

Best practice guide to using photos



Frequently asked questions

How do I know if my photos are legally compliant?

If you are unsure about the origins of a photo please check with your colleagues or whoever provided it. When using stock images you will usually have a record of all purchased images in case of complaint. Creative Commons images can be checked by visiting <https://search.creativecommons.org/>

Do I need to credit the photographer?

Yes it is always best practice to do so, irrespective of the licensing terms.

Are diagrams and illustrations included?

Yes. They are subject to the same copyright and legal rules as photos, and cannot be reproduced without the permission of the copyright holder.

What's an editorial image?

These are often included in stock image libraries, and can only be used to illustrate news or research stories, and must not be used for commercial or promotional purposes.

For example a photo of a riot could be used in a press release about civil unrest research, but not to promote a play with rioting as its theme.

I really want to use a photo but it's copyrighted. What can I do?

The typical process for this is fairly straightforward.

- Contact the owner and explain why and how you are hoping to use the photo.
- Negotiate whether payment is required.
- Obtain the copyright holder's permission in writing outlining the terms of use.

There are some instances where this is non-negotiable and you must accept the rights of the copyright holder.

Stills must not be reproduced, copied or downloaded in any way.

Can I upload purchased images to an image library?

Usually no. It is always sensible to check this with your stock photo provider to ensure you are not breaching the terms and conditions.

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I think someone is infringing my work. What can I do?

Firstly check the terms of your licence. If you have not copyrighted your work you have no recourse. Also if you made the work available to edit and redistribute under a Creative Commons licence then usage may be legitimate. If you still want to pursue this, a legal adviser should be able to help.

I want to use a company logo. What do I need to do?

Always seek permission as it is probably a registered trademark. Most larger companies / organisations will have branding guidelines and make the assets available for download. Organisations like the NHS have very specific criteria, and all of these must be followed by designers. Here are some examples:

- **NHS digital guidelines**
<https://www.england.nhs.uk/nhsidentity/identity-guidelines/>
- **Facebook branding resources**
<https://en.facebookbrand.com/>

I have purchased a drone and would like to use it for location photos. What do I need to bear in mind?

Drone photography is legally regulated by the Civil Aviation Authority (CAA) and requires careful planning. General guidance states:

- Drones should not be flown within 50m (150ft) of individuals and buildings.
- Drones should not exceed 120m (400ft).
- Drones should not be flown near airports and runways. This could potentially endanger aircraft and may result in a custodial sentence.

The CAA publish a helpful DroneCode guide at <http://dronesafe.uk/wp-content/uploads/2016/11/Dronecode.pdf>

NB: These guidelines are regularly updated to take into account changes in UK law.

Need to know

In addition to these points, drone photography does raise potential privacy issues if members of the public are identifiable. If filming is to take place in public locations notices should be placed warning individuals that they may be filmed.

To mitigate health and safety risks, it is also recommended a professionally licensed drone pilot be used. A directory is available at <http://dronesaferegister.org.uk/>

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.