

## Using photographic images of people in diocesan publications and websites

The following is a good practice protocol advised by the National Safeguarding and Youth Officers, in conjunction with the DC Panel, to guide those working on diocesan publications. The legal position relating to this area is currently under review by the Court of Appeal, who have taken the view in one case that it was at least arguable that a child photographed in a public place has a reasonable expectation of privacy. The guidance below goes beyond the current definitive legal position, which allows for images of anyone in a public place to be published as long as the photography is not intrusive. It is provided for guidance.

- 1 As Christian publishers we wish to demonstrate love for our neighbour, to respect his or her privacy and not to cause any embarrassment.
- 2 We also want to promote and encourage the Church's work with people of all ages, through the appropriate use of images and video reflecting the diversity of church activities in our publications.
- 3 When we take someone's photo or film them for publication/distribution they should always be aware that we are doing it. Awareness can be assumed if:
  - people are attending a photocall.
  - the intention of taking photographs or filming is included in the invitation to the event and people are given the option of opting out.
- 4 In all other circumstances permission should be sought at the time the photograph/film is taken and a chance to opt out must be given.
- 5 Even given the 'assumed awareness' of the circumstances listed in (3), specific permission should be sought for images of individuals (a person may be happy for a large group photo, but not an individual one). Specific permission should also be sought where it is the intention to name any person shown in the photograph in an accompanying caption or article.
- 6 Photographs submitted for publication where young people are recognisable and there is insufficient evidence that their consent has been obtained should not be published. Permission should not be assumed, even if images have been submitted (e.g. by parishes) for publication.
- 7 Many schools approach parents to ascertain whether they have objections to photographs of their child being used in various media to represent the activities of the school. Teachers are often, therefore, in a position to grant general permission to publish images of children in school-related activities (e.g. cathedral education events), in *loco parentis*. However, this should not be assumed, and written permission

from an appropriate representative of the school should be sought to publish such images.

- 8 Outside of this school activity context, in other cases involving minors (under-16s), their consent and the written consent of a person with parental responsibility for the child should be obtained<sup>1</sup>, which must specify for what purposes the photo or film will be used and how they will be stored if not destroyed. In particular, if the intention is to use a picture or film on the Internet, this must be clearly stated at the time that permission is sought.
- 9 Further written consent will be required from young people and their parents if photographs or film are to be used in other ways.
- 10 Those working on diocesan publications may also find it helpful to explore the products offered by online image libraries, which can provide 'cleared' generic images of young people for use in publications. A selection of web addresses for such libraries are offered on the DC Intranet.
- 11 Clearance forms should be stored with photos or film for future reference.

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<sup>1</sup> For those over sixteen their own informed consent should be sought. For adults who may not be capable of informed consent, their legal guardians should be involved in obtaining consent. Where the child concerned is too young to give informed consent, the consent of the parent or legal guardian will suffice (the age at which someone is too young to give informed consent is really a matter of judgement in each case, but general guidance would be to use the age of criminal responsibility, i.e. 10 years old).