

Photography and Video Policy

Version 1.0

Document Location

Data Protection Office

Revision History

Date of drafting: April 2019	Date of next review: April 2022
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Version Number/Revision Number	Revision Date	Summary of Changes
V 1.0	--	--

Consultation History

Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Changes
	11 June 2019	Finance Audit Risk Committee	--

Approval

This document requires the following approvals:

Name	Title	Date
Governing Body		23 Sept 2019

This Policy was agreed by the Governing Body on 23 September 2019. It shall be reviewed and, as necessary, amended by the Institute every three years. All amendments shall be recorded on the revision history section above.

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1. Overview

Dundalk Institute of Technology uses imagery and videos for a variety of purposes, including prospectuses, handbooks, guides, display notices, educational purposes, conferences, events, and on the Institute website. It is recognised that staff, students and visitors may also wish to take videos or photos of themselves or their relations and friends participating in Institute events for personal use.

The use of photography and videos to our college community has immense benefits however there are significant risks associated for those involved. Under GDPR legislation, Dundalk Institute has very specific responsibilities in terms of how photos and videos are taken, stored and retained.

The Institute has implemented this policy on the safe use of cameras and videos by staff and students to minimise the risk to members of the College community and to ensure we are compliant with GDPR legislation at all times. To ensure the aforementioned, this policy should be adhered to at all times. This policy is applicable to all forms of visual media, including film, print, video, DVD and website.

2. Purpose of this policy

This policy is a statement of the Institute's commitment to protect the rights and privacy of individuals when capturing and using their images in all forms in accordance with Data Protection legislation.

3. Roles and Responsibilities

The following roles and responsibilities apply in relation to this Policy:

Leadership Team	<p>The Leadership Team is responsible for the internal controls of Dundalk Institute of Technology an element of which is the retention of records used in the decision-making process for key decisions in order to demonstrate best practice and the assessment of risk. The LT is responsible for:</p> <ul style="list-style-type: none">• Reviewing and approving this Policy and any updates to it as recommended by the Data Protection Officer.• Ensuring ongoing compliance with the GDPR in their respective areas of responsibility.• As part of the Institute's Annual Statement of Internal Control, signing a statement which provides assurance that their functional area is in compliance with the GDPR.• Ensuring oversight of data protection issues either through their own work or a Data Protection Oversight Committee or other governance arrangement.
Finance Audit Risk Committee / Governing Body	<p>To review and approve changes to the policy on a periodic basis upon recommendation from Leadership Team.</p>
Data Protection Officer	<ul style="list-style-type: none">• To lead the data protection compliance and risk management function, with responsibility for advising how to comply with applicable privacy legislation and regulations, including the GDPR

	<ul style="list-style-type: none"> • To advise on all aspects of data protection and privacy obligations. • To monitor and review all aspects of compliance with data protection and privacy obligations. • To act as a representative of data subjects in relation to the processing of their personal data. <p>To report directly on data protection risk and compliance to executive management.</p>
Staff/Students/External Parties	<ul style="list-style-type: none"> • To adhere to policy statements in this document. • To report suspected breaches of policy to their Head of Department and/or Data Protection Officer.

If you have any queries on the contents of this Policy, please contact the Leadership Team or Data Protection Officer.

4. Legal Framework

1. This policy has due regard to legislation including but not limited to the following:
 - The General Data Protection Regulation of 2018
 - The Data Protection Acts 1988 to 2018.
 - The Freedom of Information Acts 1997 – 2014
 - Children & Vulnerable Persons Act 2012
 - Equality and Disability Acts
 - Institutes of Technology Acts 2006.
 - Children First Act 2015
 - Health Research Regulations 2018
 - TU Act 2018
2. This policy has been created with regard to guidance provided by;
 - Office of the Data Protection Commissioner – Guidelines issued : “GDPR 12 steps to take”, “GDPR and You” and “Overview of the GDPR”.
3. Below is a list of a suite of policies and procedures that may be used in conjunction with this policy.
 - Data Protection Policy
 - Data Protection Procedures
 - Data Protection Incident Response & Breach Notification Policy
 - Data Encryption & Data Anonymisation and Pseudonymisation Policy
 - Remote Access Policy
 - Physical Access Policy
 - Logical Access Policy
 - Social Media Management
 - Third Party Outsourcing
 - Compliance
 - Data Governance Policy

- Information Security Policy
- Wireless Security Policy
- Systems Development Life Cycle Policy
- Acceptable Usage Policy
- Privileged User Policy
- Information Security Policy
- Password Standard Procedures
- Anti-Virus Scanning and Protection Standards
- End User Guidelines
- Moderator Guidelines
- Change Control Procedures
- Data Backup and Monitoring Procedures
- User Administration Procedures
- Incident Handling Procedures
- Access to IT Services

The above list is not exhaustive and other Dundalk Institute of Technology policies, procedures and standards and documents may also be relevant.

5. Definitions:

For the purpose of this policy:

“Personal use” of photography and videos is defined as the use of cameras to take images and recordings of individuals by Institute staff and students, relatives, friends or known individuals eg a parent taking a group photo of their child and their friends at an Institute event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of GDPR do not apply to images and videos taken for personal use.

“Official Institute use” is defined as photography and videos which are used for Institute purposes, e.g. staff and student identification or marketing purposes to name two. These images are likely to be stored electronically alongside other personal data (Banner Student System for student data or CORE System for staff details). The principles of GDPR do apply to images and videos taken for official Institute use.

“Media use” is defined as photography and videos which are intended for a wide audience e.g. photographs of students taken at Conferring or other similar event for insertion into local newspaper. The principles of GDPR do apply to images and videos taken for media use.

Staff may also take photos and videos of students for “educational purposes”. These are not intended for official Institute use but may be used for a variety of reasons in house / in School such as course related displays, special events, social events, assessments. The principles of GDPR do apply to images and videos taken for educational purposes.

6. Responsibilities:

5.1 The Head of School/Department/Function/event organiser or designated staff member is responsible for:

- a) Submitting consent forms to data subjects/parents or guardians (including any Primary or Secondary schools) at the beginning of the academic year or in a timely fashion prior to an event being run with regards to obtaining consent to photographs and videos that may be taken whilst on campus or attending an Institute event.
- b) Ensuring that all photos and videos are stored and disposed of correctly in line with GDPR.
- c) Deciding whether attendees at events who are not part of the Institute community ie parents or friends of staff or students are permitted to take photographs and videos during Institute events.
- d) Communicating this policy to all staff members within their remit, the wider Institute community and other groups they may liaise with.
- e) Liaising with the Data Protection Officer (DPO) to ensure there are no data protection breaches.
- f) Informing the Head of School/Department/Function (as appropriate) and DPO and Academic & Student Affairs Manager of any known changes to a student's security e.g. child protection concerns which would mean that participating in photography and video recordings would put them at significant risk.

6.1 In accordance with the Institute's requirements to have a DPO, the DPO is responsible for:

- a) Informing and advising Institute Management and employees about their obligations to comply with GDPR in relation to photographs and videos at the Institute.
- b) Monitoring the Institute's compliance with the GDPR in regard to processing photographs and videos.
- c) Advising on data protection impact assessments that Management and employees must conduct re their collection and usage of photos and videos.
- d) Conducting internal audits in regards to the Institutes procedures for obtaining, processing and using photographs and videos.
- e) Providing the required training to staff members about how the GDPR impacts the usage of photographs and videos.

7. Gaining consent

- The Institute understands that consent must be a positive indication. It cannot be inferred from a data subject's silence, inactivity or pre-ticked boxes.
- Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individuals wishes.
- Where consent is given a record will be kept documenting how and when consent was given and last updated.
- Consent mechanisms must meet the standards of GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found or the processing of the data will cease.
- Where a child is under the age of 16 the consent of parents or guardians will be sought prior to the processing of their data.
- Consent forms will need to be completed on an annual or event related basis.
- The consent form will be valid for the academic year or for the event being signed up to.

- If there is disagreement over consent or if a parent or guardian does not respond to a consent request it will be treated as if consent has not been given and photographs and videos will not be taken or published of the individual who has not given their consent or their parents/guardians who have not given consent.
- Consent can be withdrawn in writing at any time during the academic year.
- A list of all individuals or their parents/guardians who have not given consent should be created and maintained by the relevant Head of School/Department/Function/delegated staff member or event organiser. It should be updated annually while the data subject is connected with the Institute.

8. General Procedures

- The taking of photographs and videos of students, staff and others should be carefully planned before any activity takes place.
- The DPO should be consulted for advice during the planning stages.
- When organising photography or videoing campaigns the following should be considered:
 - Can general shots of classrooms or theatres or group activities rather than individual shots of individuals be used to fulfil the same purpose?
 - Could the camera angle be amended in any way to avoid individuals being identified?
 - Will individuals be suitably dressed to be photographed and/or videoed?
 - Will individuals of different ethnic backgrounds and abilities be included within the photographs to support diversity?
 - Would it be appropriate to edit the photos in any way for example to remove logos that may identify the individuals?
 - Are the photographs and videos completely necessary? Could alternative methods be used for the same purpose?
 - The list of all individuals of whom photographs and videos must not be taken should be checked prior to the actual activity. Only individuals for whom consent has been obtained will be able to participate/have shots taken of them.
 - Institute equipment only should be used to take photographs and videos of individuals. (Exceptions outlined at Section 7 of this policy).
 - Photos should only be taken of suitably dressed individuals.
 - Where possible Institute staff should avoid identifying students. If names are required try to keep it to first names only.
 - The Institute will not use photographs of students or staff members who have left the Institute without proper consent.
 - Photos and videos that may cause any distress, upset or embarrassment will not be used.
 - Any concern relating in inappropriate or intrusive photography or publication of content is to be reported to the DPO of DkIT.

9. Institute owned devices

- Staff are encouraged to take photos and videos of students using Institute equipment; however they may use other equipment such as Institute owned mobile devices where the DPO has been consulted and consent has been sought from their Head of School/Department/Function as appropriate and prior to the activity.

- Where Institute owned devices are used, images and videos will be provided to the Institute at the earliest opportunity and removed from any other devices.
- Staff will not use their personal mobile phone or any other personal device, to take images and videos of students.
- Photographs and videos taken by staff members on Institute related trips or visits may be used for education purposes e.g. to put on display or to illustrate the work of the Institute where consent has been obtained.
- Digital photographs and videos should be held on the Institute's network and accessible by authorised staff only. The content should be stored in labelled files, annotated with the date and the identifiable class group/course name – no other names should be associated with the images and videos. The files should be password protected and only staff members who need to have access should have access to these passwords to minimise access by an unauthorised staff member. Passwords should be updated regularly.

10. Use of a professional photographer

If the Institute decides to use a professional photographer for official Institute events, the Head of School/Department/Function/event organiser should:

- Provide a clear brief to the photographer about what is considered appropriate in terms of both content and behaviour.
- Issue the photographer with identification – which must be worn at all times during the event so individuals know he/she is there at the Institutes request.
- Let all participants – staff, students, visitors etc know that a photographer will be in attendance at the event. Ensure the individuals concerned have provided their consent to both the taking of the photos or videos and possible publication of them.
- The photographer will not be allowed one on one access to under age students at events.
- It should be communicated to the photographer that the material may only be used for the Institute's own purposes and that permission is not being given to use the material for any other purpose.
- Ensure that the photographer will comply with the requirements set out in GDPR. A data sharing agreement should be in force which sets out the responsibilities of both parties ie the photographer and the Institute as Data Processor and Data Controller.
- Ensure that if a staff member is designated as 'official' photographer they are clear that the images or videos are not used for anything other than the purpose indicated by the Institute.

11. Permissible photography and video taking during Institute events

If the relevant Head of School/Department/Function/event organiser permits visitors to take photographs or videos during an Institute event, visitors will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- The focus of any photographs or videos should be of their own relatives or friends only.

- Avoid disturbing others in the audience or distracting performers when taking images.
- Ensure that any images or recordings taken at Institute events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further images if and when requested to do so by staff of the Institute.

12. Storage and retention

- a) Images obtained by the Institute will not be kept for longer than necessary.
- b) Hard copies of photos and video recordings held by the Institute will be annotated with the date on which they were taken and will be stored by the relevant administration office. They will not be used other than for their original purpose unless permission is sought from the Head of School/Department/Function as appropriate and data subjects involved. The DPO should be consulted in this regard.
- c) Paper documents will be shredded and electronic memories scrubbed clean or destroyed once the data is no longer to be retained.
- d) The DPO will audit stored images on a regular basis to ensure that all unwanted material has been deleted.
- e) Individuals must inform the Institute in writing where they wish to withdraw or change their consent. If they do so, any related images and videos which involves them will be removed from the Institute repository.
- f) When an individual withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. It will only affect any further processing.
- g) Official Institute photos will be held by the appropriate Head of School/Department/Function or designated staff member and will only be held for the duration of a student's or staff member's time with the Institute.

13. Monitoring and Review

This policy will be reviewed by the Data Protection Officer on an annual basis to ensure continuing Data Protection compliance. Any amendments or revisions will be put forward to FAR/Governing Body for re-approval as necessary but in any case every three years. The next date for scheduled review is April 2022.

Any changes to this policy will be communicated to all staff and students.

PARTICIPANT CONSENT FORM

The title and date of the Event should be inserted here

It is common that the Institute is visited by local / national media and press who take images and videos and report on Institute events. The Institute itself also will take images and videos of events and report on these and awards made to students and as a result these images may be used in promotional materials, on the Institute website, published in local or national newspapers or used on social media platforms including but not limited to Twitter, Facebook or Instagram.

We require your consent to use any image or recording of you in the above manner. We will only use your images with your consent and only for the above reasons. Without your consent the Institute will not use your images or videos.

Your consent is valid for the purpose of this event only and participation in any other event will require you to sign a separate consent form. Consent will be valid for a period of two years from the date of the event. After this time any images or videos will be purged. If the event organiser/ Institute wish to retain this data for longer or indeed use the data differently, you will be contacted so that you may give or withhold your permission.

You may withdraw or amend your consent at any point by advising the event organiser or relevant Department in writing.

Please read the statements below and if you agree to them and are happy to participate in this event, please sign the consent section below and if consenting on behalf of a minor, the form overleaf also.

- I understand what the event is about and what any data captured about me will be used for.
- I understand that my information may be shared with third parties in the development of Institute promotional materials, may be used on the Institute website or other media platforms for reporting and promotional activities.
- I understand that I can request a copy of my recording and it must be furnished to me.
- I understand what will happen to the recordings / images once the event is complete.

I am aware that my involvement in this event may be photographed or recorded (audio/video) and I agree to this.

I do not agree to be audio/video recorded or photographed at this event.

Name: (print please) _____

Signature: _____ **Date:** _____

Event Organiser's Signature: _____ **Date:** _____

Consent / release form for use of photos, images, recordings for Minor Children

I have read all of the foregoing information overleaf relating to this event and the rights afforded me/minor child and hereby authorise Dundalk Institute of Technology hereafter referred to as DkIT, to publish photographs / recordings taken on ***(insert month, date and year)*** of myself and/or of the minor child or children listed below and our names and likenesses for use in DkIT's print, online and video-based marketing and promotional materials as well as Institute publications.

I release and hold harmless DkIT from any reasonable expectation of privacy or confidentiality for me and for the minor child or children listed below associated with the images as specified above. I further attest that I am the parent or legal guardian of the child or children as listed below and that I have full authority to consent and authorise DkIT to use their likenesses and names.

I acknowledge that participation in this event is voluntary and that neither I, nor the minor child or children listed below will receive financial compensation of any type associated with the taking or publication of these photographs or participation in Institute marketing materials or other publications. I agree that publication of said photos confers no rights of ownership or royalties whatsoever.

I hereby release DkIT, its contractors, employees and any third parties involved in the creation or publication of Institute publications, from liability for any claims by me or any third party in connection with my or the child's/children's, as listed, participation in this event.

Authorisation:

Printed name: _____ Signature: _____

Date: _____ Contact address: _____

Relationship to Child/Children: _____

Names and ages of minor Children:

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____