

## Policy: Photography / filmography (Visual Images) Policy

### 1. Purpose and Scope

Macclesfield Barnaby Festival (MBF) creates and commissions photography and filmography of our events and activities on a regular basis. Our events and activities are attended by the public, and our audiences cover all ages. This includes creating photographs and films of professional and amateur performers, event participants and audiences, including children and young people.

This policy is designed to protect children and young people who take part in MBF events and activities and to ensure MBF fulfills our legal obligations to all participants in MBF events and activities in relation to their personal data, where photographs and films may be taken.

It sets out the overarching principles we will operate when creating, using, storing and sharing images. Images refers to photography and film images. The policy has been drawn up on the basis of legislation and guidance relating to child protection and data protection. Including the [NSPCC guidance on photography and sharing images](#).

Photographs, film or video-recordings taken during MBF events by members of the Barnaby Team must be captured as per this Policy and its Procedures.

In this Policy, the term “Barnaby Team” or “Barnaby Team member” refers to any person who Trustee/Directors of MBF have appointed to help deliver events/exhibitions/activities, whether volunteer or paid. This includes all third parties, photographers and filmographers either commissioned or otherwise given permission by MBF to take photographs or films at our events or activities.

This policy should be read in conjunction with:

- [MBF Privacy Statement](#).
- MBF Data Protection Policy and Data Handling Procedures
- MBF Safeguarding Policy
- MBF Social Media Policy (in development)

### POLICY STATEMENTS

1. All contracts and agreements with third parties where photographs or films are to be created, both paid and volunteer, will require a signature to state both understanding of, and agreement with, those clauses of this Policy and its Procedures which apply to their activities in respect of the creating, using, storing and sharing of images.
2. Images of crowds, where the image does not focus on one individual or a group of individuals,

are unlikely to be personal data as the individuals will not be identifiable. Data protection law is unlikely therefore to apply.

3. Images of individuals or small groups of people are to be considered Personal Data and a clear legal basis for the creating, storage, use and sharing of these images should be established and information presented to individuals on the basis on which their images may be processed and the MBF Privacy Statement. Those identifiable in the images will have the right to ask for images to be removed.
4. Images of identifiable children under the age of 16 will only be created with the consent of a parent or guardian secured, and that parent or guardian has received clear information on the legal basis for processing, the intended use of those images and the MBF Privacy Statement.
5. At all MBF events it must be evident to members of the public that photographs and films are being created, and the purpose for which these photographs and films will be used.
6. Barnaby Team members must not take photographs with their own devices or upload images to social media while they are working or volunteering for MBF unless they have signed the Photography and Filmography agreement (see Code of Practice for Representing Barnaby Festival).
7. All images of individuals and small groups will be stored securely in line with the requirements of the Data Protection Policy and the GDPR requirements.
8. All images of children under the age of 16 will be used for a maximum of four years (two festival cycles) and then deleted permanently from use and storage.
9. Where MBF, or third parties contracted by MBF, are working with children under the age of 16 or vulnerable adults, on regular events or activities specific photography and film procedures will be developed where photography or filmography forms part of the project, activities or evaluation. This includes where MBF is working with nurseries, schools or other community organisations.

## **PROCEDURES:**

1. The Barnaby website will state prominently that photographs, and films will be made at all MBF events and activities and these will be used for marketing, PR, evaluation and reporting on the events on the MBF website, in publications and on social media. Statements will include the legal basis on which any images of individuals or small groups may be processed. This is likely to be legitimate interest and should be clearly established and published on the information.
2. Where practically possible statements on photography and film will be included on print material, in the terms and conditions of ticket purchase, within pre-attendance emails to

audience members and prominently within locations and venues of events and activities. Signs will be prominent, including in areas that are busy.

3. Wherever possible and reasonable, in venues or outside, reminder announcements will be made to state that photographs and/or films will be taken during events.
4. Where a sign has been prominently displayed or where an announcement has been made, it is the responsibility of those who do not wish to be photographed or filmed for the purpose stated to move. Where possible, members of the Barnaby Team will suggest to those who do not wish to appear in photographs or films that they move out of the area or turn away so as not to be included or not to be identifiable.
5. Those photographing or filming as part of the Barnaby Team will ensure that they wear identification, and will have and signed the Photography and Filmography Agreement. MBF will keep a record of photographers and filmographers authorised to take photographs at events for four years.
6. All photography and filmography will be undertaken in a way that it is clearly evident to the audience and members of the public at all times; all photographers and videographers will be clearly identifiable as members of the Barnaby Team.
7. Contributing events within a programme will be asked to prominently display statements about photography and filmography at their exhibitions or events.
8. In securing consent for images of children under 16, the photographer will record:
  - a) the express permission of the parent/carer/responsible adult in attendance including their relationship to the child
  - b) parent/ guardian name and contact details
9. Photographs or film images of children under 16 will only be taken in the presence of the parent/ carer/responsible adult. At no time will photographers or filmographers be alone with children under 16.
10. All images of children under the age of 16 will be used for a maximum of four years (two festival cycles) and then deleted permanently from use and storage.
11. Images of children under the age of 16 should not be used or published with any other personal information and care should be taken to remove contextual information that may further identify the child e.g. logo of school or community organisations. Where required, only first names should be used when publishing other information with images of children under 16.
12. Those photographing or filming may hand out their own contact details to allow people to get in touch for copies, but must not take contact details from members of the public. Where the subject/s of images of individuals or small groups taken at the festival request a copy, it should

be made available to them free of charge.

13. Where a member of the public objects to an image having been taken which includes them or their child, the photographer or filmographer should respect that request, delete the image or take other appropriate action to reassure the member of the public that the image will not be used.
14. All images of individuals, small groups or identifiable children under 16 will be stored securely, and labelled accurately with the date, event, photographer name and consent. These images will not be used or shared without the express permission of MBF.
15. All images when stored will be labelled with the photographers name, event and date.
10. Barnaby Team members should pay due care and attention to the use of images, in particular the cropping or zooming of parts of images that may create an identifiable image of an individual or small group.
11. Where any member of the Barnaby Team becomes aware of the possible abuse of any images of children under 16 they will inform the MBF Safeguarding Lead to investigate the issue in line with the MBF Safeguarding Policy.
12. If any member of the public expresses concerns to a member of the Barnaby Team about obtrusive or inappropriate behaviour of a photographer or filmographer at an MBF event they should be directed to speak to the relevant volunteer or staff member in charge of Front of House or the event, or directed to contact MBF by email [mail@barnabyfestival.org.uk](mailto:mail@barnabyfestival.org.uk)

**Agreed by the Board of Trustees....June 2021**