

Use of Photographs and Video Procedure

To ensure compliance with the *Access to Information and Protection of Privacy Act, 2015*, the City of Mount Pearl has developed the *Use of Photographs and Video Policy and Procedure* for handling of photographs and video as personal information. City of Mount Pearl employees shall adhere to the principles and guidelines herein.

1.0 Definitions

Personal Information

Under the *ATIPP Act 2015*, personal information refers to the recorded information about an identifiable individual, including but not limited to the person's name, address, age, race, ethnicity, health information, etc. It also includes the person's opinion and photographic image. Subject to a few exceptions, the individual's personal information cannot be disclosed by the City, including through social media, without the individual's written consent.

Public Events Relating to the City

An event of particular importance that is of public nature and is connected with the City mandate and functions and is organized or sponsored by the City. A public event or activity is considered relating to the City when the City puts its programs on display formally or informally, advertises it, stating that there is no admission restriction, and is open to the general public or a section of the public with special interests. This may include but is not limited to:

- fundraisers;
- food drives;
- community events, fairs, festivals;
- sporting events;
- recognition ceremonies;
- recreation programs;
- art exhibitions, etc.

An event or activity will not be considered "relating to the City" if it was organized by a third party that was renting a City facility.

2.0 General Principles

- a) Photographic and video images contain personal information if the identity of the individual captured is apparent or can be reasonably established. If so, any information concerning that individual constitutes and individual's personal information. In this regard, personal information in the form of photographic and video images must be managed in compliance with the *Access to Information and Protection of Privacy Act, 2015*.
- b) Taking, using, and disclosing photographic or video images at City's public events or activities will not be considered an unreasonable invasion of individual personal privacy if the photographs/videos simply indicate attendance or participation in a public event.

3.0 Guidelines for Collection and Use of Photographs and Videos

a) Public Event or Activity

- Where an image does not focus on one individual or group of individuals the data is unlikely to be personal data. It will not be normally necessary to obtain the specific permission of all who appear incidentally in the background of publicity shots where they are clearly not the focus of the image.
- At a public event or activity, City employees will announce and/or post a notice that photographs and videography will be taken, when plausible.
- If an individual attending or participating an event requests not to have their picture/video taken, the City will abide by such request.

b) Private Event or Activity

- Attendance or participation in a private event is restricted to a specific group of people. A private event may include a corporate celebration or ceremony (e.g., birthday, retirement celebrations, recognition ceremonies, etc.)
- City employees will announce that photographs/videos will be taken when plausible. If individuals request not to appear in the photos/video, the City shall abide.

4.0 Photographic and Video Images of Minors

- Collection, use and disclosure of images of minors can occur with express written consent of their parents and/or legal guardians through a signed released form.
- Images of minors and signed released forms must be securely stored in City's records management system.

5.0 Disposition

Disposition of personal information in the form of photographic and video images shall be carried out securely and in accordance with the *Access to Information and Protection of Privacy Act, 2015*, and with City's record procedures.

6.0 Approvals



Steve Kent, Chief Administrative Officer

August 14, 2018

Date