

Filming and taking photographs

Taking photographs of, or filming children, young people or adults at risk is often a good way to record a positive event or advertise a club, but certain protocols must be followed to comply with the Data Protection Act 2018 as well as to safeguard children, young people and/or adults at risk. This includes control over the making, saving, storing, using and publishing of images; photographs, film and sound, images on social network sites and video sharing. This is to protect children, young people and adults at risk who may be at risk of abuse or exploitation through the inappropriate use of such images. It is good practice that where possible an announcement is made at the start of Church events/activities reminding all attendees to be mindful of the photographic and privacy rights of others.

There are many positive attributes to sharing digital images. However, it may also cause direct or indirect risks such as cyber bullying, usage by sexual predators, usage for grooming and the exposure of children, young people and adults at risk to unsuitable and inappropriate material. There may also be instances whereby there are good reasons for the refusal of a parent/guardian/carer for images to be taken or used. Reasons for refusal may be because the parent/guardian/carer has decided they do not wish images to be taken or a child or young person may be the subject of a legal dispute or in authority care where their whereabouts must not be widely known. There is no requirement for a parent/guardian/carer to disclose why permission has been refused.

Data protection

Photographs, digital images and film (images) are all classed as personal data and as such are subject to the Data Protection Act 2018.

The act contains eight Data Protection principles which need to be followed. Photographs, digital images and film (images) must be:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is required for the purpose for which it has been collected
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

Identifying the type of activity/event is an important first step in considering and understanding the responsibilities for those involved. Having identified the type of activity or event it is important to make a list of what will happen during the event and who will be present. It is also important to consider not just the likely presence of cameras but also of mobile phones, tablets and video enabled devices. Careful consideration needs to be given to the taking of images by children, young people and adults at risk. This is very much part of current practice and the use of such images is widespread. It is therefore important to make explicit to children and young people how the taking of images is to be dealt with. Children and young people are used to adhering to the policies in place in schools and other organisations so will expect the church to be equally explicit about what is allowed.

Consent for the taking of images

Explicit written consent of the parent/guardian **must** be obtained prior to filming or taking a photograph of a child during church activities. Form 4: *Consent form for taking and using images* must be completed explaining the purpose for making the film/taking the photograph e.g. for the church website, information boards, the press etc. and must be signed by the parent and the child/young person (where they are of an age to consent). The consent form must state what the photo is to be used for and once used for the stated purpose it will be destroyed. Parents/guardians/carers should be encouraged to let the organisation know if they do not want their child photographed or filmed.

Appropriate records must be kept of the consent given and that consent should be renewed yearly. Please refer to the proforma/Form 17 to be used to create a schedule of names of children and associated Safeguarding consents. This should accompany and link to the risk assessment for the event'.

Parents/guardians/carers are permitted to withdraw their consent at any time. If consent is given for a specific purpose e.g. use on parish web site, further permission must be obtained if it is intended to use the image for a different purpose e.g. annual reports.

Written consent is not required for the use of photos of adults. However, everyone should be given the choice to stand out of the photo and the names of those who decline to be in the photo must be recorded.

When images are taken, sensitivity, care and consideration as to how they will be used is important. The following good practice should be followed:

- ensure that when taking an image a dated record is kept as to the service/event and who the image relates to;
- use group photographs rather than an individual image whenever possible;
- do not take images of children/young people or adults at risk who are not suitably dressed. If for example the image is of a swimming activity the focus should be on the activity;
- all images taken need to be checked that appropriate consent has been obtained and if there is any doubt the image needs to be destroyed.

The responsibility rests on the PCC for any church initiated activity or functions. For private functions the responsibility rests with the organiser of that event.

Using and storing images

The following must be considered with regard to the storage and use of images:

- it is a criminal offence to keep, distribute or show indecent images of children;
- photograph/film of the child/children should not be placed on a website without the written consent of the parent/guardian;
- when using images of children/young people for publicity purposes or press publication the child/young person's name or other identifying information should not be included. If names are to be published they should only be published after the written consent to do so from their parent or legal guardian has been obtained. There will be some obvious exceptions such as celebrating an award or achievements, but written permission must always be obtained first;

- take particular care with digital images and be aware that in the wrong hands, these can be manipulated for child abuse images;
- photographs of children must be stored in a secure place;
- PCC's should consider how and where images are to be stored to meet the requirements of this policy;
- workers must not store images on their personal phones, i-pads, tablets, laptops, computers etc; for longer than is required for the purpose for which it has been collected. Where there is no option to store images/videos on a Church in Wales computer then it is the responsibility of the photographer and event leader to ensure images/videos are stored on an encrypted memory stick. It is the expectation that this memory stick is kept in a locked place on Church in Wales property.
- whenever possible each child or young person should be part of a group;
- only use images of children in suitable clothing for the photograph. This is to protect the dignity of the child and to reduce the risk of inappropriate use. In addition, please refer to the requirement for consent within this section;
- the image must be securely stored and disposed of/deleted when no longer required;
- photographs, digital images and film (referred to as images) are all classed as personal data. As such this data is subject to the Data Protection Act 2018 Further information on the Act can be found by contacting the Information Commissioner's Office: Wales Office wales@ico.org.uk.
- For all Provincial Events and residential events, the Director of Communications or person responsible for the event communications, must be given copies of consent forms and are briefed about any children not to be identified. This may include not being named, photographed, videoed and/or interviewed and being explicit about who this is and steps to manage this'.

A candid photo which identifies a child and links them to the Church in Wales requires explicit consent. Wherever possible a photographer acting on behalf of the Church in Wales should identify themselves as such to those attending a Church event/activity and allow people to step out of any candid shots if they choose.

End

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