

## Photographic Policy Guidance for Athletics Clubs and Stadiums

### *Why have a Photographic Policy?*

UKA [or British Athletics] recognises that members of the public will often want to take photographs or record video footage at, and in the environs of, clubs and stadiums on cameras and mobile devices. These may be athletics fans; amateur or freelance photographers; local or national journalists and media organisations; or paying spectators. Typical occasions might be track meetings or other events held at the venues, or at any other time when members of the public are allowed on the premises.

Frequently this will involve photographs or video of athletes, coaches, officials or other participants at events. This is largely harmless and often to be encouraged: both UKA and the relevant regulator (the Information Commissioner) recognise the value and pleasure to many of recording these occasions. In practical terms, of course, it will often be impossible to prevent and difficult or disproportionate to police.

However, there are other considerations relevant to the duties of both UKA and affiliated clubs and venues across the UK, in particular duties to athletes, staff or the safety and enjoyment of the public. These considerations range from respecting athlete image rights to providing an environment where they are free from harassment; or in higher legal duties such as safeguarding of younger athletes and the prevention of crime including terrorism.

Ultimately, it is for each club or venue to introduce and maintain its own policy – written or otherwise – and to be responsible for enforcing it. However, this UKA guidance is provided as non-binding advice on best practice, and to help signpost how these questions may be approached by each individual organisation.

### *What the law says*

Clubs, stadiums and other venues may be public places but they are also private property. This means that you will be able to impose reasonable requirements, suitably notified, on members of the press or public as a condition of entry to your venue. However, the images will be owned by the person taking them, unless he or she is acting as an employee or under a specific commission.

Neither data protection nor privacy law prevents the taking of photographs or video in public places (including images of people such as athletes, coaches, officials or members of the public) for private or personal use. Conduct amounting to harassment is a different matter.

Where images are taken in public places, unless there is something unusually intrusive in the material, there will be only limited restrictions in how such images may subsequently be used: for example, if it wrongly suggests official endorsement by the athlete. There are also particular protections for children (those under 18) in terms of how their image may be reused and published if this might be unwelcome. That goes especially where the child and/or their parents were unaware of the photograph or footage being taken.

In such cases, the legal issue is likely to fall on the publisher or the photographer – not the club or stadium – but these are nonetheless factors to consider in drawing up and policing a suitable policy. Where venues do have legal responsibility is in their general duty of care to protect participants and members of the public from foreseeable or preventable crime, harassment or safeguarding concerns that may arise from certain activity.

Clubs and stadiums are therefore encouraged to take pro-active responsibility to create and implement common-sense, proportionate and achievable policies to achieve these aims.

### **Elements to consider for any photographic policy**

#### *1. Official photographic register or other accreditation*

All venues that host public events should have internal policies on official press/media accreditation including both seating and access directly to athletes, coaches and officials behind the scenes. Such accreditation provides a suitable opportunity to ensure terms are notified, and adhered to – in line with athlete expectations and sponsorship requirements.

However, not all freelancers or enthusiasts will have full press accreditation and some venues already go further by keeping a registry of known local photographers. This is good practice and enables monitoring and a degree of control over individuals who wish to pursue a hobby or occasional professional work in a manner which is fair, proportionate and enforceable without causing offence.

#### *2. General spectators*

It is rarely going to be proportionate or enforceable – still less desirable – to seek to prevent members of the public using cameras, including camera phones, as part of their spectator experience. However, common-sense requirements about harassment, intrusion, sponsor restrictions, flash photography and so on may be notified to members of the public in a number of ways including clear signage at the stadium or in club buildings, and as part of the terms of conditions of entry (for example on, or when purchasing, a ticket).

#### *3. Harassment and respecting the wishes of participants*

Any course of behaviour that could be construed as harassment of an individual is potentially a criminal matter. Both the proper stewardship of the venue and the terms and conditions of entry should be set up to ensure you are able to take action swiftly whether the actions are reported, visible or reasonably suspected.

The legal definition of harassment is behaviour which causes alarm or distress. This may vary according to the particular circumstances or sensitivities of the individual, and the threshold may not always be obvious. Hence your policies, signage and conditions of entry should be worded widely and clearly enough to enable a safety-first approach to be taken. This should also enable race officials and stewards to intervene and make courteous but forceful requests on behalf of athletes rather than let them have to take action, or give reasons, themselves.

A relatively relaxed system of allowing photography of adult athletes on an "approach and ask" may be fine for some venues and athletes, but the backstop should be such that athletes are not placed in any embarrassing position or suffer undue disruption.

#### *4. Safeguarding*

Particular care must be given to participants under 18, who are legally children, and certain IPC athletes who may fall into the category of vulnerable adults. These groups are at particular risk. Any policy that may have the effect (whether intended or otherwise) of providing access to, and permitting the photography of, these groups should be drawn up with the input of your designated safeguarding team.

Please note also that, while it will often be appropriate for a photographer to approach the parents, most children from the age of 12 are deemed legally capable of making decisions about their own privacy and therefore the child's approval is likely to be necessary too.

It will be for each club or venue to consider the practical limitations that can usefully be placed on spectators (especially at events where children are competing), but you may wish to consider specifying in your policy that spectators should not take images of children other than their own child except as part of a group or activity shot. The exception would be where permission has been given: whether informally from the child and/or parent, or formally by the club or venue (which might properly grant permission, for example, for a press photographer to take photographs of events where some of the competitors are children).

No photographs or filming of any sort should be authorised or tolerated in any changing area or other area where athletes will have an expectation of privacy, and this is particularly important where athletes include children or vulnerable adults.

#### 5. *Commercial rights and official filming or photography*

Please be aware that both UKA and individual athletes may have their own commercial arrangements around image rights or the right to record and/or broadcast events. This will not affect every image, event or photo-call but may well affect how images may be used. Care must therefore be taken to ensure policies, local licences granted and all image use or filming undertaken or permitted by you are compatible with these arrangements – especially if the club, stadium, event or venue has its own "official" sponsor rights or other commercial arrangements.

#### 6. CCTV

The use of CCTV is increasingly prevalent and frequently necessary to monitor crime, terrorism and antisocial behaviour, as well as other public safety considerations. However, this use should be supported where appropriate by clear signage and (where extensive use is made) a published CCTV policy setting out the extent and purpose of this surveillance. Please refer and adhere to the relevant codes (<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice> and <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>) for compliance guidance.

#### Suggested notice wording

Data protection law, as well as basic consumer and contract law principles when permitting entry to a venue, all require a providing degree of informed notice before organisations and venues can insist on their reasonable measures being binding and effective. This includes:

1. As well as wording at point of entry, or on the physical ticket, back up terms of entry with online wording, including your privacy policy and eTicket purchase terms and conditions;
2. Have CCTV signage in visible spots explaining, broadly, the purposes for which CCTV cameras are used, who operates the system, and how to get in touch with them;
3. Wherever applicable, particular restrictions on the use of press or public cameras should be notified clearly at the point of entry to that area (for example "*No camera zone*" or "*Athletes' changing area – no mobile phones, filming or photography*");
4. Courtesy requests according to the policy of the individual club or stadium (e.g. to please respect the privacy of athletes and their own stated or obvious wishes) should also be notified in suitable areas, such as general venue entry and via T&Cs; and
5. Specific sponsor requirements may have to be notified on a case-by-case basis if they are likely to impact on typical press or public behaviours.

**[UK Athletics, April 2017]**