

# HOW TO...

## ...process photos

Photos that identify an individual are classed as *personal data*. We therefore need to make sure we collect, store, use and delete photos in the correct way.

### Collecting photos



Is the photo subject...?  
...a person living with MND or a child under 18 years

Yes

When collecting photos you need to gather consent to use them using the correct form from the photography policy (Found on the website)

No

It is good practice to gain and record consent to use photos **where practical**. For example if using a photo of a couple at a social event it would be good practice to gain their consent to use the photo in a newsletter.

In all other instances use a 'Notice of Photography' to inform that photos may be taken and used. Clearly identify those who do not want to be photographed (for example using a different colour lanyard or sticker) Evidence that the notice has been displayed by taking a date stamped photo of the notice.

### Using photos



Is the photo subject...?  
...a person living with MND or a child under 18 years

Yes

Valid consent is needed before photos can be used. It is good practice to tell the subject if their photo is going to be used extensively (for example consent has been given but the photo is to be used in a poster)

Keep a record of when and where the photo is used

No

Do we have a consent form?

Yes

No

Was a notice displayed at an event giving an opportunity to opt out and do you have proof of this?

Yes

No

Photo can be used. It is good practice to tell the subject if their photo is going to be used extensively

Cannot use photo. Securely destroy or obtain consent to use

### Storing photos

Photos must be stored securely; electronic copies must be stored on a password protected device (including mobile phones) and hard copies stored in lockable storage.



### Deleting photos

When deleting photos ensure they are completely deleted from device recycle bins and online storage. Shred paper copies of photos.



### **Do I always need to get consent to use photos?**

If the photograph can identify a child (under 18 years old) or a person living with MND you need to get consent from them using the consent procedure found in the photography policy.

### **Is verbal consent enough?**

May be used at times when it may not be possible for the individual to sign a consent form, but you need to record what was told to the individual when and their reply. If possible this should be confirmed to them in writing.

### **What do I do at an event where there are crowds of people and I can't get consent from them all?**

If the event is organised by a third party the attendee(s) will have to be covered under the organisers Terms and Conditions regarding photography. If the focus is on an individual MND supporter either gain consent or refer to question below.

### **What to do at a meeting / forum / conference / fundraising event.**

It is recommended that the '*Notice of Photography*' is used as this has all the required information.

This statement should be displayed using one or more of the following methods:

- During any online registration processes (if applicable)
- By making an announcement at the event
- By displaying a prominent sign in clear view at the event

If an individual chooses to opt out from their photo being used, they must be provided with a form of visual identification (e.g. a lanyard or sticker) to ensure the photographer can avoid taking their photo during the day. It is also recommended that you also record a description of the individual in the event that the identification is not visible in a photograph.

### **What do I do with old photos?**

If you do not have consent and/or cannot prove that you gave individuals the option to opt out, you will either need to securely destroy the photos or go back to photo subjects for consent.

### **What about video recording**

These rules also apply to video recording.

For more information and consent forms see the Photography Policy available on the website [www.mndassociation.org](http://www.mndassociation.org)