

North Yorkshire Fire & Rescue Service

Visual Imaging Policy Rights of Staff / Public and Media

Parent Strategy: Communications Strategy

Section: Section - Comms and Media

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Document Change History

Date	Version	Action	Person or Group Responsible	Comments
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10/05/2013	2-5		Comms and Media and CAO Manager	Slight amends to documents
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24/02/2016	10		Comms and Media	Updated section on incident images
15/02/2016	11		Comms and Media and Info Governance Officer	Updated in line with GDPR changes particularly areas around consent

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Policy Superseding:

This policy supersedes the following policies from the date adopted date in the information panel:

- N/A

Contributors:

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- N/A

1. INTRODUCTION

This policy covers the taking, using and storing of images (photographs/videos) and the rights of the public and media when they take images. The term 'images' in this Policy is used to mean photographs and videos in either printed, digital or online formats.

2. PURPOSE

To provide staff with guidance on their rights and responsibilities when taking images (and videos), the consent procedure and the storage of those images. It also outlines the rights of the public and media taking images and the action that needs to be taken in these circumstances.

3. SCOPE

This policy applies to employees, contractors, consultants, temporaries, and other workers at North Yorkshire Fire & Rescue Service including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by North Yorkshire Fire & Rescue Service.

This policy does **not** cover images or videos taken for fire investigation purposes or images captured by CCTV.

4. POLICY

4.1 Data Protection and Images

In line with Data Protection provisions care must be taken if images of clearly identifiable people are taken, processed, published or stored in a filing system.

These images may appear in any or all of the following formats:

- Paper publications
- Photographs
- Videos
- Webcams
- Internet
- Intranet
- Multi media messaging service (MMS) mobile phones.

The same requirements apply to all formats of images to enable NYFRS to comply with the law. The following steps should be carried out to ensure NYFRS comply with the relevant laws:

- Obtain and evidence consent (if required) for image capture and use
- Store images securely
- Dispose of images after the consent has expired
- Ensure compliance with copyright law.

4.2 Consent Image Capture and Use

4.2.1 Consent forms and informing people of the image use

Consent forms for image capture and use are available on the intranet in the Achieve Forms directory they are titled 'Visual Imaging Consent forms'. The forms are Schools Groups/Students, Adults (over 16) and Under 16. It is possible to print the required form by selecting the one you require and then clicking on the button that says 'Printable Version' this can then be signed by the person who is giving consent.

A consent form is needed, or parental consent for those under 16, when someone is clearly recognisable in an image. This is particularly important when dealing with children, and permission must be obtained from the parent or guardian of any child or young person up to the age of 16.

If two parents/guardians disagree over consent for their child consent has not been given. If the parents/guardians agree to consent, but the child does not (or vice versa) consent has not been given.

If an image of a person that can only be captured at an instant is required, verbal permission must be obtained and the fact recorded that this has been done. The verbal consent can be recorded on the relevant consent form which should be annotated "verbal consent" where the person would normally sign and must include the name of the individual who has given the verbal consent.

Note: responsibility for obtaining consent lies with the person(s) who is taking the images. That individual should arrange for the people identifiable within the image to fill in the consent forms prior to any images being captured. Before taking any images of people it must be made clear to them;

- Who we are (i.e. North Yorkshire Fire and Rescue Service)
- Why their image is being taken
- What the image will be used for, i.e. press release, corporate publication, staff newsletter, corporate social media. If it might be used for a number of reasons it is best to say for publicity purposes and inform that this could include any or all of the following: online and printed newsletters/flyers/leaflets, website, social media, corporate publications, staff newsletter, local, regional and national newspapers, displays and exhibitions, similar Fire and Rescue Service campaign or related area.
- How to withdraw consent at a later date (there is info about this on the consent form). Details of their rights are available on our website under About Us/ Your Information Rights.

Examples of the consent forms can be found at the end of this document.

4.2.2 Consent at events attended by large crowds

If images are taken at an event attended by large crowds, such as a fire station open day, road safety demonstration or community fire safety event it is regarded as a public area so consent is not needed from everyone in a crowd shot. However, those taking images on behalf of the Service must address those within earshot or those who are the main focus of the image, stating where the photograph may be published and giving them sufficient opportunity to move away. It is also advisable to print signs to be displayed throughout the event, explaining that photographs will be taken for publication purposes and that if someone does not want to be included in photographs, they should inform a member of NYFRS staff.

4.2.3 Consent from School Groups

Before photographing a school group, either in the school, at a public event or on Service premises contact must be made with the headteacher or lead teacher for that group to

determine if parental consent has been given for all the children who are attending. This will normally have been done by the school at the start of each year. In preparation for the event the organiser must ask the headteacher or lead teacher to complete and sign the schools consent form before any images are taken. If any teachers are appearing in the photos, consent will also be required from them.

4.2.4 Consent from Staff

Staff must not take or use images of other employees without their permission. Verbal consent must be gained by anyone taking photographs of their colleagues in a work environment.

It is the responsibility of the member of staff who is taking an image, or has commissioned an image, of other members of staff to ensure that they have informed staff of the purpose of the images (e.g social media use, training purposes etc), and have obtained verbal consent from the staff members being photographed/filmed. Every member of staff must be given the free choice and opportunity to agree or refuse.

Any member of staff who does not wish to be included in an image that is being taken should notify the person taking the image and be given sufficient time to move away.

Verbal agreement will be taken as consent, after you have been notified of the image purpose and given the opportunity to agree or refuse and move away, for the images to be stored and used by the Service.

If a member of staff has previously consented to the Service using their image, and then wishes to withdraw consent they should contact the Communications and Media section.

4.2.5 Consent for Images of Property

Images taken from inside someone's property or within the boundaries of private property can only be used for internal purposes or for fire investigation related purposes, unless consent has been granted by the property owner for them to be used externally (e.g. on social media).

Consent for images of property should be recorded on the 'Visual Imaging Consent form for Adults'. This form can be completed after the incident if verbal consent is given by property owner at the time, with a note on the form that verbal consent was given for the images to be taken and used by the Service. The name of the property owner who has granted consent should be included on the form.

4.3 Taking and Using Images

4.3.1 Incident Images

Flexible Duty System (FDS) Officers may take images at incidents, on Service issued equipment (digital camera, mobile phone), for corporate use by the Service, however, images which contain identifiable individuals should not be taken without consent.

Other members of staff should not be taking any images at incidents, unless for authorised fire investigation purposes.

If any images taken at an incident, contain identifiable individuals including members of staff, consent must be gained. This can be verbal consent for staff members, but it must be made clear to them what the image will be used for (e.g. for posting on Social Media) and images must not be taken if consent is not given.

Care should be taken, by FDS Officers, when taking photos at incidents to take into account public perception and to ensure the dignity of any casualties.

No member of staff may take any images for personal use that will be used or distributed outside NYFRS, this includes posting images on personal social media sites.

Images can be posted on the Service's corporate social media sites (including corporate Senior and Middle Managers Twitter accounts) as long as they don't breach data protection principles and the relevant consent has been granted by the property owner and identifiable individuals. Again consideration should also be given to public perception and the dignity of any casualties or property owners.

Care should also be taken when taking images at incidents, which may be used on social media, to ensure that there no is personal data contained within it, for example something in the background featuring a name and address or a car registration number. Car registration numbers should be blurred out or the image not used or shared on social media.

Personal mobile phones and other recording devices must not be used to take images of incidents in any circumstances.

All images taken by staff whilst at work are the property of NYFRS, regardless of the equipment used to take them and are therefore subject to the guidelines set out in this document.

4.3.2 Community Events etc.

Staff members are permitted to take images at non-incident events, for corporate use, however these should not be distributed outside of the Service unless permission has been sought from the Communications and Media section.

Community Safety Officers can post images on their corporate twitter accounts, without approval from Communications and Media, but they must ensure that they have the consent of any individuals visible in the images and that the images is not inappropriate or likely to damage the Service's reputation.

When arranging or facilitating the capture of images at an event, the organiser first needs to determine if consent will be needed. Where there is any doubt assume that consent will be required and proceed accordingly.

4.3.3 Staff images and ID Photographs

All staff are required to have their image taken for ID purposes, therefore the Service are not relying on consent for the processing of these images. ID photographs are taken for security reasons and to enable access to buildings. This is a legitimate business purpose for processing personal data, and meeting Health and Safety at Work Act 1974 obligations.

However, unless the staff member agrees, ID images cannot be used for any other purpose than those mentioned above. Sections may wish to display photographs of staff on notice boards. However, the image is personal data and individuals may not give consent for their image to be used in this way. Their wishes must be respected.

Images of individuals, including staff, are personal data and as such the individual may request for it not to be used.

It is the responsibility of the individual taking the images (or commissioning the taking of the images) to ensure all recorded images are of good taste. For example, they must take care to ensure:

- All personnel within the image are appropriately dressed including uniform and where appropriate Personal Protective Equipment

- Nobody within the image is captured making gestures or comments that are lewd, abusive or critical of NYFRS or any of its employees

4.3.4 Existing images where consent wasn't gained

The use of existing images for which consent was not obtained need careful justification before publication. Authorisation should be sought from Communications and Media Section and the Information Governance Officer in this case.

Guidance to achieve a balanced decision would include:

- For what purpose was the original picture taken, e.g. for a specific project?
- Where was the image taken, e.g. in a public place?
- When was it taken, e.g. was it taken of a child who could now be an adult?

4.3.5 Images taken by a photographer or found online (Copyright law)

Photographic images are considered artistic works under the laws of copyright. Copyright is the right given to authors and creators of works such as books, films or computer programs to control the exploitation of their works. This right covers copying, adapting, issuing copies to the public, performing in public and broadcasting. Copyright arises automatically and does not depend on the completion of any formalities, such as registration.

The first owner of copyright is usually the author of the work. The major exception is where such work is made in the course of employment, in which case the employer owns the copyright.

Commissioning and paying for work does not procure the copyright. Contractors and freelancers own the first copyright on their work unless the commissioning contract agrees otherwise.

This means that before using any images, even those commissioned by a photographer, the copyright status must first be established.

Staff should not use images found on the internet, including those found through image searches, as they will be subject to copyright and permission will be needed from the author of the work in order for them to be used legally.

Images used by the Service that are not owned by the Service, but which we have permission to use, should have a credit attached to them. For example a press photographer may allow us to use one of their images of our staff at an incident, with a credit to that photographer.

Images owned by the Service do not need a credit.

Copyright lasts for over 50 years. Photographs taken after 1 August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older photographs depending on the relevant Copyright Act at the time they were taken. See the table below

Date photograph taken	Length of copyright
Before 1912	Expired
1 July 1912 – 1 June 1957	50 years from the end of the year in which the photograph was taken

1 June 1957 – 1 August 1989	70 years from when the negative was taken
After 1 August 1989	70 years after the death of the photographer

4.4 Storage of Images

The Service stores images in an intranet library.

Staff who have taken images, should save them on to a disc and send the disc through the internal mail to the Communications and Media Section at SHQ, or alternatively email copies of the images to commsandmedia@northyorksfire.gov.uk.

Included with the images should be copies of consent forms, details of who took the images, what they are of, and the date of the event/incident.

The Communication and Media section will confirm receipt of the images and then locally saved copies of the images should then be deleted. They should also be removed from the device (e.g. camera or mobile phone) used to take them.

Images which have consent attached, will be destroyed by the Communications and Media section once consent has been rescinded, which will normally be based upon the timeframe specified on the consent form (usually five years from date of capture) or upon written notification from the person who signed the consent form.

Images of Service personnel will normally be retained for the duration of an employee's service, unless the Communications and Media section are advised otherwise.

4.5 Use of Images by the Service

Images from incidents and events can be used by the Communications and Media section for:

- Case studies of incidents
- Incident debriefs and audits
- Demonstrations of good practice
- Media campaigns
- As part of displays/ exhibitions
- Community fire safety campaigns
- Publishing on the NYFRS website or corporate social media channels
- Inclusion in corporate documents

4.6 Right of Members of the Public to take photos

There are no powers prohibiting members of the public from taking photographs, film or digital images in a public place, and they should not be prevented from doing so.

However, members of the public do not have rights of access into restricted areas of fire station premises or property. Members of the public are not to be granted access to take photos on Service owned property (fire stations etc.) unless their visit forms part of a pre-arranged event or visit. If you do not recognise someone on NYFRS property always ask for identification.

At incidents and exercises members of the public should not be allowed to enter restricted areas or cross cordons to take pictures. Members of staff should also not allow members of the public to access private property to take images.

It is worth noting, that camera phones are everywhere and if you are in a public place representing the Service your image may be taken, so maintain professional standards at all times, for example, observing the staff code of conduct and uniform policy.

4.7 Rights of members of the Media to take photos

The media have the same rights as the public to take photos in public places as long as they remain on public property.

They have no right of access to private property, including private dwellings unless they have the permission of the property owner. NYFRS employees cannot grant access or give out the personal details of the property owner.

Media requests to visit fire stations (e.g. for a day of the life feature) must be authorised by the Communications and Media section, who will arrange for Media Indemnity Forms to be completed by the visiting journalists. If the Service invites the media to attend events then no form is required.

4.8 Misuse of this Policy

When images are obtained by on-duty staff, they are acting as a representative of the Service and every act carried out during that process reflects upon the Service.

Inappropriate images could cause embarrassment to the Service as well as having legal repercussions, therefore capturing images for any purpose other than those detailed in this policy or other relevant procedures should not be undertaken.

All images obtained by staff whilst on duty remain the property of the North Yorkshire Fire and Rescue Service and may not be used by third parties or viewed by third parties without permission of the Communications and Media section or a Middle or Senior Manager.

5. POLICY GOVERNANCE

The following table identifies who within North Yorkshire Fire & Rescue Service is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
N.B Only **one** role is held accountable.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

Responsible	Head of Risk Management
Accountable	Chief Fire Officer / Chief Executive
Consulted	N/A
Informed	All Employees, All Temporary Staff, All Contractors

6. REFERENCES

The following North Yorkshire Fire & Rescue Service policy documents are indirectly relevant to this policy:

- Social Media Policy
- Administration and Use of Digital Camera SOP
- Taking ID Photo SOP
- CCTV Scheme
- Fire Investigation SOPs
- Child Protection Policy

* * * * *

If you have any questions concerning this policy or your obligations under it, you may direct them to either your line manager or alternatively the CAO Manager on 01609 788 518 or Communication and Media Officer on 01609 788 8572.

North Yorkshire Fire & Rescue Service
Thurston Road
Northallerton
North Yorkshire
DL6 2ND

www.northyorksfire.gov.uk

Appendix A Example forms



**NORTH YORKSHIRE
FIRE & RESCUE SERVICE**

CFsc

Image Consent form- School group or student

We take the issue of child safety very seriously and would never knowingly use an image of a child without prior consent. We, therefore, ask you to confirm if consent has been granted for the students under your care. Please fill in the details in the white spaces on the table and then sign and return the form to us.

Name of school, class/year group/ group:	
Name of teacher (print) completing form:	
<p>I confirm that consent has been granted to North Yorkshire Fire and Rescue Service to use the images of the class(s)/group mentioned above for a period of up to 5 years (from the date given on this form) unless I advise otherwise, for publicity purposes.</p> <p><i>Publicity may include any or all of the following: online and printed newsletters/flyers/leaflets, website, social media, corporate publications, staff newsletter, local, regional and national newspapers, displays and exhibitions, similar Fire and Rescue Service campaign or related area.</i></p>	<input type="checkbox"/> YES consent has been given (please tick the box to confirm consent)
Details of any student for whom consent has not been given (so we can ensure their image is not captured)	
Signature of teacher:	
Contact details (email or phone number):	
Date (Day/Month/Year):	
<p>The personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website http://www.northyorkshire.gov.uk/about-us/yourdata/dp18/dpdoing. You have the right to withdrawn consent at any time and this area on the website also contains information about withdrawing consent.</p>	

NYFRS Use Only	
Name of individual taking image(s)	
Place of work	
Contact Number	
Details of photographs/images (location/event)	
Date of event	
Please see section 4.3 of the Visual Imaging Policy for details of who this form and images should be sent to.	



**NORTH YORKSHIRE
FIRE & RESCUE SERVICE**

Cfad

Image Consent form- Adult (16 years and over) or Property

We take the issue of data protection very seriously and would never knowingly use an image of you or your property without your prior consent. We would therefore ask you to read through the information below. Please fill in the details in the white spaces on the table and then sign and return the form to us.

Your Name: (and organisation if applicable):	
I consent to North Yorkshire Fire and Rescue Service using the images identified below for a period of up to 5 years (from the date given on this form) unless I advise otherwise, for publicity purposes. <i>Publicity may include any or all of the following: online and printed newsletters/flyers/leaflets, website, social media, corporate publications, staff newsletter, local, regional and national newspapers, displays and exhibitions, similar Fire and Rescue Service campaign or related area.</i>	<input type="checkbox"/> YES I give my consent (please tick the box to confirm consent)
Your signature:	
Date (Day/Month/Year):	
The personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website http://www.northyorksfire.gov.uk/about-us/yourdata/dp18/dpdoing . You have the right to withdrawn consent at any time and this area on the website also contains information about withdrawing consent.	

NYFRS Use Only	
Name of individual taking image(s)	
Place of work	
Contact Number	
Details of images (<i>location/event or details of property location and property owner</i>)	
Date of event	
Please see section 4.3 of the Visual Imaging Policy for details of who this form and images/videos should be sent to.	



**NORTH YORKSHIRE
FIRE & RESCUE SERVICE**

CFch

Image Consent form- Under 16

We take the issue of child safety very seriously and would never knowingly use an image of your child/children without your prior consent. We would therefore ask you to read through the information below. Please note that if the child does not consent or one of the parents/guardians refuses consent we will take that as consent not given, and will not take the image.

Name of child:	
Name of parent or guardian:	
I consent to North Yorkshire Fire and Rescue Service using the image(s) identified below for a period of up to 5 years (from the date given on this form) unless I advise otherwise, for publicity purposes. <i>Publicity may include any or all of the following: online and printed newsletters/flyers/leaflets, website, social media, corporate publications, staff newsletter, local, regional and national newspapers, displays and exhibitions, similar Fire and Rescue Service campaign or related area.</i>	<input type="checkbox"/> YES I give my consent (please tick the box to confirm consent)
Your signature:	
Date (Day/Month/Year):	
The personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website http://www.northyorksfire.gov.uk/about-us/yourdata/dp18/dpdoing . You have the right to withdrawn consent at any time and this area on the website also contains information about withdrawing consent.	

NYFRS Use Only	
Name of individual taking image(s)	
Place of work	
Contact Number	
Details of images (location/event)	
Date of event	
Please see section 4.3 of the Visual Imaging Policy for details of who this form and images/videos should be sent to.	