

Best practice guide to using photos



Commissioning original photography

When photo shoots involve individuals it is essential to ensure you have the explicit written consent of all those featured.

The best way to achieve this is via a photography release form. This must be signed and include a clear indication of how the photos are going to be used.

The **General Data Protection Regulation (GDPR)** comes into force on **25 May 2018**, and represents the most major change to data protection in a generation. The rights of privacy rights of individuals are protected more robustly, and there are three articles of the legislation that are of particular relevance:

- **The right to be informed (articles 13 and 14)**
You must be clear about the context of how the photos are being used. For example you could not use photos for social media if permission had only been given for printed brochures.
- **The right to access (article 15)**
Individuals have the right to access their personal data (photos) on request, and receive confirmation regarding how these are being used.
- **The right to erasure (article 17)**
Individuals have the right to request photos be removed from websites, social media or future versions of printed materials.

Children

If your photos feature children under the age of 18, full written parental consent must be given.

For group shots the permission of parents / school may be sufficient. However elements that may identify an individual child such as a school badge should be avoided to ensure safety.

Need to know

The GDPR broadens the definition of user data to include photos, social media profiles and other ways of identifying individuals including system sign-in nicknames that could be linked to that individual.

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>

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.