

Using photographs in your material

Advice for website editors, social media users, magazine editors and PSLs

1 - Safeguarding 2 - Copyright

1 – Safeguarding

Whilst taking pictures of people in a public place is not illegal, the way you use those pictures needs some thought, particularly if the photo includes children.



Not everyone wants their picture in a publication, on social media or a website – they don't always want people to know where they have been and when, or what they have been doing.

Please be considerate of people's wishes.

If you plan to use a photo of someone in a church magazine, on social media or on a website for example, please check with them first that they are happy for you to do so. Try to give them an idea of where and when the image will be used and make sure that you only use the picture in a story that is relevant to them and current.

If someone says they do not want their picture published, then do not publish it!

And if someone gives you permission to use their picture on your website and later changes their mind, then remove the picture from your website.

Priests and Readers are defined, by the Church of England, as being in a public role and therefore should expect to be in demand for pictures at events and for stories. However, the rules of libel, privacy and safeguarding still apply.

All of this is a little more difficult on social media, however. The whole point of the likes of Facebook and Twitter is that posts get liked and shared – so removing a photo from your own timeline on Facebook doesn't necessarily remove the picture entirely from Facebook as it may have been shared by others. The same applies to Twitter.

Of course, once a magazine or newsletter has gone to print, it's too late to 'unpublish', so make sure you use the right photo of the right person in the right setting and with all the necessary permissions in place beforehand.

You need to be particularly careful not to defame or libel people accidentally. Ask yourself if using a picture in a particular story or with a particular caption will cause anyone any offence, embarrassment or in any way cause harm to their reputation. If so, don't use the picture.

Pictures of, or including, children

There may be many reasons why children should not be included in pictures, or have their picture published in print, on line or on social media, and we can't go through everything here.

But these simple rules should help you not to get it wrong:

1. **Before** taking a picture of a child, **ask the child** if they are happy to have their picture taken. They have as much right to say 'no' as an adult.
2. **Before** taking a picture of a child, **ask their parents, legal guardian or supervising adult** if they are happy to let you take a picture.
3. Get specific **permission** from both **parent and child to use that image in print, on line or on social media**. Parental permission should be in writing. If you don't have permission, don't use the picture (and it is recommended you delete the picture from the camera/phone/memory card there and then, so you don't forget further down the line).
4. If there are children in the **background** of a photo, **are they identifiable?** If so, you **still need permission** to use that photo. This includes pictures at public events.
5. If there is anything that could be considered **inappropriate** about the child's dress, appearance or behaviour in a picture – do not use it!
6. If the child/children is/are from an organised group, eg a school, scouts/guides etc, their teacher or leader will usually know what arrangements are in place and which children may, or may not, be photographed or filmed/videoed. Check with them **before** you take any photos.
7. If someone complains that a picture of their child should not be on your website, **take it down straight away** and then ask questions afterwards. Don't argue the point first.
8. If in any doubt about whether you can use a picture, please check with the Communications Office at Derby Church House - communications@derby.anglican.org – who will be happy to advise you and, if necessary, put you in touch with the diocesan safeguarding team.
9. Do not name children in a picture. Occasionally, first names only may be used if parent's/guardian's permission is obtained.

2 – Copyright

Just because it's on the web, it doesn't mean you can use it!

Copyright – a quick guide

For more information or advice, please contact: The Communications office,
Derby Church House | communications@derby.anglican.org | 01332 388680

Whenever you produce material for the Diocese, your parish or organisation, you need to be aware of copyright law and best practice.

This applies to both printed material (posters, magazines etc) and digital work (websites, social media, including video and audio).

Here's a quick guide to help you not fall foul of copyright law.

What is copyright?

The definition of copyright is: the exclusive and assignable legal right, given to the originator for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material.

It is there to protect artists and their work and sets out the rights of the owner, as well as the responsibilities of other people who want to use the work.

The easiest way of understanding this is:

in order to use anyone else's work, you need their permission.

If you don't have their permission, you are in danger of breaching copyright law.

And:

If you use someone else's work, they are entitled to be paid for it.

What kind of work is covered?

Copyright protection kicks in automatically as soon as an artist's work is created; they don't need to register work to ensure their rights are protected by copyright.

Copyright covers photography, illustration (including drawings and logos), music, web content, software, sound and music recordings, film and television recordings, broadcasts, ... and more.

So, for example, when a photographer presses the shutter release on their camera to take a picture they, as the creator, immediately own copyright on that picture.

And if the picture is taken as part of work carried out in a full-time job (as an employee), then the employer owns the copyright.

According to the government's Intellectual Property Office website:

"In the UK, copyright in images lasts for the life of the creator plus 70 years from the end of the calendar year of their death although the length of the copyright period will depend on when the image was created. That means that images less than 70 years old are still in copyright, and older ones may well be, depending on when the creator died."

Sometimes, a photo is marked with a © to show it is copyrighted, but just because a photo doesn't have the symbol, it doesn't mean it isn't copyrighted and it certainly doesn't mean you can help yourself.

What does that mean for me?

It means that if you want to use a photo in your parish magazine or on your church website or on a data display (eg a screen in your church), you **cannot** go onto Google and help yourself!

If you want to use a photo, you have to know who owns the copyright and get their permission to use it. Make sure you have permission in writing (email is fine).

The easiest way to do that is to take the picture yourself!
Otherwise, get someone you know to take it for you and be sure you have their permission before you print it or upload it to a website or social media.

But I don't know who has copyright on the photo I want to use!

Maybe you don't, but that doesn't mean the copyright magically disappears or that you can break the rules. If you don't know who owns the copyright, that means you don't have permission from them - so don't use the picture!

Aren't pictures on Google in the public domain anyway?

They are in public view, for sure, but most are still under copyright. Just because you can see them or because other people have used them **doesn't** mean you can use them too.

As for the words 'public domain', be careful of that term as it doesn't really mean what you think it does and is usually used incorrectly. Most people think it means being in the public eye, in public view and there for all to see. However, the real definition of a photo being 'in public domain' means the copyright has legally expired. So, images on Google are in public view, but they are unlikely to be 'in public domain' (out of copyright) as they will probably be less than 70 years old.

Will anyone know if I just 'borrow' a picture for a magazine or website?

Quite probably, yes!

There is software used by many people that allows them to search the internet and media for copies of their photos, so there's no hiding place!

And just remember, if someone does find that you have used their picture without permission, they are perfectly entitled to send you a bill for any amount they want!

Where else can I get pictures?

If you need a fairly generic image - eg 'strawberries' or 'sunset' – try one of several 'free image' websites, such as [Unsplash](#) or [Pexels](#) or [Pixabay](#), but do check the copyright details for each individual image.

January 2019