

Photography, Filming & Recording

Advice Note

Areas used during an outdoor event will generally be considered to be public areas, and you should be able to film or take pictures there which *incidentally capture passers-by in the background*, without the need to get their consent. However, you should still attempt to display an **Advisory Notice** for Filming/Photography.

Photographing and filming individuals or small groups

Consent must always be obtained from people whose images are the *focus* of the photograph or film. For example, an event winner being interviewed or photos of individuals being taken for a website or newsletter article.

Where a photograph or film involves individuals other than the main subject, then in some circumstances their consent will also be needed. To ensure compliance with the Act:

- ensure all those involved are happy to be photographed or filmed and understand how the images/film will be used and for what purpose
- if you don't have a consent section on the event booking form, or people can sign up for the event on the day: get all individuals to complete a **consent form**, (you may need to adapt it for your particular purpose)
- obtain permission from the parent or guardian of any under 18s are involved (See **Children's Consent Form**).

Good Practice

- Display a warning notice to flag up that photography or filming is going to be taking place.
- Verbally tell all those present that you will be photographing or filming in the group, before starting to do so, so that any individuals who wish to opt out may leave or move to the back, if appropriate.
- Offer the individuals present in the audience the opportunity to sit/stand/ride somewhere where they will not be filmed.

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Photographing and filming large groups such as lectures/award ceremonies

If you are filming or taking pictures during an event delivered to a large group of registered attendees, it is not normally necessary to ask all those in attendance to complete a consent form. However, if it is a public lecture/event/gathering, or it is to be made available on the web, you need to consider both copyright and consent issues.

Copyright

Get the presenter to sign the consent form prior to recording. They must ensure that they do not include in their presentation any material which belongs to a third party, unless they have permission or a licence to do so.

The consent form also permits The BHS to use the lecture content and any of the presenter's performance rights.

If any members of the audience participate in the lecture, for example, if they deliver a presentation they also need to sign the consent form to licence copyright and performance rights.