**GDPR – Photography compliance guidance for C&Rs**

**Introduction to this guidance**

This guidance document outlines an overview of photography compliancy, the categories of photography which you may have, the legal advice we’ve been working with and the next steps recommended for you to take to become GDPR compliant for photography. This document will cover:

1. GDPR and photography overview
2. What does compliant photography look like
3. CHQ existing photography situation
4. How to be compliant – future shoots and image collection
5. Recommended next steps
6. CHQ Timeline plan – for reference only

This document is here as guidance for you to interpret based on your specific situation and requirements. If you have any questions or require more guidance, please contact [commissioning@Girlguiding.org.uk](mailto:commissioning@Girlguiding.org.uk)

1. **GDPR and photography overview**

Any 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.

* We must have consent to be able to capture and retain the ‘data’.
* We must store the ‘data’ securely and monitor who has access to it.
* We must ensure that, if someone asks us to delete their ‘data’, we know where their ‘data’ is has been used (so we need to track where each image is used – e.g. on websites, in printed materials and on social media).

1. **What does compliant photography look like?**

* Consent must be gathered from each person who appears in a photo
* If the person is under 14 then consent will need to be given by a parent/guardian/carer
* Permission for specific usage of the photo must be attained, i.e. they give permission for their image to be used in printed communications but not on social media (see consent form for examples)
* You should track who is in each photo and where the photo has been used, this way if, for example, a parent gets in touch and withdraws consent of their daughter’s image we can find the photos where this girl appears and ensure they are removed from the website and deleted from the image library.

1. **CHQ existing photography situation**

At CHQ, there are over 1,000 photos in the image library. Due to how consent has been gathered and stored in recent years it was necessary to perform an audit of existing photography. We would strongly advise you to perform an audit of your photography too.

The legal advice given by BWB (external independent legal advisors) of how to do this involves two steps.

**Step 1:** The first step is to assess the state of your photography:

* When was the photograph taken?
* Who is in the photography?
* Do you have a record of any consent for the photograph?
* What is your reason for keeping the photograph?

**Step 2:** The second step is to categorise those photos.

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| --- | --- | --- |
| **Category** | **Category explanation** | **Action** |
| Category A | Photos for which you have a record of consent. | Retain |
| Category B | Photos for which you may not have consent, but for which you have a record of the individuals. | Can you get consent retrospectively? If yes, retain them. If not you’ll need to delete them. |
| Category C | Photos which identify individuals, but you have no record of those in the picture | Delete |
| Category D | Photos of groups/background shots which are unlikely to constitute personal data. | Retain |
| Category E | Photographs which Girlguiding has no reason to retain | Delete |

At HQ, only 10-15% of existing photos are compliant, resulting in HQ losing upwards of 85% of our photography.

1. **How to be compliant – future shoots and image collection**

The below steps help to start on the road to compliancy

* **Gathering consent**: previously, the consent section on the starting forms has been used to gather consent for photoshoots. Going forward, consent will need to be given before each specific shoot for each individual taking part. For shoots involving girls under 14, where a parent/guardian/carer’s consent is needed, it is advisable to secure this well in advance of the shoot.
* **Identifying people in the shoot**: to help identify who’s who, HQ are asking that at the beginning of each shoot the photographer takes a headshot of each person holding a piece of paper with their name on it.
* **Storing and tracking:** when the photos are submitted, they and their corresponding consent forms must be securely stored. This can be as simple as saving them in a password protected folder.

It is also advisable that information relating to the shoot is saved in a spreadsheet – this could contain the file name of each photo, the person who appears in each photo (using the aforementioned headshots), the date and location of the shoot and a hyperlink to where the consent forms for that shoot are saved. This spreadsheet can also be used to track the usage of the photos.

1. **Recommended next steps**

It is strongly advisable that countries and regions take the following steps to ensure compliancy:

* Move all official photography to a single, password protected location if it is not already in one.
* Data cleanse – ask all staff to delete any images saved in their personal or team folders to ensure that photography can only be found in one central, password protected location.
* Audit & categorisation of existing photography as per BWB’s advice\*.
* Identify which photography needs replacing and create a plan for how you will capture this new photography – for example, are there events coming up over the summer that you can shoot at?
* Agree a process for future shoots, including storing and tracking, to ensure that all photography is compliant.
* Organise and execute photoshoots.
* Replace all non-compliant imagery online and in print (as reprints come up).
* All non-compliant photos to be archived.

\*CHQ have accepted that they’re going to lose 85% of their photography, however, we’ve given ourselves a grace period of six months where they will continue to use their non-compliant images while they invest new photo shoots. It is fine for you to do something similar but please note this does come with an element of risk – to mitigate this you must be able to demonstrate that you have a plan and a timeline in place to become compliant.

1. **CHQ Timeline plan – for reference only**

|  |  |  |
| --- | --- | --- |
| **Step** | **What?** | **Date** |
| 1 | Guidance & comms out to HQ, TAC and C&R staff | w/c 21 May |
| 2 | Limit access to portfolio – reader privileges only so all download requests must be made through Commissioning team for approval. We can then track usage post 25 May. | w/c 21 May |
| 3 | Data cleanse - comms to all staff & third party suppliers (freelance designers, Sunday - who produce guiding magazine etc.) telling them to delete all images saved outside of Portfolio | w/c 21 May |
| 4 | Categorisation of images and back-end clean-up of Portfolio – this will establish exactly how many images of the 1,000 are compliant and ensure all other assets are securely stored and not available for future use | w/c 28 May |
| 5 | Audit of assets: what images do we need, where do we use them, why? What images do we still have, what images need replacing, what gaps do we need to fill? | w/c 28 May |
| 6 | Agree GDPR compliant processes for future shoots – how we gain consent, how we identify individuals, how they are delivered to us, how we tag and store them securely | w/c 28 May |
| 7 | Finalise photography guidelines, incorporating agreed processes | w/c 5 June |
| 8 | Recruit new photographers and train them in our processes | w/c 5 June |
| 9 | Plan content strategy – map out images that are needed, plan when/where shoots are going to take place over next six months, make contact with sites and units. | 9 June –  20 Dec |
| 10 | Retender digital asset management software – work with teams and IT to create brief and requirements for AMS (asset management system) (long term capabilities to plug into CRM in 2019) and ensure system is fit for purpose. | Oct 2018 –  Jan 2019 |
| 11 | Upload all compliant imagery to new AMS | Feb 2019 |
| 13 | all reprinted artwork will need imagery replacing (Commissioning), all imagery on website will need replacing (Digital) and TACs will need to ensure all their touchpoints are reviewed and updated with compliant photography | Q1 2019 |
| 14 | All non-compliant images are archived | Q1 2019 |

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