P013-1 GDPR Guidelines on Photography for Diocese & Parishes

The following guidelines have been developed to help Diocese/Parishes comply with GDPR when using photography at events. Personal data is any information relating to a living individual, which is capable of identifying that individual. As photos capture the personal data of an individual, they are subject to GDPR legislation.

If your Diocese/Parish uses photography at an event, you need to consider how to gain consent or permission. A photograph that can uniquely identify an individual or a group of people, cannot be published without consent. Consent must be obtained before the photograph is taken and publication extends to parish newsletters, journals, magazines, websites or social media.

Consent must also be given if a photograph is taken of a child (under the age of 16 years) or a vulnerable adult. Article 8 GDPR states

"where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility of the child".

Consent is **not required** if you cannot uniquely identify a person or group if the shot is a long shot, people present are aware that a photographer is present at the event and no names are published.

Consent is also **not required** if a photograph is being taken for personal use like a parent taking a photograph of **their** child.

How do you gain consent?

At the Diocesan/Parish event, all attendees must be **informed** that photographs are going to be taken.

Consent can be obtained in a number of different ways;

1. If an invitation is sent out about an event, also notify the attendees that

   (a) A photographer will be present at the event

   (b) Detail the reason why the photographs are being taken e.g. to document, record and share the event

   (c) Who to contact at the event if a person does not want their photograph to be used?

2. By displaying a prominent notice containing the information in point 1 (a)-(c) above informing the attendees at the event. This notice could be published on the newsletter, website and displayed at the entrance of the church or location of the event.

3. A clear announcement is made before a group photo is taken and attendees have the opportunity to step out of the photo.

4. The photographer asks the individual for consent to take their photograph and keeps a written record that consent has been given.

Photographs of Children and Vulnerable Adults

Consent is <u>always</u> required when taking photographs of children under 16 years of age or vulnerable adults. Consent must always be given by a parent/guardian or carer by a consent form before photographs are taken. If a parent/guardian/carer is present at an event, they can give verbal consent to take a photograph. The photographer should record that explicit consent has been given.

Prevention of Data Breaches

A personal data breach **is a breach of security** leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to **personal data**. It can be described more simply as an incident whereby information is stolen or taken from a Diocese/ Parish without permission or consent. This includes breaches that are the result of both accidental and deliberate causes.

Photographs taken on behalf of a Diocese/ Parish should be treated in the same way as personal data held in hard or soft copy in the Diocesan/Parish Office. Photographs should be securely stored in the Diocesan/Parish office adhering to the same safeguards as other personal data. Images on cameras should be transferred to a secure location and deleted from memory cards. Phones and tablets should be protected by the use of passwords and encryption. If Diocesan/Parish photographs are subject to a data breach, please refer to P008-1 Guidelines on the Management of a Personal Data Breach and Form F006-1 Diocese/Parish Data Breach Record, as the same reporting procedures apply.