



# Chichester Ship Canal Trust & Trading Policies

## Photographic Policy

### 1. Purpose & Scope

The Chichester Ship Canal is a public space in which photographs can be taken of individuals without a need for their active consent

This is in line with our partners in the FAN (Family Arts Network) (CFT, Novium, Cathedral, Graylingwell and Pallant House Gallery).

Photographs taken by our designated photographers are, in general, for the purposes of publicity and/or promotion of the Canal and the events and activities that take place in what is a public space. This usage means we do not require permission, written or verbal, to use any photographs our photographers take. That is the background to this policy.

Images may be used in printed marketing material, our website and social media platforms.

The taking, retaining and use of photographs of people is considered personal data under the Data Protection Act 1998 and the General Data Protection Regulation 2018, which means that Data protection principles will apply.

As a responsible organisation, we maintain the highest possible standards and this policy outlines the guidance for the taking and use of photographs or video in and around the Canal area of operation, both on and off the water.

Photographs and video of events and operations on and around the canal are used for number of purposes including but not limited to:

- Promotion of events and the activities of the canal through our website, social media outlets, partner and other relevant organisations.
- Photos and Videos are taken for the purposes of the Chichester Ship Canal Trust (CSCT) and the Chichester Canal Trading Co Ltd (CCTCL) and will be used by both organisations for whatever form the publicity and promotion may take, therefore covering all forms of media.
- Creation of a social history archive of the Canal activities.

Images will be kept for up to 5 years and then deleted from our internal systems.

### 2. Methodology & Practise

#### a. Obtaining Consent

At any event regardless of size, it will be made clear that photographs and / or videos will be taken. This may be via:

- Signage, where possible or feasible
- A paragraph in the booking form for the event or activity
- Loud speaker announcement during the event

This will inform customers & visitors at the event that their image may be taken and used as part of scene setting images or more specific activities.

Designated Canal photographers will be identifiable by wearing either Lanyards, ID badges, Hi-Viz jackets and/or attire carrying the Trust logo.



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As a matter of courtesy, the designated photographers will always attempt to obtain verbal consent wherever possible.

When booking a specific ticketed event (e.g. Canal boat trips), the booking form will include a statement identifying that Designated Canal Photographers maybe in attendance and photos/videos maybe be used for publicity & promotional purpose.

## **b. Opting Out**

If a visitor makes an enquiry or expresses concern about the photography at an event, they will be made aware that photographs and videos are taken for the purpose of our social media and other marketing material. Images will be kept for up to 5 years and then deleted from our internal systems.

Customers and visitors are invited to 'opt out' at a public event, on that day from photography and videos taken by our designated photographers. We cannot enforce 'opt out' from the general public who may also be taking photos / video, nor from any third party organisation involved in large public events. As a public space, visitors can & do take photographs and video which is often uploaded to social media pages independently.

An 'opt out' tick box is included in the booking form for all canal boat trips and this request will be transposed to the boat manifest to alert the skipper, cabin crew and any official photographers for that boat trip. The request will not apply to any other event than the specific boat trip for which the booking form has been completed.

If a member of the public does wish to opt out, they should be directed to the designated Canal official for the event who will explain the limitations and practicalities of 'opting out'

The individual may be provided with a sticker highlighting that they wish to 'opt out' and be advised that the photographers will make every effort to avoid having them in shot.

However, the individual must be vigilant about where they stand, where photographs are clearly being taken (for example on a podium for prize giving or speeches) and to, as far as possible, ensure that they are not in shot.

At large events with lots of people and activities, photographers will be moving around constantly and although every effort will be made, it cannot be guaranteed that those who opt out will never appear in a public scene shot.

## **c. Safe Guarding of children under 18 years old and vulnerable adults.**

Written consent must be completed by a parent or appropriate guardian before taking photos at events e.g. canal cruises or organised fun days.

At larger events (including third party events), every effort will be made to seek verbal agreement from the appropriate adult (e.g. scout master or group leader) when photographing under 18 year olds or vulnerable adults either singly or in groups.

Parents or guardians of vulnerable adults or children under 18 years may wish to "opt out" – see para 2 above.

## **d. Canal Private Hire Events both on and off the water.**

For all such private events (e.g. hiring a whole boat for a private party or business event) consent forms for all children and vulnerable people must be completed by the parent or guardian before taking photos or videos at a private Canal Hire event.



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Customers and visitors can activate the “opt out” clause to request “No photographer” at their event, see para 2 above.

## **e. Photos from external sources e.g. photos etc received via social media from customers or visitors.**

Photographs and videos taken by visitors and customers are regularly received via social media and many of them are of a good standard and therefore of interest to others on social media and for use in the promotion of the Canal.

If possible, permission will be sought for the use of such images by the Canal Trust in whatever way the Canal Trust may wish.

However, in these circumstances, it is assumed that those who are sending in images over social media, are, by inference, giving implied consent for such images to be shared on a wider platform. Further, that submission of such images is a confirmation of agreement and compliance with the Canal Trust's policy.

## **f. Photographs and video taken by Third Parties**

In line with the policy information above, photographs and videos may be taken by third party organisations who are legitimately using the Canal as agreed by The Trust and / or the Trading Company. While every effort will be made to ensure that these third party photographs and video comply with our policy, we have no legal jurisdiction over the use of that content. Customer and visitors at such events are invited to invoke the ‘opt out’ procedure noted above and every effort will be made to enforce that procedure is followed as far as possible. However, it should be noted that the Canal is a public space in which photographs can be taken of individuals without a need for their active consent.

## **g. Copyright of photographs and videos**

The first owner of the copyright is usually the author of the work, namely the photographer/videographer.

Copyright lasts for over 50 years.

When becoming a “designated photographer” for the Canal, it is assumed that all works submitted to the canal carry with them permission to be used in all Canal publicity, promotional material and online through social media.

It is further assumed that submitted works can also be used in collaboration with other canal partners such as in materials designed to promote and publicise events at the Canal or in conjunction with such groups as Chichester FAN (Family Arts Network) or Canal & Waterways magazines etc.

This does not preclude the photographer from supplying photographic art works for sale or display in the cafe shop and such matters will be considered on an individual basis.

## **h. Storage of Consent forms and Images/Videos**

Imagery and consent forms will be kept in a secure location, either digitally or hard copy, and disposed of in line with the Data Protection Policy, the General Data Protection Regulation and any future legislation.

## **i. Sourcing images from the internet or social media**



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Images should not be sourced online (e.g. search engines or otherwise) unless it is clear that they are free of copyright and cost, that we can fully adhere to their terms of use and that there is no credible alternative within the Canal's own resources.

### **3. Periodic Review of Policy**

This policy will be reviewed every three years, or sooner if required, to ensure it remains aligned with legal requirements and best practices for governance in the charitable sector.