

museum

National Museum of Ireland

Ard-Mhúsaem na hÉireann

Archaeology

Natural History

Decorative Arts & History

Country Life



The Image Safe Handbook

Guidelines for the taking,
managing and storing of
photographic images of children
and young people at the
National Museum of Ireland

In conjunction with the Child Protection Policy

The Image Safe Handbook has been compiled by the National Museum of Ireland



What is the purpose of The Image Safe Handbook?

This handbook is a guide for photographers, National Museum of Ireland staff, primary carers*, children and young people themselves, and anyone involved in the taking, managing and storing of images of children and young people in the National Museum of Ireland.

The handbook is not a set of rules and regulations, but a set of guidelines intended to provide all stakeholders with a framework for thinking ethically, working together cooperatively, and acting with mutual care, consideration and responsibility. The handbook is part of the National Museum of Ireland's Child Protection Policy.

The handbook can be downloaded

as a PDF from this address

www.museum.ie/imagesafehandbook

Contacting us about the handbook

If you would like to discuss any aspect of the handbook or if you think there's anything that we should look at adding to it, please contact us either by emailing mgilvarry@museum.ie or by writing to Mr Mick Gilvarry, Human Resources, National Museum of Ireland, Collins Barracks, Benburb Street, Dublin 7.

You can also read

The National Museum of Ireland's Child Protection Policy, available at www.museum.ie

The National Museum of Ireland's Data Protection - Code of Practice 2010 available at www.museum.ie

The Arts Council's Guidelines for the Protection and Welfare of Children and Young People in the Arts Sector available at www.artscouncil.ie/publications

Our Duty to Care, available at www.dohc.ie/publications/our_duty_to_care.html

Children First. National Guidelines for the Protection and Welfare of Children, available at www.dohc.ie/publications/children_first.html

The Data Protection Act 1998/2003 available at www.dataprotection.ie

Further guidelines can be found at www.iab.ie

* 'Primary Carer' refers to parents(s), teacher(s), group leader(s), legal guardian(s), carer(s) or responsible adult(s), as appropriate.

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* Note:
Throughout the document,
the term ‘Museum’ refers to the
National Museum of Ireland

Why do we need guidelines for photographing children and young people?

The good reasons for protecting children against exploitation and subjugation do not justify depriving them of a right to conceptual autonomy which allows them to be seen and heard in their own right.

Jens Qvortrup, *Studies in Modern Childhood, Society, Ageing and Culture*: 2005

The right to participate

Children and young people have the right to participate fully in social and cultural life and it is essential that such participation be visibly celebrated and promoted. Images of children and young people are one means of representing their participation. The Museum tries to strike a balance between the right to participate and the need to protect. These guidelines are in place to support participation while simultaneously promoting best practice wherever images of children and young people are made or used.

Protecting the welfare of children and young people

Unfortunately, the taking, managing and storing of photographic images of children and young people has become increasingly contentious in recent years with concerns being raised by parents and others about children's safety and welfare. These concerns include: protection of identity; prevention of any exploitation of children or young people; ensuring that images of children or young people are not misappropriated or manipulated inappropriately; and ensuring that children's rights to privacy and dignity are respected. We have guidelines so that we can all work cooperatively together to safeguard children and young people while continuing to record, celebrate and promote their participation and their experience.

The right to privacy

Children and young people have a right to privacy and therefore their consent is always sought in relation to the taking, managing and storing of images and other personal data. In the case of children (up to 18 years of age), consent from a primary carer is sought on their behalf.

In these guidelines and in practice, the Museum aims to achieve a sensitive, informed and practicable balance between the right to participation and the right to privacy. We welcome any contributions you can make that will help us to achieve and maintain this balance, and we place a high value on your active participation and support.

The right to photograph

All members of the public can take photographs with hand-held cameras in the Museum, however, the use of flash, video cameras, tripods and other digital equipment is not allowed. **The National Museum of Ireland does not take any responsibility for these images.** Commercial use of any kind, involving these images, is not permitted.

If members of the public take images of children and young people at any National Museum of Ireland site, the use, storage and management of these images are not the responsibility of the Museum and lie outside the remit of these guidelines.

Photography - The Museum's Responsibility

The active learning experience is captured through photography. We use photography to affirm children's work and enhance their self esteem and sense of identity.

Una Condon, Principal, Star of the Sea Boys National School, Dublin

Why are images taken?

The Museum is an invaluable and exciting resource for children, young people, families, students and educators. It aims to offer experiences that are engaging and inspiring.

The use of photographic images plays a very important role in many aspects of the Museum's work with children and young people.

These images are used to record, document, demonstrate, promote and celebrate the unique activities and experiences that take place in the Museum every day.

Where and when are images taken?

The National Museum of Ireland has four sites:

- _ Archaeology at Kildare Street, Dublin;
- _ Decorative Arts and History at Collins Barracks, Dublin;
- _ Natural History at Merrion Street, Dublin; and
- _ Country Life at Turlough Park in County Mayo.

Photography is used at all of these sites on a regular basis in contexts which include: educational events and workshops; promotional events; exhibition openings and other public events.

Are there any legal constraints?

There are no legal constraints on taking images of children and young people in public settings. However, any images taken come within the scope of the Data Protection Acts 1998/2003.

(See <http://www.dataprotection.ie> for details. See also page 14.)

There is great joy in looking back at a photograph to remember a journey. Photographic documentation enables students to review and celebrate their work.

Máire O' Higgins, Assistant Principal, Larkin Community College, Dublin

Who takes the photographs?

Images are taken by photographers from the Museum and by commissioned photographers working on behalf of the Museum. Where images are taken by children and young people as part of a workshop or activity, using cameras provided by the Museum, the management and storage of such images are the responsibility of the Museum.

It is very important to be aware that there is an essential difference between Museum-run *prebooked workshops and events* and Museum-run *open-access public events**, which generally involve far larger numbers of people. When Museum-appointed photographers take images of children and young people at open-access public events, they must adhere to the Museum's Image Safe Handbook guidelines. When press photographers and members of the public take images of children and young people at *open-access public events*, the use, storage and management of these images are not the responsibility of the Museum and lie outside the remit of these guidelines. The press and media have their own code of practice in this area.

(* For example: open drop-in workshops etc.)

What happens when photographs are going to be taken?

Whenever photography is taking place as part of a workshop or activity, Museum staff will signal this at the beginning of the session. If a child or young person does not want to be photographed, or if their parent or carer has refused consent on their behalf, Museum staff and the photographer will be aware of this from the consent form. Photographers and Museum staff are experienced at managing these circumstances, and will do their utmost to ensure that no individual

feels excluded or isolated. The Museum is aware that some children and young people may have particular vulnerabilities. Any circumstances that make a child or young person especially vulnerable in this context can be discussed in advance with Museum staff so that this can be taken into account.

Information is provided – in this document, and on the website www.museum.ie – that explains why images are taken, and where and how they are used. A consent section is included on booking forms, and is also available for review on the Museum's website. Images will not be used if written consent has not been given.

How are images stored and managed?

Recorded images are only kept where there is a valid reason associated with the work of the Museum. In storing digital images, the Museum continues to develop a system that respects the right to privacy and minimises the risk of misuse, while allowing images to be used for their proper purpose. Currently, the Museum is transferring to a digital asset management system. Individuals who work with stored images are reminded of their duty to preserve the confidentiality of information entrusted to them. They are advised that copies of photographs can only be used for promotional purposes where prior written consent has been provided. They are also reminded that photographs should not be retained on local computers beyond the length of time required for their immediate use (e.g. while a brochure or web page is being prepared).

*Photography takes
an instant out of time,
altering life by holding it
still.*

Dorothea Lange
American Documentary
Photographer, 1895-1965

For how long are images stored?

As a cultural institution with a national remit to preserve and communicate the history and heritage of the state, the Museum has a unique responsibility in creating and maintaining the archives of the future (see note below). Images made at the Museum have the primary function of promoting and celebrating its work, but taken together, these images are also a form of social documentation, capturing a great deal of information about our time which will be of value to researchers in the future, just as old photographs have a deep value for us now. In this context, the Museum may retain some images in perpetuity as part of its archive.

For how long are images used?

Photographic images date very quickly, so usage is naturally limited by that consideration, and in general most images are likely to be used for a period of one to five years. The maximum term of usage for an image of children and young people at the Museum is ten years, after which time they are taken out of general use. There may be exceptional circumstances where images can be used by the Museum after the ten year period. (See rule 7 page 5 of the National Museum of Ireland's Data Protection - Code of Practice 2010)

Note: The Museum will be developing a set of procedures for the management and storage of photographic images of children and young people. It is intended that these procedures will be in place by the end of 2012.

How does it work in practice?

Before images are taken

1.

If primary carers do not wish to give consent, they can opt out when they receive the consent form (see page 16).

2.

The consent form seeks permission of the signatory to take, use and store photographic images of children and young people.

3.

Refusal of consent will not in any way limit children or young people's participation in activities. Museum staff will ensure that all children and young people are fully engaged in participation, and image recording will be skillfully managed around that core priority. (Note: see reference to the development of procedures for managing photographic images of children and young people on page 9.)

Photographs help you to relive that moment. They bring you right back to that time and place.

Liam McCartin, Animation
Student, Institute of Art Design
and Technology, Dún Laoghaire,
Co Dublin

While images are being taken

1.

Photography will be supervised in the same way as any other activity.

2.

The photographer does not have a supervisory role and should never be asked to care for a child or young person (in a group context or alone).

3.

If there is any individual who may be particularly vulnerable for any reason, primary carers should discuss this with Museum staff during the registration process.

4.

Photography is intended to represent the diversity of children and young people participating in any given activity or setting.

5.

Sometimes, as part of an activity, children may take photographs of each other. All of the guidelines above apply equally in this context (see page 7).

After images have been taken

1.

Photography is not done randomly or speculatively. Recorded images are kept and used *only* where there is an important reason or special purpose linked to an activity or event.

2.

Images are only used for the purpose(s) outlined in this document (see page 6).

3.

Images are used only in the intended context and every effort is made to avoid them ever being shown out of context.

4.

In most instances where images are taken for public use, individuals are not identified by name, except when they are being acknowledged for an achievement or award.

5.

Once photographic images have been taken, and the Museum has subsequently been informed that a child or young person is vulnerable or requires their identity to be protected, photographic images or other data related to them will not be used or retained.

Photographs capture forever moments of creativity and social interaction that words simply cannot do justice to. They provide evidence of learning in action and form part of pupils and teachers own personal histories.

Seamus Devaney, History
Co-ordinator, St Patrick's Boys
School, Castlebar, Co Mayo

6.

Where images are kept for future use, it is the intention of the Museum to store these images safely. They are stored carefully in a networked system (see page 8). Staff of the Museum work with images according to current best practice. The Museum is committed to continually developing practices and procedures that improve the storage of images (see page 9).

7.

Images are only used to represent the Museum and its work, and are only ever forwarded to a third party for this specific purpose (e.g. the press, graphic designers, printers. See page 20).

Notes on copyright and data protection

Other than the Child Trafficking and Pornography Acts 1998/2004 (see www.irishstatutebook.ie), which contains specific provisions on the exploitation of children, there is no legal constraint on taking photographs or recording visual material with children and young people.

Photographs and visual images are regarded as personal data under the Data Protection Acts 1998/2003. Personal data is defined as data relating to a living individual who can be identified from the data or from the data in conjunction with other information in the possession of the data controller. It must be accurate, be obtained fairly, and be kept up to date, and it should be retained and used only for one or more specified lawful purposes. (See the National Museum of Ireland's Data Protection - Code of Practice 2010)

Ownership of copyright rests with the photographer or their employer (i.e. the Museum). Images are not owned by the individual(s) whose image is recorded. Permission to use images owned by a photographer or agency, or by their employers, is by prior agreement with the copyright holder. For more details, see www.cai.ie/, Copyright Association of Ireland.

Consent

What is 'informed consent'?

This is a straightforward and reliable process in which participants are informed that images may be recorded during an activity or event, and are provided with information about the contexts in which these images are likely to be used. These guidelines are part of the process of informed consent. The informed consent process offers all individuals the opportunity to opt out.

What about spontaneous or unplanned images?

With the increased availability of digital recording media, there is always a possibility that spontaneous or unplanned photographs may occasionally be taken without the awareness or prior consent of the individual(s) involved. Should this happen, participant(s) will be informed of the purpose of the photograph as soon as it is taken and asked for their consent. If consent is refused, the image will not be published.

Can consent be obtained retrospectively?

On rare occasions, it may be necessary to obtain retrospective consent. Where retrospective consent is required, the process is the same as the one followed in gaining informed consent: the nature, purpose and usage of recorded images is explained, any additional information is given, and individuals are offered the opportunity to opt out if desired.

Consent to take use and store photographic images of children and young people

The use of photographic images plays a very important role in many aspects of the National Museum of Ireland's (NMI) work with children and young people. These images are used to record, document, demonstrate, promote and celebrate the unique activities and experiences that take place in NMI every day. NMI has produced a set of guidelines for the taking, management and storage of photographic images. Entitled *The Image Safe Handbook*, these guidelines are available for download as a PDF from NMI's website. NMI also operates a Child Protection Policy. Any images taken and used at NMI conform to the Data Protection Acts 1998/2003.

Name of Child/Young Person
(Block capitals)

Name of Primary Carer *
(Block capitals)

I give permission for images of this child/young person to be taken, managed and stored by the National Museum of Ireland, in accordance with NMI's guidelines and Child Protection Policy. I understand that these images may be used by NMI for promotional purposes.

Yes

No

Date _____

Signature of Primary Carer * _____

For official use only

Group Name : _____

P.O. Number: _____

Name of Event: _____

Date of Event: _____

Batch Number: _____

NMI Staff Member: _____

* 'Primary Carer' refers to parents(s), teacher(s), group leader(s), legal guardian(s), carer(s) or responsible adult(s), as appropriate.

Good practice guide

Good practice guide for photographers

1.

Always identify yourself as a designated or official photographer to the leader of the activity, and to participants and primary carers. Staff identity badges and contractors' badges (red in colour) must be worn at all times.

2.

You may need to explain your work more than once during a single shoot, particularly where spontaneous or unplanned images are recorded.

3.

Take some time in advance to have a discussion with the workshop leader about the activity, the profile of the group, and any special issues that may have been notified at registration and that you need to be aware of.

4.

You share a duty of care with Museum staff for ensuring that images taken are appropriate, and that they take account of the concerns of parents and carers.

5.

Avoid being alone with a child or young person. If a situation arises where a parent, carer or teacher asks you to oversee a child or young person, even for a very short time, you should explain that you cannot take on this role. This protects all parties.

Good practice guide for Museum staff and activity leaders

1.

Please read The Image Safe Handbook guidelines. Keep a copy of The Image Safe Handbook with you when you are leading an activity, and make sure that you are familiar with the contents. Have some spare copies available or near to hand for participants who might want to read more detailed information.

2.

Refusal of consent should not in any way limit children or young people's participation in activities. You will need to be aware of any participants who have not consented to having their photographs taken, and ensure that they are engaged in activities while photographers are working.

3.

Take some time in advance to have a discussion with the photographer about the activity, the profile of the group, and any special issues that may have been notified at registration and that they need to be aware of.

4.

If a primary carer expresses any specific concern about the taking, storing and management of images – whether by the official photographer, by children and young people themselves, or by someone they have observed using a camera in the Museum – or if

they wish to opt out of consent retrospectively, take a note of their contact details, and report this to the relevant Head of Department.

Taking the photograph has become so essential to the way we imagine childhood that it happens even before a “first reaction.” Precisely because our sense of childhood depends so heavily on photographs, their making and use is anything but random, automatic, or natural.

Anne Higonnet
The History and Crisis of Ideal
Childhood

5.

If a member of the public has observed someone photographing children and young people in the Museum and is expressing a concern about this to you, you should contact the event organiser, workshop leader or Senior Attendant to check that the image-recording observed is taking place as part of an event or activity and that the photographer has been commissioned/employed by the Museum. Any concerns raised should be noted and reported to a Senior Attendant, with a note of the complainant's concerns, and their contact details. The Senior Attendant should then inform the relevant Child Protection Designated Person. The names of the aforementioned are outlined in the National Museum of Ireland's Child Protection Policy.

6.

A leaflet summarising these guidelines and giving details of where to download the full document will be made available and should be kept at Museum Reception. If any member of the public makes an inquiry about the Museum's guidelines on photographing young people and children, give them a copy of the leaflet.

Good practice guide for those responsible for managing, storing and using photographic images

1.

Images should only be stored and used for the purpose(s) agreed on consent forms and outlined in these guidelines. If there is a need to use a particular image in another context, you will need to seek retrospective consent. (See page 15)

2

Photographic images should not be retained on local computers beyond the length of time required for their immediate use (e.g. while a brochure or web page is being prepared). They should be deleted immediately after use from local computers and discs. It is the Museum's intention in the future to store images centrally in a digital asset management system. (See page 8) In the meantime, images should only be stored by the department which required them in the first place. These images should not be stored in a shared folder.

3.

When assessing images for promotional use, the most important factor is the potential of inappropriate use of the images by a third party. You should take the following steps to reduce the potential for misuse:

a.

Avoid using children's names (first name or surname) in photograph captions, unless

they are being given an award or have been involved in a special achievement.

b.

It is preferable to use images that depict a child or young person in the context of an activity.

c.

Additional guidelines and information are available at The Irish Internet Advisory Board, see www.iab.ie.

The **Image Safe Handbook** was compiled by the National Museum of Ireland. Research was undertaken by members of staff in the Education and Photographic Departments. Following research, the Museum collaborated with communication design consultant, Margaret Lonergan, to facilitate a consultation process, and to write and design the document with the aim of maximising accessibility and usability.

Central to the methodology is the principle that this document will continue to be shaped and refined through practice. Feedback and evaluation will be an ongoing part of this process, and the document is designed in a format that can be easily updated at any time. The **Image Safe Handbook** will be reviewed on an annual basis in conjunction with the National Museum of Ireland's Child Protection Policy.

Organisations consulted

The Arts Council

Arts Council | England

The Data Protection Commission

The Irish Museum of Modern Art (IMMA)

The Irish Times

National Gallery of Ireland

National Library of Ireland

The National Youth Council of Ireland

The Office of the Minister for Children & Youth Affairs

RTE

Web-based research

Extensive web-based research was undertaken, and relevant links are provided throughout the document.

Consultation process

A preliminary draft of the document was circulated in February 2010. After initial feedback, an updated draft was circulated in May 2010, and in the same month, a consultation meeting was hosted where critical contributions were made by representatives from relevant areas of the Museum. Feedback was also submitted in writing.