



# **Photo & Video Consent Policy**

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## 1. Introduction

Still and moving images and sound recordings featuring identifiable individuals contain personal data of these individuals. As an organisation that creates and commissions images and recordings of people, the Phoenix Performers are the Data Controller for this personal data. These procedures set out the circumstances in which it is necessary to seek the consent of the individuals concerned and how to ensure that we manage recordings and images of people in accordance with Data Protection and GDPR Laws.

These procedures support the Data Protection Policy, GDPR Policy and also other policies relating to the management of data.

## 2. Scope

The scope of these procedures applies to information that we hold about all current and former members, leaders, volunteers and trustees.

These procedures apply to all still and moving images and recordings created or commissioned by Phoenix Performers members, leaders, volunteers, trustees or external contractors. The Phoenix Performers are the Data Controller for all such images and recordings that feature people, regardless of where the recordings take place. The Phoenix Performers determines the purpose of recording and is legally responsible and accountable for its use.

These procedures do not apply to images or audio-visual recordings created by members of the public for their own private use on their own personally owned equipment. The Phoenix Performers are not the Data Controller for such recordings. However, personal use of images or audio-visual recordings to harass or cause distress to others may be subject to disciplinary sanctions and may also be in breach of criminal law. Taking photos, video, or audio recordings during any Phoenix Performers production or event is strictly prohibited.

## 3. Legal Conditions for Processing Recordings of People

In order to process personal data lawfully, the Phoenix Performers must comply with a relevant condition for processing. When processing still and moving images for promotional, journalistic and archival purposes the Phoenix Performers will need to rely on one of the following conditions.

In some circumstances the Phoenix Performers can rely on the condition that the processing is necessary for its legitimate interests as long as the processing is not unwarranted because of its prejudicial effect on the rights, freedoms or legitimate interests of the individual. Relevant examples include:

- photography and videography for promotion purposes,
- photography and filming of productions and events for promotion and archival purposes,
- filming or photography of other events or general views of sessions where the image or recording represents an unposed record of the event and any images of people are incidental then formal consent is not required,
- during events and productions clearly visible signage will be displayed to inform people that filming is taking place in that area so individuals can move out of the picture.

Where the Phoenix Performers wishes to process images featuring members for promotional purposes, the young people are under no obligation to take part. Therefore we have to rely on their consent to process their personal data in this way. Consent must be “freely given, specific and informed”. It is important to keep a record of the individuals' consent. It is also important to



note that an individual may subsequently withdraw their consent to further processing of their image.

Where the Phoenix Performers invites newspaper or TV photographers or film crews to take still and moving images of events for journalistic purposes, this is legitimate as long as the individuals involved in the event are fully informed in advance and given the opportunity to opt out of the picture, where appropriate.

#### **4. Photographs and recordings featuring young people**

Where the Phoenix Performers records or commissions photography or filming of particular young people and those individuals are the focus of the pictures, consent must be obtained from the individual(s).

They may be asked to complete an additional consent form. This should state why the Phoenix Performers are recording the images and what they will be used for, so that the individuals concerned can make an informed choice.

All young people are asked to provide consent for photos, videos and other recordings to be taken when they complete their membership forms. They are clearly informed that their participation in events and productions may be restricted if they do not provide consent, however the Phoenix Performers will not discriminate against members who cannot provide their consent for Child Protection reasons. In such instances, a plan will be put in place with the Marketing and Safeguarding teams to ensure that such members are not excluded but the necessary recordings can be taken and used.

We ask for consent from both the young person and their parent/guardian.

#### **5. Photographs and recordings featuring leaders, volunteers and trustees**

All leaders, volunteers and trustees should have a reasonable expectation that their images will be used by the Phoenix Performers in a variety of circumstances. In these situations the Phoenix Performers are relying on its legitimate interests to use these images. The Senior Leadership Team (SLT) are responsible for explaining this to colleagues within their teams, to help manage their expectations, and for making the public facing nature of the role clear in job descriptions at recruitment stage.

If a leader, volunteer or trustee objects to their image being used in a particular way, in such situations the Phoenix Performers should remove or avoid using the relevant image.

### **6. Photography and Filming at Events and Productions**

#### **6.1. Productions**

Prior to productions, the organisers must inform the young people that still and moving images of the production will be taken live, streamed into the dressing rooms and various backstage areas and captured on DVD, copies of which may be available after the production to purchase or stream. Those in attendance at related events must also be informed where the event is to be photographed or filmed.

The fact that photographers or a camera crew are present at our productions and will be filming it should also be publicised at the event, using clearly visible notices, so that people can make informed decisions as to whether they wish to avoid being caught on camera.

#### **6.2. Other events**



If the Phoenix Performers are hosting events where images will be captured by photographers for certain purposes, attendees need to be made aware of this in advance whenever possible by

- putting up signage at the event to publicise the fact that photographers or a film crew will be present

On site photographers should be briefed about why the images are being recorded and what they will be used for so that they are able to answer any queries from people at the event prior to taking photographs of them. This will allow people the opportunity to opt out.

All members and their parents/guardians should have a reasonable expectation that they will appear in front of an audience and their photos and videos will be taken by the Phoenix Performers. If they do not want to appear in the public eye it is unlikely that they would join.

Photography, filming and any other forms of recording are strictly prohibited at all of our events and productions. The Phoenix Performers will endeavour to enforce this policy, however it is not always possible. Members, leaders, volunteers and trustees should be aware that members of the public may take photos and videos and share them online. We will police this, however it is not always possible to enforce.

## **7. What to do if someone objects to the use of their image**

If an individual objects to a certain photograph or recording of them being used in a particular way, the commissioner or user of the image should seek advice from the Data Protection Officer. While the Phoenix Performers may have a legitimate interest in using the image or recording, this needs to be balanced with the rights and requests of the individual and any damage or distress that may arise from the continued use of the recording. Wherever possible, the user should respect the wishes of the individual and remove or avoid using the relevant image or recording.

## **8. Further Help and Advice**

For further advice and assistance contact Data Protection Officer:

Andy Greenow – [andy@phoenixperformers.com](mailto:andy@phoenixperformers.com)

