

Best practice guide to using photos



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Case study

Source of photo has not been checked



What happened?

A PR agency have been helping manage social media accounts for a research project. The researchers provided photos of laboratory equipment, and these were posted to Twitter and LinkedIn uncredited.

The photos were taken by a professional photography who did not give written permission for the photos to be used and retains the copyright. He has now issued a DMCA takedown notice with immediate effect.

How this could have been avoided

Always check the source of photos to check if there is copyright in place and permission has been granted. If you are given stock images ensure the licensing terms permit use.

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Case study

Displaying photos of children without parental permission



What happened?

A photo of a family was commissioned by a professional photographer for a campaign to promote healthy eating. Parental permission was only granted by the mother.

The couple have since separated, and the father does not want his children to feature for safety reasons.

How this could have been avoided

Both parents should have given explicit written consent for the photo to be used.

Disclaimer

This guide does not constitute legal advice or legal analysis. Organisations may still need to seek independent legal advice when developing their own processes, or when dealing with specific issues.

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Case study

Individual wants to have his photo removed from promotional materials



What happened?

A young man featured in student recruitment materials in brochures and websites from 2015. He no longer wants the image to be used, as his personal circumstances have changed.

Although permission was provided the filing system makes it very difficult for the design team to identify the correct person and remove him from future materials.

How this could be avoided

During the shoot the photography could take a photo of the individual holding up their name on a card to aid identification.

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Case study

Individual is unhappy at the context her photo has been used within



What happened?

A young woman gave permission for her photo to be used to promote a series of public lectures. Her image has subsequently been used to promote a social media campaign outlining the dangers of excessive drinking. As she is teetotal this has caused her significant levels of embarrassment, and is very unhappy it has been used outside the agreed context.

How this could be avoided

Photos must only be used for the purposes outlined in release forms. For example if an individual gives explicit written consent for email newsletters, they should not be used for videos. This will become increasingly vital with the introduction of the GDPR.

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Case study

Incorrect use of an editorial photo



What happened?

An editorial photo was used to promote a play about civil unrest.

Although the photo was purchased through a stock image library the terms of use clearly stated it was only intended for use to accompany news stories, and so this represents a breach of the terms.

How this could be avoided

Always paying careful attention to the terms of use. Editorial photos are usually clearly marked and have tightly controlled usage.

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Case study

An artist's work is reproduced without permission



What happened?

A brochure for an Contemporary Art distance learning course used an artist's work in wide shots without explicit written permission.

Although the artist is deceased, their estate is fairly litigious and have served a cease and desist letter requesting the brochure is not published in its current form.

How this could be avoided

Checking the rights on works of art is fairly straightforward, and if filming in a gallery the staff will usually be able to advise about the status of each work. In the majority of cases, works can be reproduced for non-commercial purposes if the appropriate permissions are obtained.

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