

Appendix 4: Liverpool Philharmonic Photography & Filming Policy

Appendix 4.1: Policy Statement

In the main, photographs taken at events and activities with children, young people and adults at risk are a source of pleasure, pride and enhanced self-esteem the participants and their families. The use of digital technology has vastly increased over recent years and with it the potential for abuse. This is not only to do with the subject matter of the photographs but also the risk of a child, young person, or adult at risk being targeted for abuse through identification by a stranger. There is also a risk that the photo itself is used inappropriately by others. Photos can easily be copied and adapted, perhaps to create images of abuse, which can then find their way on to other websites.

Where possible Liverpool Philharmonic is committed to minimising these risks by taking reasonable steps to ensure the appropriateness of the photograph and to protect the identity of the individual.

Photography and/or filming for personal use

Parents/carers/participants are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not therefore stop parents from taking photographs or making video recordings at such events as plays or sports events. Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to sharing publicly online). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form reminds parents of this fact.

At all Liverpool Philharmonic Learning Programme events and activities, the photography policy for each event will be confirmed in advance of the event as part of the risk assessment process. When children themselves, parents, carers or spectators are taking photographs or filming at our events, we will publish the photography policy for that event in the event programmes, on digital screens where available, and/or announce details before the start of the event. Where personal photography is permitted, the announcement/statement will clearly ask for photos taken during the event not to be shared on social media, reminding they are for personal use only

Issues of Consent

The Data Protection Act 1998 affects the use of photography, since an image of a child, young person or adult at risk is personal data for the purpose of the Act. Consequently, it is necessary for Liverpool Philharmonic to obtain written consent from the parent, guardian or carer for any photographs or video recordings where the participants are children under 18 years of age, and from the participant themselves where the individuals are over 18 years of age. Where photographs and/or video footage are likely to be taken by Liverpool Philharmonic, or photographers commissioned by us, during performances and/or Learning programmes or activity, it is Liverpool Philharmonic's policy to seek consent before its commencement.

Where activity is wholly carried out with one fixed group of people (e.g. a school) the setting may have already obtained consent, in which case written confirmation from the setting will suffice. This will be agreed with partners in advance.

Liverpool Philharmonic will ensure that no photographs or video recordings can be taken or published by us, our partner organisations, or people commissioned by us, without consent.

Photography/filming consent will be obtained for each participant when they join a Learning programme, and will remain current for the duration of a young persons involvement with Liverpool Philharmonic. This consent will be obtained through SpeedAdmin when participants/parents/carers sign up to the system.

Consent will cover a child's image being used in photography and/or film, in printed publications, on social media, on Liverpool Philharmonic's website, and/or on the website of reputable partner organisations where relevant.

Where the child is under 18 years of age, it is important for parents/carers to ascertain the views of the child or young person during the process of giving consent.

The young person or adult at risk (or the parent, guardian or carer in the case of a child) retains the right to withdraw consent at any stage, although whilst consent may be withdrawn, it may not be possible to remove images that have already been distributed. Participants/parents/carers can update their preferences, including removing consent via their SpeedAdmin account at any time

Where Learning activities and events involving photography also include visiting groups, Liverpool Philharmonic will ensure that our photography policy extends to them.

Where participants are not able to provide consent for photography/filming through SpeedAdmin, the form below will be utilised.

Planning photographs of Children, Young People and Adults at risk

Images and details of children, young people, and/or adults at risk published together present the remote possibility that people outside of Liverpool Philharmonic could identify, and then attempt to contact, the child/young person, or adult at risk directly. The measures described below should minimise the risk of such unsolicited attention.

- Consider the camera angle; photographs taken over the shoulder, or from behind, are less identifiable.
- Use images where the child, young person or adult at risk is suitably dressed. Avoid images where a school uniform is fully visible, or where this is unavoidable, do not name the participant without specific additional permission.
- If the photograph is used, avoid naming the participant. Use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the participant's name.
- When fully naming participants in any published text, whether in a brochure, on a website or in the local press, avoid using their photograph unless you have additional consent to do so.

Photographs taken by Third Parties

It is important to ensure that people with no connection with Liverpool Philharmonic do not have any opportunity to film covertly. Members of staff and volunteers should challenge anyone they do not recognise who is using a camera or video recorder during the performances or learning programme activities.

- Third parties, including partners, journalists, authorised visitors, or visiting groups, will not be allowed to capture images or footage of Liverpool Philharmonic Learning activities unless relevant permissions and/or risk assessments have been sought in advance. This applies to any venue where Learning activities are taking place.
- In the event of footage not being owned by Liverpool Philharmonic (for example when taken by a visiting group) a risk assessment will be undertaken covering intended usage and storage of material.
- All footage taken of young people must be stored safely in a secure environment (e.g. password protected or restricted access).

Storage of Photographs

Photographs are treated in the same way as any other confidential data. Those responsible for taking any photographs will store and dispose of them securely. Photographs should be stored at a secure location within Liverpool Philharmonic accessed only by authorised staff. **They must NOT be stored on any personal devices.**

Official Liverpool Philharmonic Photographs

When an official photographer/videographer is commissioned by Liverpool Philharmonic:

- safeguarding checks/vetting will be undertaken when required.
- an appropriate member of staff will supervise and be in attendance at all times to safeguard the welfare of children, young people and adults at risk.
- the photographer will be given a clear brief and will wear identification at all times.
- participants/parents/carers will be informed and consent obtained (as above)

Use of Liverpool Philharmonic Facilities by External Agencies

External hirers of Liverpool Philharmonic facilities including all spaces within the Hall and Friary are responsible for the setting of their own policies and guidance regarding photography, filming and images used on websites, social media and any form of digital distribution. We will signpost them to the NSPCC guidance relating to photography and filming.

If consent is not given

If participants, parents/carers do not consent to photographs being taken, we will respect their wishes. We will agree in advance how they will be identified so a photographer knows not to take pictures of them, and ensure this is done in a way that does not single out the participant or make them feel isolated. We will work with the participant/parent/carer to agree procedures and measures for specific events involving photography.

Appendix 4.2: Liverpool Philharmonic Learning Programme Photography Policy, Information for participants/parents/carers

Photography for Personal Use

We appreciate that families will treasure photographic/video memories, and the general rule for our events and activities is that parents and carers may take photos and videos of the children in their care, for **personal use only**. There may be exceptions to this, and we will let you know in advance of particular events where no filming etc is possible. Thank you for your understanding.

Live streaming, whether public or private, cannot be permitted and we request that you do not use any streaming platforms or 'live' features (e.g. Facebook Live) to stream events/circumstances as they occur. You may be asked to leave the event if this takes place.

When you capture footage or still images of your children, there is a strong possibility that other children will also be visible or audible. For this reason, **no such content should be shared publicly**.

There are several important reasons for this:

- Some children are deemed at risk by local authority safeguarding and child protection authorities; their image must never be put online for their own protection. You are very unlikely to know who these children are. Others may have complex family backgrounds which mean that sharing their image could have unforeseen consequence. There is the real possibility you could endanger a child by sharing their image in an identifiable context.
- Express consent is needed from parents to comply with data protection legislation, which is being enhanced under GDPR and the new Data Protection Bill. Sharing could otherwise potentially incur fines for contravention of data protection rules.
- Some families may object for religious or cultural reasons, or simply for reasons of personal privacy.
- Young people are encouraged to think about their online reputation and digital footprint: online photos and videos do not simply disappear when we delete them from our accounts. Help us be good adult role models by not oversharing (or providing embarrassment in later life).

We want you to enjoy our events and activities involving your child, so why not just sit back, enjoy the memories and allow others to do so too? Remember, your child wants to see you looking at them, not at your phone.

Liverpool Philharmonic commissioned photography

In order to celebrate and promote the achievements of our participants, Liverpool Philharmonic will capture photos and videos of our activity in workshops, rehearsals and concerts. We have written a policy which sets out how we will capture, use, and store images (still photos and on film) of children, young people, and adults at risk, and will take all steps to ensure these images are used solely for the purposes for which they are intended. If you become aware that these images are being used inappropriately you should inform Liverpool Philharmonic immediately.

Liverpool Philharmonic recognises the need to ensure the welfare and safety of everyone involved in our Learning activities. As part of our commitment to ensure the safety of our participants, particularly of young people and adults at risk, we will ensure that no photographs or video recordings can be taken or published by us, our partner organisations, or people commissioned by us, without the consent of the participant, or parent/carer.

Appendix 4.3: Liverpool Philharmonic Learning Programme Photography / Filming Consent Form

Name of participant _____

[If Participant is under 18]

[Your name: _____ Relationship to participant: _____]

I hereby consent to my/my child's image (either photograph or film) being used in photography and/or film in printed publications, on social media, on Liverpool Philharmonic's website and/or the website of reputable partner organisations where relevant.

☐ Yes

☐ No

Add any additional comments/notes here regarding this consent:.....

.....

Please also confirm that you have read the Liverpool Philharmonic Photography/Filming Policy.

☐ Yes

☐ No

Signed: _____ Date: _____

The permission given above is considered as ongoing throughout the participant's involvement with Liverpool Philharmonic. If at any time the participant or parent/carer wishes images to be removed from a website, social media, or from storage for future use in promotional literature, this request should be made in writing to Zoë Armfield, Head of Learning at zoe.armfield@liverpoolphil.com

Liverpool Philharmonic's Privacy Policy can be found at www.liverpoolphil.com/privacy