



Data Protection & Photography

Personal data is any information relating to a natural, living individual, which is capable of identifying that person. This includes photographs. These guidelines have been developed to support each diocese or parish in being compliant with data protection legislation when using photography. Sample formats for invitations and notices are enclosed. A separate checklist has been developed for live streaming and recording (including filming), and is available from the Church of Ireland's website.

Consent

If your diocese or parish uses photography at an event or activity, you will need to consider how to get permission (consent).

Consent is required where:

- a photograph can **uniquely identify** an individual (this would be a standard close-up photograph of a person – or a group of people – who is clearly identifiable; you cannot publish a photograph of this type without consent e.g. in a magazine or parish newsletter, or on a website or social media page)
- a photograph is being taken of a **child** (aged under 18 years) or an **adult at risk** (this must be given before the photograph has been taken) as required by the *Safeguarding Trust and Adult Safeguarding* policies

Consent is not required where:

- a photograph **cannot uniquely identify** a person (this would be a standard crowd shot of a large group of people at, for example, a parish fair; individual consent is not required if the photograph is taken as a long shot, those present are aware that photographs are being taken at the event and no names are published)
- photographs are taken purely **for personal use** (e.g. a parent takes a photograph of their child)

Getting Consent

All those in attendance must be informed that photographs are going to be taken, the reason why, and who they can contact if they don't want their photograph being used. Consent can be obtained by taking the following steps, which can be adapted to what is needed for a particular event:

1. the organiser notifying those attending with an invitation, if appropriate (see sample format);
2. the organiser displaying a prominent notice/s at an event (see sample format);
3. a clear announcement being made before a group/crowd photograph is taken and
4. the photographer asking the individual at the event for permission to take their photograph

Recording Consent

You must record that consent has been given (e.g. in a notebook). Where a person asks not to be photographed, he or she should not be included in the photograph. If a person changes their mind about being photographed, their choice must be respected. If consent is required, never publish a photograph of an individual without their permission.



Children and Young People & Adults at Risk

Consent is always required when taking photographs of children under 18 years of age and adults at risk. This consent must be given by a parent/guardian/carer, by a consent form, before a photograph is taken. Consent forms and further guidance are available [here](#).

If a parent/guardian/carer is present, they can give verbal consent for a child or for an adult at risk to be photographed. The photographer must record that this explicit consent has been received.

Schools

If a school group is invited to an event, the school must be very clear that photographs will be taken of the school children. They will need to know the reason why photographs are being taken and who they will be shared with. It is recommended that:

- the invitation to this group should ask members of (school) staff to ensure that consent has been required for photographs to be taken by the diocese or parish
- at the time of the event, the photographer must know which, if any, children have not provided consent (and make sure they are not included in any photographs)
- the photographer must ensure that teachers and other adults present have consented to their photographs being taken
- If a diocesan communications officer (DCO) or clergyperson wishes to take photographs at a school event, the school must be satisfied that its consent form covers this activity, including any sharing of the photographs outside the school

Sunday School / Kids Club / Youth Club activities

If it is expected that photographs may be taken, parents/guardians should be informed in advance and consent should be sought. If consent has not been granted for some children, do not use photographs of these children. Any photographs captured inadvertently during the event must be deleted immediately afterwards (e.g. at a nativity play, all children may be photographed but only images of those for whom consent has been granted can be used).

Avoiding a Data Breach

A data breach is when there is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. Photographs taken on behalf of the diocese or parish are the responsibility of the diocese or parish. Printed photographs should be stored safely in the diocesan or parish office with the same safeguards afforded to other personal information.

Soft files (electronic image files) can be protected by transferring images from the camera to a secure location and securely deleting images from the memory card. Any smartphones or tablets being used must have an encrypted file system. Care should be taken that a device does not automatically upload images to a remote cloud service or social media network and that transferring images does not present a further security risk (e.g. through using an unencrypted email provider).

Retention

It is recommended you retain a selection of photographs from each event to include within your diocesan or parish record collection. Other photographs (with no historical or archival purpose) should be destroyed no later than 7 years after the event.



Sample Texts and Formats

Adapting the text for local use

Text marked in red can be adapted according to the needs of the diocese or parish. The named contact person may be the photographer or a person who will be making an announcement that photographs will be taken e.g. a clergyperson, a church warden, or a member of staff (depending on the type of event).

Invitation

Photographs will be taken during **(name of event)** for publicity **(and documentary)** purposes. Where a photograph can clearly identify you, we will seek your consent to use this photograph. If you have any queries regarding this, please contact **(name)**.

Additional line for teachers attending events with schoolchildren:

We request that you ensure that the children in attendance have given consent for photographs through your school. Where consent has not been provided, please notify the photographer at the time.

Notice for display at events

Photographs are taken at events organised by **(name of diocese/parish)**

The purpose of this photography is to document, record and share the events. These photographs may be used **(in press releases, by media outlets, on websites and social media)**, and in other publicity **(and documentary)** material as required.

Where a photograph can uniquely identify you, **(name)** will seek your consent to use this photograph for the reasons outlined above. Where a photograph cannot uniquely identify you (e.g. a crowd shot), we can use this photograph within the legitimate interest of recording the event. This is to ensure that we are compliant with data protection legislation.

If you do not wish for your photograph to be taken or used as outlined above, or have any queries about how photographs will be used, please let **(name)** know.