Data Protection Guidance: Use of Photographs

This guidance covers all photos of people taken for University business purposes.

Personal Data

Photos and images of individuals taken for University Business may be classified as personal data and are therefore regulated by the Data Protection Act 1998. If the image can be used to identify someone and tell you something about them it is likely that the Information Commissioner will consider it to be personal data.

The following examples will help to identify the things that you need to consider:

Photos of specific individuals/groups

Where a photo is clearly of an individual or group of individuals who are the focus of the image this is treated as personal data and consent is required to use the image. Although the Data Protection Act does not specify that consent should be in written format it is strongly recommended that you obtain written consent so that you can keep a copy of the agreement for future reference.

Consent forms must be clear and fully explain how the image will be used, it is also useful to indicate how long you will use the image. E.g.

"I give permission to the University of Exeter for my photograph and written profile to be used in the [Undergraduate Prospectus 2008 and University website] and other promotional material for which it may be suitable. Images will be held on record and used in publicity for up to 3 years.

Signed………………………………
Print name……………………………..
Date……………………………………"

Photos where individuals inadvertently appear in the background

It will not, normally, be necessary to obtain the specific permission of all students who appear incidentally in the background of publicity shots where they are clearly not the focus of the image.

Photos of large crowds/events

Where images of crowds are being taken with no person(s) being the focal point of the image it may not be possible to obtain the consent of every individual rather it is good practice to ensure that there are clear signs around the venue indicating that publicity photos are being taken. In these circumstances it is important to consider the purposes for which the photographs are being taken and consider the impact on privacy. The following example from the Information Commissioner's website highlights how the purposes for which the image will be used can vary and have different impacts on individual's privacy.

At New Year celebrations in Trafalgar Square two almost identical photographs of the revellers are taken by two separate photographers and stored in electronic form on computer. The first photographer, a photo
journalist, takes a picture of the crowd scene to add to his photo library. The second photographer is a police officer taking photos of the crowd scene to identify potential troublemakers. The data in the electronic image taken by the journalist is unlikely to contain personal data about individuals in the crowd as it is not being processed to learn anything about an identifiable individual. However, the photo taken by the police officer may well contain personal data about individuals as the photo is taken for the purpose of recording the actions of individuals who the police would seek to identify, if there is any trouble, so they can take action against them.


VIPs

It may not be appropriate to ask VIPs to complete consent forms, in which case it should be sufficient to obtain verbal consent.

Children

Although the Data Protection Act does not specify an age limit where images of children are being taken it is important to obtain written consent of the child’s parent/guardian.