



Date agreed	Committee	Minute number	Renewal date
14 th November 2022	Resources	422/22.7	November 2025

BUCKINGHAM TOWN COUNCIL PHOTOGRAPHIC AND FILMING POLICY

The Town Council uses images to enhance its website, council publications such as the newsletter, leaflets, banners, and other promotional material and to engage with the public through social media.

The use of images/film will be used to highlight council services, activities, projects, and events rather than to promote individuals.

The Data Protection Act will apply where the photographs are taken for official use and stored with personal details such as names and addresses.

The Council is particularly mindful of its safeguarding obligations and this policy seeks to explain what steps the Council can take to protect everyone and in particular children and vulnerable adults from unwanted photography or filming.

For the avoidance of doubt, this policy applies to cameras, mobile phones, videos, drones and any other equipment capable of recording images. Any reference to photographs and photography should be interpreted as including filming.

Purpose of the policy for the use of photographic images:

- To ensure responsible use of photographic images by Buckingham Town Council and its partners.
- To ensure that only a high standard of photographic images is used on the Council's website, social media, and printed material.
- To ensure that all legal requirements are met in the taking and publication of photographic images.

General

- a) Members and Officers will exercise the greatest discretion at all times when selecting photographic images for publication, taking into consideration the sensitivities of any situation.
- b) The Town Council and its Officers will consider the use of images submitted to them to enhance its website, newsletter, leaflets, promotional material, social media, which are used to promote the work of the Town Council.

- c) The choice of photographic images used on the Town Council website, in the Buckingham Town Matters newsletter and other material will remain the decision of the Town Council and its Officers. The choice of media could include static photographs, slide shows and videos of appropriate length. Editorial control will be retained by the Town Council and its Officers at all times.
- d) Photographic images, excluding public events, focusing on children and vulnerable adults who could be readily identified will not be used without prior permission from parents or carers. Consent forms are kept securely and are valid for five years.
- e) An individual who has given consent may wish to withdraw that consent at a later date. If consent is withdrawn the individual must be advised that the Council cannot recall any publications or films in which their image appears. However once consent is withdrawn, no further use can be made of that individual's image, and it should be deleted.
- f) No personal information such as names, address, etc. will be used alongside images, when used on any promotional material, on the website, newsletter, the Council's social media unless written permission has been obtained.
- g) Access to public events in publicly accessible areas is not restricted. The Council therefore considers that any person who is present at these events is considered to have given implied consent to appear in the background of any photograph or film.

The Council will however make every effort to ensure the public is aware a photographer is on site taking photos for publicity purposes. Individuals are deemed to have given their consent by remaining at the event or location in which photographs are being taken.

- h) Employees and visitors who have concerns about any photography taking place at an event or at council facilities should contact the Events Officer, Deputy Town Clerk or Town Clerk. If appropriate, the person about whom there are concerns should be asked to leave and the Deputy Town Clerk or Town Clerk should be informed.
- i) Links may be given to other photographic sites on the Town Council's website and social media as appropriate at the discretion of the Town Council and its Officers. A statement alongside the link will advise that the Council can in no way be held responsible for the contents on any external website to which it gives a link.
- j) The Town Council will not be responsible for the sale of photographs to members of the public or other agencies at any time.
- k) Persons taking photographs at the request of the Town Council, or its Officers will wear an identity badge signed by the Town Clerk, or appropriate Council ID, or a florescent waistcoat with 'Council Photographer' in large lettering on the back at all times and be required to sign an agreement containing rules as shown in Appendix 1 to this Policy. This will enable any person who does not wish to be photographed or filmed the opportunity of taking steps to avoid being photographed or filmed.
- l) Under 18s will not be left alone with a photographer at any time.
- m) A headteacher or community group leader may be able to authorise consent for a group of

children being photographed for publicity purposes. Headteachers routinely obtain written permission from parents to allow their children to be photographed whilst at school or participating in activities, which the school are involved in. The teacher/leader must sign the Council's official consent form to accept responsibility on behalf of the parents, for the children being photographed/filmed.

- n) The copyright of any photographic images will remain the property of the person who has taken the photograph as set down in law, unless there is an agreement to assign copyright to a third party. Images created by a council employee as part of their work will belong exclusively to the Council.
- o) Where a member of the public or other agency applies for the use of a photograph appearing on the Town Council's website, in the newsletter or other promotional material, the person or agency will be referred directly to the photographer responsible for the work.
- p) Photographs that are out of date or no longer usable will be destroyed appropriately by shredding and deletion of the electronic version or archived.
- q) The Council's official photographers will have been issued with the Council's Photography Policy. The Town Clerk will approve all official photographers.
- r) If photography is being commissioned and purchased from an external photographer, the Council must be clear that it expects to purchase not just specific prints or uses of the photograph, but rights to use the photograph where and when it pleases. To avoid any doubt, the photographer will agree to these terms:

I hereby agree that Buckingham Town Council may use photographs commissioned and paid for by them for any usage that they wish and for whatever time they wish. All photography fees negotiated reflect that usage. As photographer, I do retain copyright to photographs created and transfer unlimited reproduction rights to Buckingham Town Council and any partner agency.

Civic Events

Pictures will be taken at civic events for printed and digital publicity and archiving purposes. The photographer will be clearly identifiable as the Town Council's photographer. The Council considers that any person who is present at Mayoral engagements is considered to have given implied consent to appear in the background of any photograph or film. Individuals are deemed to have given their consent by remaining at the event or location in which photographs are being taken.

Photographs taken for non-publicity purposes

This Policy is not intended to apply to photographs taken by or on behalf of the Council for day to day business purposes, such as event planning or recording purposes. Photographs will be routinely taken by council officers for example, for recording event layouts, the progress of developments, displays etc. Such photographs are unlikely to contain images of individuals other than council officers and will not be released into the public domain.

Officers must be mindful that the Data Protection Act will apply where such photographs contain images of individuals and are stored with personal details. They must be stored and disposed of appropriately in accordance with the Act. For further advice, please contact the Town Clerk.

In addition, this Policy and Guidance is not intended to apply to photographs taken by or on behalf of the Council in the course of an investigation. Such images may be used as evidence in court proceedings and therefore will be governed by separate evidential procedure rules. You are advised to seek advice from the Town Clerk in relation to the storage and use of such images.

Legal Situation

- a) There are no restrictions on taking photographs in a public place of individuals whether they are adults or minors.
- b) There is no right to privacy in a public place although photographers are subject to the usual libel laws in the same way as other citizens.
- c) Equipment or film may not be confiscated, or images deleted by any person or Police Officer unless a warrant for such action is issued.
- d) The person taking a photograph retains the copyright of that photograph unless there is an agreement to assign copyright to a third party.