# Photographic Guidelines

# Introduction

The Parish Council recognises the need to manage the manner in which images of children and young people are used on the Newton Parish Council Website. For the purposes of this document, Newton Parish Council Website (the Website) includes all images displayed on [www.newton-pc-notts.co.uk](http://www.newton-pc-notts.co.uk) and any sub-domains of that website which includes official Social Media platforms, where used.

The Parish Council recognises that it has a duty of care to ensure that the child's welfare as well as their right to privacy, are protected.

The Parish Council also recognises the importance of ensuring that the Website is an inclusive space, which accurately reflects the demographic of the parish in terms of gender, age, race and disability.

Children and young people form an important part of our community and in reporting and representing events within the village, images of children and young people may be displayed on the Website provided that the child's welfare and right to privacy are protected.

# The Law

The Protection of Children Act 1978 and Section 160 of the Criminal Justice Act 1988 make it an offence to make, distribute, show, or advertise indecent photographs of children.

Photographs and visual images are regarded as personal data under The General Data Protection Regulation (GDPR) 25 May 2018. Under GDPR, personal data must be:

* Fairly obtained
* Accurate
* Kept up to date
* Kept and used only for one or more specified lawful purposes

There is no specific legal constraint on taking photographs or displaying photographs of children and young people provided that the photographs are taken in a public place and are not sexual in nature and the Parent or Guardian has provided consent for those children under the age of 16.

# Guidelines

## **General**

1. The Parish Council will maintain a record of who supplies images displayed on the website
2. Images of children and young people supplied to the Parish Council will be used only for the purpose for which they were provided and for no other purpose
3. Copyright and ownership of all such photographs remains with the photographer
4. Photographs must be supplied by the photographer or a person supplying them with the permission of the photographer, unless the photographs are in the public domain
5. No photographs or images shall be permitted that are of a sexual or indecent nature

## **Parental Consent**

1. Parental Consent under GDPR 25 May 2018 must be provided for any photographs of children under the age of 16 taken within a private environment. A private environment is one which is not ordinarily open to members of the general public
2. Photographs of children under the age of 16, taken within a public place, require Parental Consent under GDPR 25 May 2018. A public place is one that is open to the general public at all or most times.
3. The Parish Council will remove all photographs of young people and children from the Website when requested to do so by the parents or guardians as soon as practically possible

## **Welfare of Children and Young People**

1. When images of children and young people are used, care should be taken not to identify the child. We would recommend that the name of the child is not identified alongside the photograph and where a name is used, it should be a first name only
2. A child's name may be used in full, accompanying a photograph, where the photograph illustrates an acknowledgement of that child, for instance an award ceremony. Where a child's name is used Parental Consent under GDPR 25 May 2018 must be obtained regardless of whether it is a public or private location
3. Images will not be passed to other third parties (for example, local media), without full Parental Consent as referenced in (10) above
4. Images of children who are vulnerable will not be used
5. Images likely to cause embarrassment or upset to a child will not be used
6. Images of children and young people will only be used where they are properly dressed as appropriate to the activity depicted