



Northern Ireland  
Assembly

## **POLICY FOR THE MANAGING AND PROCESSING OF IMAGES**

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## 1. Introduction

The Northern Ireland Assembly Commission (the Commission) is aware that images containing personal data are captured and used by employees of the Commission (secretariat staff) as part of their work. The Commission recognises the need for a framework for the processing of images, and for that to be managed, in compliance with the data protection legislation, including the General Data Protection Regulation (GDPR).

‘Personal data’ is defined in the GDPR as:

‘any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;’

‘Processing’ is defined in the GDPR as:

‘any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.’

## 2. Policy Statement

The Commission’s ‘Policy for the Managing and Processing of Images’ sets out a framework within which the Commission will manage the ‘processing’ of images as defined in article 4(2) of the GDPR as follows:

- the collection;
- recording;
- organisation;
- structuring;
- storage;
- adaption or alteration;
- retrieval;
- consultation;
- use;
- disclosure by transmission;
- dissemination or otherwise making available;
- alignment or combination;
- restriction; and

erasure or destruction of images by secretariat staff for work purposes.

The policy describes the procedures and controls required for the processing of images of living individuals within the secretariat.

When images are taken the Commission must recognise the legal issues and potential sensitivities associated with the images. Data protection legislation governs the processing of images that contain personal data. It does not matter whether the camera captures still or moving images. The technology is irrelevant – what matters is what images secretariat staff obtain, what secretariat staff tell people about what will happen to the images, and what secretariat staff do with the images.

As a general principle, data subjects must be informed when images are being captured and their permission must be sought when they are the focus of and will therefore appear in images. Further guidance is provided for taking images of a crowd at large.

The policy sets out issues of consent and how it may be obtained. It also sets out guidance on the use of existing images and on copyright issues.

There are two options, available at **Appendix A**, to choose from when recording consent. They are as follows:

**Option 1: Record of written consent:**

To help with the planning of taking images of anyone, whether adults or children, the Commission has prepared sample consent forms for use when taking images of children, or adults in any situation or in relation to any event that may be considered sensitive.

These can be adapted to requirement, although the principles relating to the processing of personal data and guidelines must remain.

**Option 2: Record of consent where not given in writing:**

This checklist allows the organiser to demonstrate that informed consent has been provided by the data subject attending an event/meeting/visit/briefing etc. It records details of information provided, that the privacy notice has been shared with the data subject, and that, where appropriate, an opportunity for the data subject not to have their image recorded has been made available.

Image management guidance is attached at **Appendix B**, and this may assist in titling and saving images for easy search and retrieval.

This policy should be read in conjunction with the following Assembly Commission policies:

- [Data Protection Policy](#)
- [Information Assurance Policy](#)
- [Data Breach Management Plan](#)
- [Retention and Disposal Policy](#)
- [Records and Email Management Policy](#)
- [Bring Your Own Device Policy](#)
- [Social Media Policy](#)
- [Dignity at Work Policy](#)
- [Conduct Policy](#)
- [Discipline Policy](#)
- [Use of IT Resources by Northern Ireland Assembly Secretariat Staff](#)
- [Filming and Photography Policy](#)
- [Events Policy in Parliament Buildings and its Grounds](#)

### 3. Purpose of the Policy

This policy sets out a framework within which the Commission will manage the processing of images. The purpose is to ensure images are processed in compliance with data protection legislation, including the GDPR, and respect the rights of the data subject. This policy sets out the steps required to process images lawfully and how to manage and use images, including existing images of visitors and secretariat staff.

### 4. Policy Scope

The policy covers secretariat staff; inward secondees; agency workers; and contractors who are processing personal data on the instruction of the Commission as data controller, which is the organisation in control of processing the data. The policy refers to 'processing,' as defined in article 4(2) of the GDPR, of images and covers the capture and use of images, including still or moving images taken by camera, digital recorder, broadcasting or other approved methods of technology, including approved devices such as a phone or tablet device approved for business use.

This policy does not cover the use of CCTV, which is dealt with in separate guidance.

### 5. Privacy Notice

A key element of data protection legislation is being transparent and providing accessible information to data subjects about how the Commission will use their personal data. This is reflected in the first data protection principle which states that 'personal data shall be

processed lawfully, fairly and in a transparent manner in relation to the data subject. In order for the processing to be fair, the data controller has, so far as practicable, to make certain information available to the data subjects, who are the individuals to whom the data relates. The Commission must ensure that data subjects are informed of how their image will be processed by using a 'privacy notice', which must set out:

- The identity and contact details of the data controller, which is the Commission, and the data protection and information standards officer;
- The purpose of processing that person's image and the legal basis for processing;
- What the image will be used for, where the image will be used and when, including publication of the image;
- If the Commission intends to publish the images, a clear statement to that effect
- Where it is intended for the information to be published: for example, on a website or in printed publications. If website publication is intended, it must be clear to the data subject that websites can be seen throughout the world and not just in the United Kingdom where UK law applies;
- Whether the image will be shared with other data controllers;
- The retention period of the image;
- Each of the data subject's rights under the GDPR, including:
  - The right to withdraw consent at any time, where relevant
  - The right to lodge a complaint with the Information Commissioner's Office (ICO); and
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation, and possible consequences of failing to provide the personal data.

**The privacy notice should also advise visitors that as Parliament Buildings is a public building, on occasions there may be photography, filming or recording in the Great Hall or other public spaces, such as outside the Building and that signage, clearly visible at the entrances to Parliament Buildings, will also notify visitors that that is the case.**

A privacy notice should issue as part of the administrative arrangements, in advance of an event/meeting/visit/briefing etc. The privacy notice should be clear and concise. Information about capturing images can be reiterated on the day, for example, with signage at registration and/or in the opening address. The privacy notice can also advise of any arrangements that may be in place for those who may not wish for their image to be captured, for example, by having a reserved area for those individuals. If the images are for a specific project, that should be reflected in the privacy notice.

Visits or occasions where a privacy notice has not issued in advance

If a decision is taken to capture images without prior notification through a privacy notice, for example, during a visit, options available at Appendix A must be considered to ensure the requirements of this policy are satisfied and that the data subjects involved are made aware of how their image will be processed. In the absence of a privacy policy,

information may be provided verbally or by seeking written consent using option 1 at Appendix A. Secretariat staff should keep a record of the information provided.

Further information regarding privacy notices, including a privacy notice template, is available on the [GDPR AsslSt page](#).

## 6. Consent Issues

Consent is a lawful basis for processing personal data and is appropriate if the Commission can offer people real choice and control over how their data is used. Before images of individuals are captured by the Commission, consent should be sought (unless another legal basis has been established). Consent must be unambiguous and involve clear affirmative action. Clear records of the data subject's consent must be retained.

The GDPR gives a specific right to withdraw consent, and this right should be detailed as part of the privacy notice.

### 6.1 Obtaining consent

The privacy notice should provide potential data subjects with relevant information on how their personal data will be processed. Individuals must be given this information to ensure their consent is informed and therefore valid. This information must be communicated in a manner that is fully understood by the data subject so that consent is genuine and informed in each case. If such consent cannot be given, the image should not be processed.

Options for recording consent are available at Appendix A. These options must be considered and either option 1 or option 2 chosen as follows:

**Option 1: A sample consent form to use when wishing to take images of children, or of adults in any situation or in relation to any event/meeting/visit/briefing etc. which may be considered sensitive.**

This form can be adapted to the business area's requirements, although the principles relating to the processing of personal data and guidelines must remain.

**Option 2: Record of consent where not given in writing.**

This checklist allows the Commission to demonstrate that informed consent has been provided by individuals attending an event/meeting/visit/briefing etc. It records details of information provided, that the privacy notice has been shared with the individual, and that, where appropriate, an opportunity to not have one's image recorded has been made available.

A copy of the privacy notice and the record of consent to use the particular image must be retained.

### 6.2 Images of children

Care must be taken when dealing with images of children. It is important that the Commission get consent, known as parental consent, from the parent, guardian or carer of any child or young person up to the age of 16. Parental consent must be sought early in a project/event lifetime.

Consent to record images of children should be recorded using option 1 at **Appendix A**. This consent form should issue to the parents, for example, via the contact teacher at the child's school. Remember to allow plenty of time for this, so that permission is sought before an image is captured.

### 6.3 Taking images at an event attended by large crowds

When taking images at a public/large event, it is appropriate to use the checklist option provided at **Appendix A**. See option 2. The Commission must advise attendees in advance, through a privacy notice, that will form part of the event organisation. This can be reiterated at the event at registration, through signage; by those addressing the event; by photographers who can also address those within earshot, and give them the opportunity to move away from the camera or recording.

### 6.4 How long does consent last?

The length of time consent lasts depends on what information has been provided to each data subject and what that data subject has agreed to. Be aware that consent can be withdrawn by the data subject at any time, and that in any case images should not be retained past the agreed time period.

The Commission must securely destroy images in accordance with the time period agreed in the privacy notice provided to individuals. The time for which images will be retained by business areas must be specified in the Commission retention policy.

If images are for a specific project, that must be reflected in the privacy notice and on the consent form. The privacy notice must state that the images will not be used for other projects. These images cannot be used for other projects.

## 7. Using existing images

If consent has not been sought for the use of existing images, secretariat staff should adopt a common sense to use of these images. For example, a picture of an untraceable person must never be used on a leaflet about a health issue or a sensitive matter. To assist in making a balanced decision when re-using images, it may be helpful for secretariat staff to consider the following:

- For what purpose was the image originally taken? For example, was it taken for a specific project?
- Is there consent to use it on websites as well as on paper publications?
- Where was the image taken? For example, was it taken in a public place?



- When was it taken? For example, is it a picture of a child who could now be an adult?

Image libraries maintained by the Commission will need to be sufficiently well organised to ensure that the record of consent is available and can be verified at a later date if images are to be reused. Images and evidence of the option 1 consent form or the option 2 checklist documentation, as provided at **Appendix A**, must therefore be retained along with the privacy notice and information provided. However, the Commission must be prepared to destroy images if consent to use the image is no longer valid. Please see image management guidance at **Appendix B**, which may assist in the titling and saving of images for easy search and retrieval.

If an image for a publication or website is likely to relate to a controversial or contentious issue, the image should be obtained specifically for that purpose, so that the data subject knows their image will be used in that context. Option 1 must be used in such cases.

## 8. Publication of Images

An image is personal data and must not be processed for any purpose other than that for which originally collected. Further consent is required for more processing.

Details of how an image will be processed should be provided in the privacy notice. A choice should be offered about the disclosure of personal data, such as name etc, and the individual's wishes should be respected.

### 8.1 The Internet and social media

The most important difference between the Internet and other forms of publication is the fact that images and other personal data will be accessible to people around the world, despite whatever local or specialist focus the website to which the image is published may have. Information published on such images is scanned and permanently archived by search engines. Any image obtained for publication must carry consent for publication. It is important that secretariat staff make it clear, via privacy notices, that websites can be seen throughout the world and not just in the United Kingdom where UK law applies.

### 8.2 Agency Images

If images are obtained from an agency, the agency should be asked to confirm that consent has been granted. The agency should be informed how the images will be used because there are different charges for different situations. Ultimately, however, it is the responsibility of the Commission to ensure that the agency obtained permission from the people in the images. A record of that confirmation should be made in writing and retained.

## 9. Copyright

Images are considered as artistic works under the laws of copyright, and unless specifically assigned elsewhere, a photographer owns the copyright on any image they

take. Where images are taken in the course of employment, the employer owns the copyright, but it is vital to note that commissioning and paying for work does not procure the copyright.

An agreement should be in place with any external photographer to detail how personal data is to be processed. Ideally, copyright will be assigned to the Commission and images will be managed in accordance with contract arrangements. If the photographer is to retain copyright in an image taken, this must be noted in the privacy notice provided to the individual before such images are taken and a link /copy of the photographer's privacy notice provided.

Copyright lasts for over 50 years. For example, images taken after 1 August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older images depending on the relevant Copyright Act at the time they were taken. Details are set out in the table below.

<b>Date photograph taken</b>	<b>Length of copyright</b>
Before 1912	Expired
1 July 1912 - 1 June 1957	50 years from the end of the year in which the photograph was taken
1 June 1957 - 1 August 1989	70 years from when the negative was taken
After 1 August 1989	70 years after the death of the photographer

Images on the Internet that are not owned by the Commission should have a photographic credit attached. It is the responsibility of secretariat staff to ensure that all images on the Commission web pages have this credit applied. Images owned by the Commission do not need a credit.

## **Appendix A**

### **Sample consent forms for images, videos and webcams for events/meetings/visits/briefings**

#### **Option 1 Record of written consent:**

To help with the planning of taking images of anyone, whether adults or children, the Commission has prepared sample consent forms for secretariat staff to use when wishing to take images of children, or of adults in any situation or in relation to any event/meeting/visit/briefing that may be considered sensitive.

These can be adapted to the business area's own requirements, although the principles relating to the processing of personal data and guidelines must remain.

#### **Option 2 Record of consent where not given in writing:**

This checklist allows the organiser to demonstrate that informed consent has been provided by individuals attending an event/meeting/visit/briefing. It records details of information provided, that the privacy notice has been shared with the individual, and that, where appropriate, an opportunity to not have one's image recorded has been made available.

**Record of written consent**

Event/Meeting/Visit/Briefing: \_\_\_\_\_

Name: \_\_\_\_\_

(If under 16) name of parent  
or guardian: \_\_\_\_\_

Contact details: \_\_\_\_\_

Photographs or other images of you may be taken at this event.

These images may appear in our printed publications, on video or other recording, on our website, or on social media. (*\*delete as appropriate.*)

Processing will be in accordance with our privacy notice which sets out your rights under data protection legislation– privacy notice link/attached.

Please indicate your consent below, then sign and date the form where shown.

**Please return the completed form to:**

*(Assembly Commission contact.)*

*Please circle  
your answer*

I consent to the recording and use of my/my child's image

**Yes/No**

I consent to use of my name and/or that of my organisation in publications  
by or on behalf of the Northern Ireland Assembly Commission

**Yes/No**

***Please note that websites can be viewed throughout the world, not just in the United Kingdom where UK law applies. Please also note the conditions for using these images on the back of this form.***

I have read and understood the conditions of use on the back of this form.

Signature:

Date:

Your name in block capitals:

Office use only:

Image reference number/s

## **Conditions of Use**

This form is valid for xx (to be determined by the business area) from \*the date of signing / \*for this project only. The consent will automatically expire after this time.

The Northern Ireland Assembly Commission will not re-use any images \*after this time/\*after the project is completed.

The Commission will not include details or full names, which means first name and surname of any child or adult in an image, on video, on our website, or in printed publications, without consent. For example, the Commission may include the full name of a competition prizewinner if consent has been provided.

The Commission will not include personal e-mail or postal addresses or telephone or fax numbers on video on our website or in printed publications.

*\*Please delete the option that does not apply.*

## Record of consent where not given in writing:

This checklist allows the organiser to demonstrate that informed consent has been provided by data subjects attending an event/meeting/visit/briefing. It records details of information provided, that the privacy notice has been shared with the data subject, and that, where appropriate, an opportunity to not have ones' image recorded has been made available. The privacy notice will set out the rights of data subjects, retention and the purpose of the processing.

Event/meeting/visit/briefing:

Event organiser:

Privacy notice - attached hereto.

Privacy notice made available to attendees - (Tick as appropriate)	Electronically: In hard copy: In advance: At event:
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Signage at event:

Opening address:

Provision made for refusing consent, for example, reserved seating area, direction/focus of photography. If there is none, please give the reason):

## Appendix B

### Image Management Metadata Guidance

Metadata required:

1. Unique identifier (Work area name [optional], year, unique serial number)  
For example, **Ct2018001** (Ct – Committee image, 2018 – year, 001 - number series)
2. Title of image
3. Description of image (key words)
4. Names of people in image (list names) – if appropriate
5. What else is detailed in image – anything of interest for example, building / mural etc.
6. Context (circumstances or event/meeting/visit/briefing and date taken)
7. Date for review (in accordance with retention period agreed)
8. Location
9. Relationship with other images (note unique identifier of associated images)
10. Photographer (professional or otherwise)
11. Who owns rights (seek rights from photographer/data subject where possible, ensure rights are assigned to the Commission)

***These fields are to determine the future use of the image, that is whether it can be used in a publication, or is just a snapshot:***

12. Quality of image - digital standard or pixel
13. Specification of camera used
14. Format