRS's photography consent procedures.
- 1.3 Set out general photography copyright and usage in a simple description.

2. WRS RECOGNISE THAT:

- 2.1 Sharing photographs and films of our activities can help us celebrate the successes and achievements of our charity, provide a record of our activities and raise awareness of our organisation.
- 2.2 The welfare of the children, young people and vulnerable adults taking part in our activities is paramount.
- 2.3 Children, young people and vulnerable adults, their parents and carers have a right to decide whether their images are taken and how these may be used, regardless of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.
- 2.4 Consent to take images is only meaningful when children, young people, their parents and carers understand how the images will be used and stored, and are fully aware of the potential risks associated with the use and distribution of these images.
- 2.5 There are potential risks associated with sharing images of children online.

3. WE WILL KEEP YOUNG PEOPLE SAFE BY:

3.1 Making it clear that if a child or their family withdraw consent for an image to be shared, it may not be possible to delete images that have already been shared or published.

3.2 Changing the names of children / young people whose images are being used in our published material whenever necessary (and only using their first name OR surname if we do want to identify them).

3.3 Never publishing personal information about individual children / young people and disguising any identifying information (for example the name of their school or a school uniform with a logo).

3.4 Only using images of children / young people in appropriate clothing (including safety wear if necessary). It is prohibited to photograph or video any child or young person if they are in swimwear. Appropriate clothing must be worn over swimwear, if necessary, for an event.

3.5 Using images that positively reflect young people's involvement in the activity. Photos and videos of children / young people must never be taken in bathrooms, changing areas, or in sleeping accommodation.

4. PERSONAL USE

4.1 When a parent or guardian takes a photo of their child and some friends taking part in WRS activity for their personal use the Data Protection Act (DPA) does not apply.

4.2 Where the DPA does not apply, a common-sense approach suggests that it is the photographer that asks for permission to take a photograph, this will usually be enough to ensure compliance.

What does this mean?

4.3 People can take photographs and video recordings for personal use, such as for a family album. However, WRS may decide it isn't always appropriate to allow photographs. For example, WRS might decide to ban photography at an activity in case it disturbs the event. This is the Charity's decision, but the ban wouldn't be on data protection grounds.

4.4 Similarly, you may ask parents and guardians not to post photographs on social media of other people's children. This is a sensible policy, but it's not a data protection issue because the law doesn't cover private social media posts shared with friends and family.

4.5 It is therefore recommended to determine ahead of each event what the photography rules will be and then advise participants in advance and before the event begins.

Some practical points to consider:

- a. Of the participants, do any not have photography consent recorded?
- b. Do any of the participants have safeguarding concerns outside of the WRS activity which make social media photography a safety risk?
- c. It can often be simpler to provide an 'official photographer' and control how the photographs and videos are used post-event.

5. LEGAL FRAMEWORK

This policy has been drawn up on the basis of legislation, policy and guidance that seeks to protect children in England, Northern Ireland, Scotland or Wales.

5.1. Important information to be aware of:

- a. Photographs are classified as 'personal data' so long as the individual can be identified.
- b. The individual's 'consent' is legally required in order for a photographer to take a photograph of an individual and 'process their personal data'.
- c. Consent can be given in the following ways:
 - Opting-in – such as when volunteers register and opt-in to photography and filming for marketing purposes while attending WRS activities.
 - Implied – which means that simply by attending a public event which is likely to have photography taking place they consent.
 - Legitimate Interest – typically this is used by organisations for security and law enforcement purposes (eg CCTV capturing video footage of individuals).
- d. 'Processing' is defined as obtaining, recording or holding of data – manually or computerised – and the organising, filing, adapting, altering, retrieving, disclosure and blocking, consultation or use, destroying or erasure of personal data.

5.2. We Remember Submariners – Rules to follow:

- a. WRS is a processor of photography data for the marketing purposes of the charity.
- b. WRS are obliged to remove photography of an individual when their consent has been withdrawn. An individual may withdraw consent at any time in writing, this is to ensure the request is coming from someone entitled to act on behalf of the individual in question.
- c. An individual has six years, under Section 5 Limitation Act 1980, to report a photograph being used without consent.
- d. An image cannot be processed for longer than is needed. WRS has defined this period of time as seven years. Some historical images are used with specific permission.
- e. WRS will endeavour to locate images of individuals should a 'Subject Access Request' be made.

6. HOW WRS OBTAINS CONSENT

6.1. Implied Consent

At a public event or WRS event/activities it should be expected that a photographer may be present and taking pictures. For a WRS event, should an individual object to their photograph being taken it should be made clear to the photographer in advance – this is always best raised ahead of the event. This will often result in the individual being asked to place themselves 'out of shot'.

6.2. Opted-In Consent

At smaller / local events or activities where implied consent does not apply, specific consent should be gathered from participants and volunteers and in photographs. In many cases this is dealt with by the professional photographer or designated volunteer.

7. COPYRIGHT

7.1 Under the 1988 Act, photographs belong to the creator of the photographs and are subject to copyright. The copyright (commonly referred to in this case as 'image rights') can be purchased.

7.2 Copyright Ownership

- a. WRS obtains full copyright for imagery when commissioning a photoshoot.
- b. WRS holds full copyright of images taken by WRS Officials and volunteers at WRS events/activities, assuming the Official/volunteer was not attending socially.

8. STORAGE AND USE OF IMAGERY

8.1 Electronic Storage: Ensure photos or videos are securely stored, clearly labelled, and dated on secure devices or cloud-based platforms with appropriate data security.

8.2 Deletion from Personal Devices: Photos and videos stored on personal devices must be deleted within 28 days after official use. Avoid using personal devices when possible.

8.3 Intellectual Property: Photos or videos remain the intellectual property of WRS and cannot be forwarded without permission.

9. RELATED POLICIES AND CODES OF CONDUCT

This policy statement should be read alongside our organisational policies and procedures, including: –

Safeguarding Children, Young People & Adults at Risk Policy

Social Media Policy

Code of Conduct (WRS Officials)

Code of Conduct (Event Volunteers)