

Filming & Photography – Guide to consent

Consent is a big issue in regards to filming and photography, and if you engage in any activities on behalf of the university here are a few tips to make sure you can be confident in your activities.

- **As the university commissions and creates still and moving images all recordings and images of people will be managed in accordance with their rights as data subjects under the UK Data Protection Act, 1998.** This applies to all still and moving images and recordings created or commissioned by University employees, contractors or volunteers in the course of their work for the University. The University is the Data Controller for all such images and recordings that feature people, regardless of where the recordings take place. The University determines the purpose of recording and is legally responsible and accountable for its use.
- **Filming or photography of events or general views of the campus** where the image or recording represents an un-posed record of the event and any images of people are incidental, then formal consent is not required as long as clearly visible notices are displayed to inform people that filming is taking place in that area so individuals can opt-out of being filmed by moving out of the picture.



- **Key events in the University calendar** such as graduation and open days – as long as attendees are informed in advance (usually on the invitation and/or on any promotional material, or else by way of visible signage on the day) and choose to attend in the knowledge that the event is being filmed that would be considered consent.

- **Photography of staff in senior or “public facing” roles** carrying out duties on behalf of the university would be aware of any obligation they may have that may include being filmed when taking on their position. Those persons would therefore represent the legitimate interests of the university as long as the processing is not unwarranted because of its prejudicial effect on the rights, freedoms or legitimate interests of the individual. Other staff who may be photographed or filmed must give their consent.

- **In any scenario ‘set-up’ by the university where you want to capture something specific and posed** – you will need any subject of that photoshoot/film that is not an employee of the university to sign a model release form which consents to the university using their likeness. On this site, we have downloadable model release forms for individuals and groups so please make sure that you get these signed by everyone taking part. The consent form should state why the University is recording the images and what they will be used for. The School commissioning the photography is responsible for ensuring that the University retains the signed consent form/forms for the purposes of an audit trail for the lifespan of the image/video’s usage.



If photographing or filming in public you do not need consent of anyone who may potentially be filmed/photographed, however you do need to be aware of a few things:

- **Do not target anyone specifically** – if you are taking general pictures of the general public where inclusion in any recording is incidental and for non-commercial purposes, then this is usually fine. However, it is an increasing grey area with the European Convention on Human Rights, which gives everyone the right to respect for their private and family life – if in doubt get a model release.
- **Be careful of private property** – “public” space is a relatively ambiguous term as everything in the UK is technically owned by someone, but this is usually meant in relation to filming/photography on streets, parks and other open areas not owned by private individuals. This being said, some places may still require a permit to shoot on their property – for instance a place open to the public but owned by an organisation. However, you may capture images of private property while shooting from a public place. It is also prudent to check if some areas, such those as near government buildings or national monuments such as Trafalgar Square have photography restrictions in place.

- **Private events** – if you are attending a private event such as a conference, general photographs / film for social media is perfectly acceptable to capture as it is not commercial. If you want professional quality footage/pictures, this would need to be arranged with the event organiser beforehand and permission sought.
- **University events** – at events such as graduation it is understood that filming and photography may take place and that participation in the event/attendance is implied as consent to this activity (this is usually found in the terms and conditions). If you are putting on an event yourself you can inform people beforehand there will be some filming and photography, or if it is an open event put signage up informing people. Again, by their participation and attendance this would be implied consent.

Other considerations to be taken in to account when filming or taking photographs on behalf of the university:

- **Students / guests under the age of 18** – in a posed scenario if the subject is under the age of 18 you must seek parental consent. This also applies for events, such as school or young child-orientated activity events where any photography will feature persons under the age of 18. It may be that photography is necessary and therefore useful for young people/children whose parents have given consent for their photos to be taken to wear a sticker/badge identifying that they have done so.
- **Objections and revoking permission** – If an objection is made by an individual in regards to a certain photograph or recording (that they had previously given consent for) of them being used in a particular way, the commissioner or user of the image should seek advice from the Data Protection Officer. Where possible, the University should respect the wishes of the individual and remove or avoid using the relevant image or recording.



For more tips and information please visit the [Online Media Development Team Website](#) and check out our blog posts.