



Guidance for images (photographic and video) for publicity purposes

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1. Introduction

This guidance is intended to inform staff of our responsibilities regarding the processing of photography and videography for marketing and publicity purposes e.g., the promotion of the University through its website, media releases, social media, or networking sites and in print media such as its prospectus. Photographs and video containing images of individuals are classed as personal data and must therefore be processed in compliance with Data Protection legislation.

2. Background

Our preferred approach to the lawful basis for processing personal data in photographs and video is to rely on consent however, this can sometimes be problematic and impractical, such as for large events, and can even be inappropriate to request, for example where we have a high-profile visitor attending an event at the University. In these circumstances the University may rely on its legitimate interests and seeking an individual's consent is not then needed. This guidance outlines the circumstances when you can rely on legitimate interests (section 3) and when you must rely on consent (section 4).

3. When is it appropriate to rely on our legitimate interests rather than consent?

Consent is not required when an individual, aged over 18:

- Appears in an image but is **not clearly identifiable** (e.g., has their back to the camera or are obscured to the extent that they are unidentifiable).
- Is **attending a public event in a public space** – this includes University events such as open days, speaker events, graduation, or awards ceremonies. For these events, a Location Warning [notice](#) should be clearly visible i.e., positioned at eye level in a place where participants will see it, or in several places to ensure it is seen by all. If practical, the Location Warning notice should be put in place ahead of the event. Photography and videography should be conducted in an open and transparent manner, with verbal communication about this to participants. Advance notice could also be communicated in any correspondence ahead of the event.
- It should be noted that reliance on legitimate interests as a lawful basis of processing does not extinguish the requirement to be open and transparent about processing. Please refer to Section 6. Right to be Informed and Section 7. Opting out below.

4. When should we seek consent rather than relying on our legitimate interests?

- Where a person is **under 18, we should always ensure we obtain their consent using our [Consent form for Children and Young People](#)**, further guidance about this is available on the [Information Assurance website](#). Information Assurance website.
- Where the images may disclose or make inferences to someone's **special category data**. Special category data is personal data which relates to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health (including disability data) or an individual's sex life or sexual orientation.
- If the images are in a setting such as a hospital, health centre, or place of worship, you should ask for consent from the participants as publishing images from these settings may be more **privacy intrusive** than from other more neutral settings, such as on the University campus.
- Anything which may be **controversial** should be provided for by consent rather than legitimate interests.

We should **not use images which may cause damage or distress** because of the way someone has been photographed or because of the way we intend to use a photograph. Context is important: it is important the accompanying text is what the data subject would expect, and the image is not used in a controversial or potentially distressing way without the prior knowledge and agreement of the data subject, i.e., by inferring a medical condition or political affiliation.

5. How to obtain consent

Please ensure the appropriate form, found on the Information Assurance webpage at [Video and Photography Consent](#), is completed by the data subject before any images or footage is captured.

The member of staff responsible for the activity should ensure that consent forms are collected to accompany each image where required.

Commissioned or freelance photographers/videographers may collect consent on the University's behalf. We may rely on the consent forms of others (such as Commissioned photographers or Partner Institutions or organisations) so long as these contain sufficient information which explicitly provide for the use of the images or footage for our intended purposes.

We may rely on one consent form for a continuous period of time (e.g., 1 academic year), provided that the form covers for this processing and its intended use. You may only use the images or footage for the purpose provided for by the consent form.

Consent does not expire but may be withdrawn by Data Subjects.

6. Right to be informed

Individuals have clear and specific rights regarding the use of their data. It is important that the University respects these rights and has the capacity to fulfil them.

We have a duty to inform data subjects what these rights are and how they can exercise them.

We must therefore ensure that where we are capturing images for marketing or publicity purposes we do so openly and transparently. We do this by either obtaining consent ahead of the event, and/or by displaying signage at the event. We must also communicate verbally that we are taking photographs and/or filming during the event.

7. Opting out

In order to rely on 'legitimate interests' legally we must allow data subjects to object and to opt out of processing. Therefore, individual rights should be respected, and endeavours should be taken to ensure that those who have 'opted out' are not photographed or filmed.

If, before or during an event, an individual informs you that they do not wish to be photographed or filmed you should consider how we ensure this is upheld. This could be by way of a coloured lanyard or sticker which indicates to the photographer that they have opted out and should be moved out of shot. If no practical adjustments can be made which allow for the individual to opt out, this should be advised beforehand, as they may choose not to attend.

In the case of an individual who has 'opted out' at a later stage after the image has been captured, or who subsequently raises an objection, images may still be used if their image can be blurred or cropped out. Originals should be deleted from records held by us or the photographer.

Where an image is intended for publishing, where practical, it is courteous to give the individual(s) the opportunity to review beforehand, but this is a suggestion rather than a requirement under this guidance.

8. Data Subject Rights

Under UK GDPR, data subjects may choose to exercise their legal rights to access (under article 15), and right to erasure (article 17).

Individuals have the right to withdraw consent under Article 7(3). It is therefore important that where we have obtained consent, the consents and the according images can be located easily in order for us to delete them from our systems.

Requests to exercise Data Subject Rights should be sent to infoassurance@worc.ac.uk

We will ensure we consider and action any requests within 1 calendar month.

9. External Photographers

Staff should ensure that any instructed external photographer is made familiar with this guidance in advance of any event.

10. Further Queries

If you have any queries regarding photography or videography consent, please contact infoassurance@worc.ac.uk

For support with work requiring photography or videography for promotional or marketing purposes please contact communications@worc.ac.uk

11. FAQs

Can we accept consent forms signed on behalf of someone else?

Yes, there may be some circumstances where it is appropriate for someone to complete the consent forms on behalf of another, i.e., a teacher on behalf of a visiting school group or a support worker of a deaf blind student.

Should people remove lanyards before being photographed?

Yes, if this is practical to do so. Not especially because of Data Protection concerns (although depending on the branding this could indicate 'location', i.e., personal data) but because of possible security risks of publishing high-definition images of access cards.

Can I share the image with a third party?

We often have events which are in collaboration with an external organisation (such as a charity or other education provider), and they ask for a copy of the images taken to be used on their website or social media. If consent has been obtained using the University's template form, then further sharing has already been provided for. If we are relying on legitimate interests, consider whether it would be reasonable and foreseeable that the image would be shared. In a scenario where members of UW staff have been captured together with attendees from that organisation (in a posed image that they were therefore aware of), it would be reasonable that the image is shared with them.

Can we rely on consent forms which have been incorrectly dated?

There have been a number of similar queries raised along these lines, where the data subject has hurriedly completed the form and has accidentally included an incorrect date or has failed to complete the whole form. The purpose of the form is to demonstrate that the individual intended to give their consent. The intention is still valid despite their error or omission and therefore the form can be accepted (so long as the form is substantially completed, and the omission or error is slight).