



Consent Form Guidelines

Document Information

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Contents

- 1.1 Introduction**
- 2.1 Situations that require consent**
- 2.2 When is a consent form not necessary?**
- 2.3 Public Areas**
- 2.4 Photographing and filming (individuals or small groups)**
- 2.5 Photographing and filming (large groups such as lectures)**
- 2.6 What forms do you need?**
- 2.7 Consent form selection chart**
- 2.8 Withdrawal of consent**
- 2.9 Duration of consent**
- 3.1 Copyright ownership and subject consent**
- 3.2 Retaining documentation**
- 3.3 Summary**

1.1 Introduction

Photographs and video of people are considered to be personal data and can come under the Data Protection Act (DPA, 1998). 'Personal data' covers any data that can be used to identify a living individual. This may be relevant when viewing an image or video of an individual. So it is important to keep a written record of consents taken when commissioning images and video.

When using images or video of people, where any individuals feature prominently and are clearly identifiable, a consent form must be signed by those individuals giving their permission for any images or video in which they appear. Images or video of children require the consent of a parent or guardian and special care should be taken to ensure that the consent form is fully understood.

It is best practice to get the permission and consent from an individual before taking their picture or filming them if you intended to publish it any form. Without consent you will be unable lawfully use the material you have created.

There are exceptions for incidental capture in public areas (see section 2.2).

2.1 Situations that require consent

If you are filming, recording sound or taking photographs of people you must obtain their consent. It is important that they understand what is taking place and what the intended use is. They must clearly understand what they are consenting to. You must make them aware in advance of how you intended to use the material including how it may be published or re-used in the future.

Filming between staff and students as part of coursework or study is acknowledge in both work and education contracts. However it is good practice to inform students that a lecture is being recorded. The GTA rooms currently all have such signs in place.

All other situations will require a form of documented consent. It is important that this done in writing, ideally using the official university release forms. The official university release forms have been specially drafted to ensure someone giving consent understands what it may be potentially used for.

2.2 When is a consent form not necessary?

When there is a large group of individuals, e.g. at a conference or an event, it is usually sufficient to notify them either verbally or with a notice clearly visible at each entrance, and those who do not wish to be in the captured can opt out. This can be done by marking out safe zone that will not be captured in the recording.

Where there is a large group of people with no one standing out in a place where photography is expected, e.g. spectators at a football match.

Where there is a large group of people who could not be clearly identified.

2.3 Public Areas

As the university is accessible to the public, areas such as the Parade are considered to be public areas. 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 the University's Location Warning Notice for filming/photography.

2.4 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 academic being interviewed or photos of individuals being taken for a department noticeboard.

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:

- make sure all those involved are happy to be photographed or filmed and understand how the images/film will be used and for what purpose
- get all individuals to complete the **Personal Consent** form, (it may need to be adapted for your particular purpose, if necessary it may be possible to seek assistance from the Legal Unit)
- Obtain permission from the parent or guardian of any under 18s are involved (see **Parental Consent** form).

2.5 Photographing and filming large groups such as lectures

If you are filming or taking pictures of a lecture delivered to a large group of registered students as part of their course of study, it is not normally necessary to ask all those in attendance to complete a consent form.

However, if it is a public or one-off lecture or it is to be made available on the web you need to consider both copyright and consent issues.

Process

- 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 university to use the lecture content and any of the lecturer's performance rights.
- If any students or 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.

Consent

- Display a warning notice to flag up that photography and 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 individual who wishes to opt out may leave or move to the back, if appropriate.
- Offer the individuals present in the audience the opportunity to sit somewhere where they will not be filmed.

2.6 What forms do you need?

When filming, photographing or sound recording an event or persons, consider what the intended audience will be. Will it be published publically or used internally for staff and/or students. You must also consider who is filming, photographing or sound recording, are they staff, student, public, external, researcher or audience member. When you have determined these, use the chart in next section to determine which of the forms you will need.

2.7 Consent form selection chart

This Table shows where permissions and consent forms may need to be obtained.

See section 3.4 for links to the forms.

Created by:	Intended Audience		
	Staff	Student	Public
Staff	Needs Form: <i>Lecturer's consent form for filming/photography (internal University use only)</i>	In contract	Needs Form: <i>Lecturer's consent form for filming/photography (external audience)</i>
Student	In contract	Needs Form: <i>Consent form to photograph/film an individual (adult subject)</i>	N/A
Public / External	Needs Form: <i>Visiting speakers/lecturer's consent form for filming/photography (internal University use)</i>	Needs Form: <i>Visiting speakers/lecturer's consent form for filming/photography (internal University use)</i>	Needs Form: <i>Visiting speakers/lecturer's consent form for filming/photography (external audience)</i>
Premade (Staff Created)	Needs Form: <i>Lecturer's consent form for filming/photography (internal University use only)</i>	Needs Form: <i>Lecturer's consent form for filming/photography (internal University use only)</i>	Needs Form: <i>Lecturer's consent form for filming/photography (external audience)</i>
Researcher	Needs Form: <i>Lecturer's consent form for filming/photography (internal University use only)</i> <i>Consent form to photograph/film an individual (adult subject)</i>	Needs Form: <i>Lecturer's consent form for filming/photography (internal University use only)</i> <i>Consent form to photograph/film an individual (adult subject)</i>	Needs Form: <i>Lecturer's consent form for filming/photography (external audience)</i> <i>Consent form to photograph/film an individual (adult subject)</i>
Audience Member	<i>Consent form for filming/photograph for audience participant</i>	<i>Consent form for filming/photograph for audience participant</i>	<i>Consent form for filming/photograph for audience participant</i>

2.8 Withdrawal of consent

An individual included in any filming, photography or sound recording can withdraw their consent even after having signed the consent form. Any such withdrawal should be in writing.

Once consent is withdrawn, the University cannot use the relevant images again, but it will not normally be possible to recall documents in which the image has already appeared.

If you are re-using material it is important to check that it has the relevant documentation. You will need to check that the proper permissions and consent have been acquired. If you find content that has no documentation that you wish to use, you must not do so until documentation is found.

2.9 Duration of consent

The duration of consent can be stated or agreed on a consent form when drafted. The current consent form available to download on the University website does not state a specific length of time, so it can be assumed indefinite unless specified. However, the forms do state that an individual may ask the University to stop using their images at any time, in which case they will not be used in future publications but they may continue to appear in publications already in circulation. Effectively this may mean the consent and permissions will stay in place until the person withdraws them.

3.1 Copyright ownership and subject consent

When dealing with photographs and video of people you need to consider the rights of the people contained in the material. Their rights must be a consideration when publishing the material. These rights are a separate issue to copyright. The university may own the copyright of an image or video but if the person's consent was not obtained the image is not publishable. It's important to check the status of image to see if it has had consent and that is still in place or if it has been withdrawn.

3.2 Retaining documentation

All photos or recordings which contain personal data need to be treated in the same way as personal data held in other formats. They need to be kept securely, along with any documentation including consent forms. Since photographs may reveal details of the subject, they are classified as Sensitive Personal Data. Generally, photographs should only be used and retained where strictly necessary. Currently there is no centralised storage facility for such documentation. The responsibility lies with each department/individual to ensure they retain any required legal documentation such as consent forms.

All records surrounding consent and permissions should be considered legal documentation and stored appropriately as they may be relied upon at a later date.

Please see University of Bath advice on General Data Protection Regulations (GDPR):

<https://www.bath.ac.uk/corporate-information/gdpr-new-data-protection-rules/>

3.3 Summary

It is important to plan before starting project or event what permissions and consent you may need to acquire before you can begin. You must consider the location, how best to inform people you are filming and whether it feature individuals that will need to consent.

It is best to be prepared and have printed copies of the relevant forms with you. You must also be sure to retain these as they may need to be relied upon at a later date. If you are in doubt or unsure about you are required to do contact the Media Usage & Copyright Advisor, Room 4.07, The Library, University of Bath, Email: tp641@bath.ac.uk, Telephone: +441225388964 Web: <https://library.bath.ac.uk/home> to find out more.

3.4 Links and Forms

University consent forms can all be found here

<http://www.bath.ac.uk/publications/photography-and-filming-consent-and-location-forms/>

Alternatively if you reading this on a PC you can use the links below

- [filming-photography-consent-form.docx](#)
- [filming-photography-parental-consent-form.docx](#)
- [filming-photography-consent-form-lecturer-internal-audience.docx](#)
- [filming-photography-consent-form-lecturer-external-audience.docx](#)
- [filming-photography-consent-form-audience-participation.docx](#)
- [filming-photography-consent-form-visiting-speaker-internal-use.docx](#)
- [filming-photography-consent-form-visiting-speaker-external-use.docx](#)
- [location-notice-warning-form.docx](#)