

Guidance for countries and regions on GDPR and photo use

In 2018 when the GDPR legislation was brought in there was uncertainty about how the ICO would respond to breaches, with the increased possible fines and the ability to apply these to lower levels of large organisations. Given this uncertainty Girlguiding took a cautious approach and advised other levels to do the same.

Now we are five years down the line we can see that the ICO are dealing with issues in a very pragmatic way and looking at each case on its own merits. Their primary concern is whether organisations have acted in good faith and have taken all reasonable and proportionate actions to mitigate problems.

Last year the Managing Information policy, and with it guidance to volunteers around photo use, was updated and is now [on the website](#). This document is additional guidance for countries and regions (or other levels) to consider when arranging events where they don't have access to see the preference centre on GO. This replaces guidance that was shared in 2018.

1 A reminder of your responsibilities

A photograph of a person or persons who are identifiable (i.e. you can clearly see their face and therefore identify them) constitutes personal data. This means – to be GDPR compliant – photography needs to be treated in the same way as, for example, a spreadsheet containing names, addresses and dates of birth.

1. We must have **consent** to be able to capture and retain the 'data'.
2. We must store the 'data' **securely** and monitor who has access to it.
3. We must ensure that, if someone asks us to **delete** their 'data', we do so.

As a data controller it is up to you to decide how you are going to do this. There are challenges which people across Girlguiding are having to meet and there is no one size fits all solution. The following guidance includes some ways that these are being addressed. Whether this is the right approach for you is a decision for you and your local decision makers to take. Remember, what we are all trying to achieve is to do our best to mitigate any risks, and to quickly respond to any requests to remove images.

1.1 Consent

Gaining photo consent has always been part of event admin. Where there is flexibility is how you chose to deal with the consent forms.

The wording for photo consent in the unit new starter forms is as follows (example below from the Rainbow new starter form.) We would recommend that wherever possible you use the same form of words as this will be familiar to parents/leaders.

Photo preference - Compulsory field
We sometimes take photos and/or videos during our activities.
Please indicate below your preference for the way in which we can use the photos of your child.

Choose ONE option only.

[a] 'Photos/videos can be shared and published and used for marketing - this means I am happy for photos, videos, storytelling and other visual and audio content of my child to be taken/collected, used for promotional and marketing purposes, published in public-facing media and shared within Girlguiding and with partners and local newspapers'.

[b] 'Photo/videos can be used for unit use only - this means I am happy for photos, videos, storytelling and other visual and audio content of my child to be taken/collected, used as a record of unit activities, not published in any public-facing media and not shared outside the unit'. This may include unit specific social media channels (that are closed to the public).

[c] 'Do not take photo/videos - this means I do not want photos, videos, storytelling and other visual and audio content featuring my child to be taken'.

Photo/video permissions differ for large scale events (where over 100 participants are present). Consent forms will state clearly if an event is large scale, and will request parent/carer to tell leaders if they do not wish photos/videos of their Rainbow to be taken at the event.

For an event outside the unit the second option is not relevant, so the suggested wording to include in a consent form would be as follows:

Photo preference

We sometimes take photos and/or videos during our activities.

Please indicate below your preference for the way in which we can use photos of you/your child.

Choose ONE option only.

'Photos/videos can be shared and published and used for marketing – this means I am happy for photos, videos, storytelling and other visual and audio content of me/my child to be taken/collected, used for promotional and marketing purposes, published in public-facing media and shared within Girlguiding and with partners and local newspapers'.

'Do not take photo/videos – this means I do not want photos, videos, storytelling and other visual and audio content featuring me/my child to be taken'.

However, as you know what use is likely to be made of photos and videos you may wish to adapt the wording to give different options or a breakdown of different uses, if you feel confident managing the resultant information.

1.1.1 Storage of photo consent

Consent forms should be kept for one month after the date of the date, as per the retention schedule which can be found linked to from the [Managing information procedure](#) page (see references at the end of this document).

1.1.2 Large scale events and consent

The [updated guidelines](#) give specific information around large scale events and permissions. There is no completely failsafe way to avoid taking pictures of someone without permission at a large scale event but the mitigating actions as described in 2.1 should reduce risks in this area.

1.2 Secure storage

This is the same as for any other personal data. Ensure that photos are transferred from any camera to central secured storage in a timely manner. If volunteers are taking the photos and are reluctant to delete them remind them of the [procedures on the website](#) which form part of our information management policy.

Whether you choose to keep a detailed register of photographs which will help you track all images, or a simplified method (such as storing an event attendance list in the folder with the photographs for an event) make sure you have some way which will satisfy you that you can locate photographs related to a particular event and an idea of who could be in them. If you need to identify an individual at a later date you can ask the individual or someone who knows them to help identify the pictures that need to be removed.

1.3 Deleting data

If you receive a request to remove an image you should act quickly and let the complainant know you have done it. If it is not possible to remove all images (for example because it is in the press or in a printed newsletter), the appropriate response is to ensure that the image is not used in any reprints of the document.

It is acceptable to ask a correspondent to tell you where they have seen a photograph that they want removing. If they have not seen one but, for example, have changed their mind about giving consent, you can ask them which event they have been at to help you find the image in question.

Remember, the key is to do the best you can to respond swiftly to a response, be this a request that comes directly to you or through a complaint.

If you have any concerns or need support on a specific case, contact the [data protection](#) team.

2 Summary

Knowing the specific circumstances of your activities means you are best placed to decide on the best approach to managing photographs. The [procedures](#) in the updated [managing information policy](#) will give some parts of the framework for this decision. This policy explains the responsibilities held by all Girlguiding volunteers when working with personal data and should help them to fully understand your approach and decision. It's also worth noting that the risk of triggering a request to remove a photograph or video reduces where the audience will be smaller. For example, creation of posters or images to put up in the country/region office or a video to be shown at a commissioner conference will be seen by fewer people than a poster on a bus shelter or a video on a public social media channel. These factors should be considered when deciding the approach you want to take.

Remember, what you are aiming for is to take all reasonable steps and to respond quickly to issues if they arise.

2.1 Possible mitigating actions

- Practice good data hygiene – you will mitigate a lot of risks by not keeping photographs for too long and not reusing the same ones in too many places. Consider setting an “archive by” date on each folder.
- In the planning of the event be intentional about the intended use of any photography or videos.
- Make sure the photographer(s) at an event is briefed. Ensure that other volunteers understand their role in making sure only designated photographers in the group should be taking photos.
- A good principle to discuss with your designated photographer is to aim for fewer, better images. Also, brief them to take a good number of non-identifiable images, as you won't have the same permissions issues with these.
- At large scale events (which can be the most challenging of environments), you can use a range of interventions to keep compliant, including but not limited to:
 - Using signage to say that photographs/videos will be taken
 - Ensure the photographer(s) is easily identifiable (e.g. high vis vest)
 - Use coloured wrist bands to indicate who can/can't be photographed and ensure the photographer understands these
 - Ensure accompanying leaders understand the set up and that they have a role to play if one of their girls cannot be photographed
- If you want to use an image in a high-profile way you might consider obtaining specific permission for this use, for avoidance of any doubt. This might include images in printed materials. You may even consider setting up a specific photo shoot for this purpose.

2.2 References

- [Managing information policy](#)
- [Managing information procedure](#).
 - Specifically the [guidance on photo and videos](#)
 - On this page see also Information Retention schedule under useful resources bottom right of page. Although headed unit data retention schedule it is also relevant to retention following events at other levels.