

Privacy

People have the right to not have their photo taken, video or voice recorded as believe it or not, **a face or voice is private information** (as long as you aren't a public figure), which is why we need consent forms signed.

Photography, videography and audio recordings are considered collecting private information according to both federal and provincial law. **By not getting the proper, legally-binding photo releases signed when you photograph students, you are opening yourself and the university to a lawsuit *which you will lose*.**

Easy rule of thumb: whoever pushes the button on the camera (or clicks “record”) is the owner of the photograph, and thus is responsible for adhering to privacy legislation.

This means that if you take a photo of the student, you need to get their signature on the correct paperwork before you take the photo; this also means that if the student submits a photo to you, you don't need them to sign a release at all.

Retaining the paperwork

If you do plan on taking photos of your students, you must retain the paperwork for as long as you keep the photos. For example, if you plan on deleting and destroying all copies of the photos by April 30, 2030 you can also destroy the paperwork at the same time.

UAlberta Privacy and Consent Docs:

All the photo releases are on the administration site: **on the “Faculty and Staff” page, right at the top under “Communications Resources”**. These photo releases were designed by the university's Information and Privacy Office and are legally-binding. They are also linked below:

- [Student Consent re Use of Course Submissions](#)
- [Photo Release for Classrooms](#)
- [Photo Release for Marketing and Promotions](#)
- [Recording Best Practices](#)

It's the law:

- [Canadian privacy law](#)
- [Alberta privacy law](#)

TL;DR: if you didn't get written permission, don't take the photo.

Photocopying OneCards

While you have this information on eClass or BearTracks, it's the act of re-collecting it and why you are collecting it that isn't covered under FOIP.

From the University of Alberta [Information and Privacy Office](#):

An employee of the public body, such as a professor or instructor at the U of A, may only collect personal information, such as student OneCards, for an authorized purpose. **According to the Cardholder Agreement, collection for the purpose of taking attendance or remembering names/faces is not an authorized purpose.** It's unlikely that there is any legitimate purpose for a professor to need a photocopy of student ID cards. The collection provisions on the cardholder agreement can be found here: onecard.ualberta.ca/cardholder-agreement under the title "Freedom of Information and Protection of Privacy".

It's possible that the professor obtained consent from the students to collect their OneCard information. However, **consent does not give us the authority to collect any information we want.** Under the FOIP Act, s. 33(c), information may only be collected when it is directly related to and necessary for an operating program or activity at the University.

Copyright

The easiest way to explain it: posters, websites, and peer-reviewed papers are all published work so cite your sources (or only use your own stuff); if you don't, that's plagiarism *which is a violation of the UAlberta student code* ([UA Library guide](#)) and it's a violation of [Canadian copyright law](#).

Using copyright-free photos

It is possible to use copyright-free photos if they are covered under [Creative Commons](#) licensing or if copyright has passed (50 years in Canada). I highly recommend NOT using photos of people since you don't know if those photos were properly obtained with full consent.

For non-people photos, try this search engine: <https://search.creativecommons.org/>

More information

[This document](#) has scans from the following books, which explain the law and best practices more thoroughly:

Jobb, D. (2011). Media law for Canadian journalists. Toronto: Emond Montgomery Publications.

Tasko, P. (2010). The Canadian Press stylebook: a guide for writers and editors. Toronto: Canadian Press.

If you have any further questions about this topic, please contact Kateryna Barnes (Communications & Web), who still keeps her media law textbook on her desk:

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