Use of Photographs Policy

Thurston Parish Council

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Objectives

At all times, Thurston Parish Council will carefully consider its legal obligations under the Data Protection Act when considering the use of photographs in publications, on the website or if supplying photographs to third parties.

This policy is applicable for Councillors, Members of Parish Council Steering / Working Groups, Volunteers and residents and should be read in conjunction with the Parish Council's Data Protection Policy which forms Appendix A to this policy.

Policy Statement

In its use of photographs in any of the publications under its control, on the website or in the supply of these to a third party, the Local Council will consider undertaking the following safeguards:

General Photographs

If individuals are not readily identifiable from the photograph and it seems unlikely that any damage or distress will result from such processing, then it will not be necessary to obtain consent.

Therefore, Councillors, Members of Parish Council Committee, Working Groups, Volunteers and residents whose images appear as incidental detail (e.g. Public Meetings and Community Events) in publicity photographs will not need to give consent for the use of their image.

Photographs of Parish Council Meetings held in the Public Domain

Where photographs are to be taken of those attending Parish Council Meetings then this should be announced in advance so that individuals may leave the room briefly if they do not wish to appear in the photographs.

Photographs of Small Groups/Individuals

Where photographs are to be taken of a single individual, or a small group of individuals, where individuals are the main subject of the photograph (even if they are not identified by name), consent should be sought before any photographs are taken.

When gaining consent, it is important to ensure that individuals are informed of what the images will be used for (e.g. where they will be printed and who will have access to them).

In most cases, verbal consent is all that will be required although photographers may wish to use a standard release form, to be signed by the subject(s), to ensure that they have appropriate consent.

All photographers should inform potential subjects of the purpose of their photographs at the event and duly respect any wishes not to be photographed.

Publishing Photographs on the Web

If it is intended to make photographs available on the web, wherever possible this should be restricted to the Intranet rather than the Internet.

Publishing on the Internet potentially transfers personal data outside of the EEA (the fifteen EU Member States together with Iceland, Liechtenstein and Norway) for which rules on gaining consent from individuals are much stricter. If photographs (except where Councillor / Committee Members / Volunteers / Residents images appear as incidental detail) are to be published on the Internet, written consent should be obtained from the subject(s) on a standard release form.

Appendix A - DATA PROTECTION POLICY

1. POLICY STATEMENT

1.1 Everyone has rights with regard as to how their personal information is handled. During the course of the Parish Council's activities, it will collect, store and process personal information about its staff and Councillors, and it recognises the need to treat it in an appropriate and lawful manner.

1.2 The types of information that the Parish Council may be required to handle include details of current, past and prospective employees, suppliers, and customers in accordance with our document retention policy. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Data Protection Act 1998 (the Act) and other regulations. The Act imposes restrictions on how it may use that information.

1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time. Any breach of this policy will be taken seriously and may result in disciplinary action.

2. STATUS OF THE POLICY

2.1 This policy sets out the Parish Council's rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of personal information.

2.2 If you consider that the policy has not been followed in respect of personal data about yourself or others you should raise the matter with the Chairman of the Parish Council.

3. DEFINITION OF DATA PROTECTION TERMS

3.1 Data is information which is stored electronically, on a computer, or in certain paper-based filing systems.

3.2 Data subjects for the purpose of this policy include all living individuals about whom we hold personal data. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal data.

3.3 Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).

3.4 Data controller Is the Proper Officer of Thurston Parish Council, who determines the purposes for which, and the way any personal data is processed. It has a responsibility to establish practices and policies in line with the Act. It is the data controller of all personal data used in our business.

3.5 Data users include employees whose work involves using personal data. Data users have a duty to protect the information they handle by following our data protection and security policies at all times.

3.6 Data processors include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition, but it could include suppliers which handle personal data on our behalf.

3.7 Processing is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

3.8 Sensitive personal data includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be processed under strict conditions and will usually require the express consent of the person concerned.

4 DATA PROTECTION PRINCIPLES

Anyone processing personal data must comply with the eight enforceable principles of good practice. These provide that personal data must be:

- Processed fairly and lawfully.
- Processed for limited purposes and in an appropriate way.
- Adequate, relevant and not excessive for the purpose.
- Accurate.
- Not kept longer than necessary for the purpose.
- Processed in line with data subjects' rights.
- Secure.
- Not transferred to people or organisations situated in countries without adequate protection.

5 FAIR AND LAWFUL PROCESSING

5.1 The Act is intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject must be told who the data

controller is, the purpose for which the data is to be processed by us, and the identities of anyone to whom the data may be disclosed or transferred.

5.2 For personal data to be processed lawfully, certain conditions must be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed. When sensitive personal data is being processed, more than one condition must be met. In most cases the data subject's explicit consent to the processing of such data will be required.

6 PROCESSING FOR LIMITED PURPOSES

Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Act. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

7 ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING

Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

8 ACCURATE DATA

Personal data must be accurate and kept up to date. Information which is incorrect, or misleading is not accurate, and steps should therefore be taken to check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed.

9 TIMELY PROCESSING

Personal data should not be kept longer than is necessary for the purpose. This means that data should be destroyed or erased from the Parish Council's systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, please refer to Thurston's Document and Electronic Data Retention Policy.

10 PROCESSING IN LINE WITH DATA SUBJECT'S RIGHTS

Data must be processed in line with data subjects' rights. Thurston Parish Council must ensure individuals can exercise their rights in the following ways:

- Right to be informed
- Right of access:
- Right to rectification:
- Right to erasure:
- Right to restrict processing:
- Right to data portability:
- Right to withdraw consent
- The right to lodge a complaint with the Information Commissioner's Office – by contacting the Information Commissioners Office on 0303 123 1113
  or via email
  or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

11 DATA SECURITY

11.1 The Parish Council must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may apply to the courts for compensation if they have suffered damage from such a loss.

11.2 The Act requires us to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Personal data may only be transferred to a third-party data processor if he agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

11.3 Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:

(a) Confidentiality means that only the Proper Officer is authorised to use the data and can access it.

(b) Integrity means that personal data should be accurate and suitable for the purpose for which it is processed.

(c) Availability means that authorised users should be able to access the data if they need it for authorised purposes.

11.4 Security procedures include:

(a) Secure lockable desks and cupboards. Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

(b) Methods of disposal. Paper documents should be shredded.

(c) Equipment. Data users should ensure that individual monitors do not show confidential information to passers-by.

12 DEALING WITH SUBJECT ACCESS REQUESTS (SAR)

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them, this will be handled in accordance with Thurston's Subject Access Request (SAR) Policy.

13 PROVIDING INFORMATION OVER THE TELEPHONE

Any member of staff dealing with telephone enquiries should be careful about disclosing any personal information held by the Parish Council. In particular they should:

(a) Check the caller's identity to make sure that information is only given to a person who is entitled to it.

(b) Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked.

(c) Refer to the Clerk for assistance in difficult situations. No-one should be bullied into disclosing personal information.

14 ACCESS TO POLICIES REFERRED TO UNDER THIS POLICY

For details of all of the polices relevant to the Parish Council as a local government authority please visit the Parish Council's website.