

## FAQ's: Consent to Use of Image Forms

These FAQ's were created to help you understand and manage image rights for your photography and videotaping session. Here are some basic things you should know:

- An individual's image, whether in a photograph or video, is considered personal information and must be collected in compliance with the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165.
- As the organizer of a photo session, it is your responsibility to obtain written consent from your subjects and to keep these consent forms in a safe place where they can be accessed as needed.
- If an individual requests that his or her image **not** be used, the request must be respected.
- Images must not be used or disclosed for purposes other than those specified in the consent form.
- The forms are a legal document between the individual and UBC and the forms are not to be altered or customized for your unit or faculty without discussing all changes with the Office of the University Counsel.

### 1. Why do we need to have consent forms for photography?

The forms are a written agreement between you and the individual you are photographing/videotaping. The purpose of the consent forms is to avoid misunderstandings, to confirm the parties' intentions, to protect UBC from complaints or possible legal claims and to ensure UBC complies with all laws, including the *Freedom of Information and Protection of Privacy Act*.

### 2. When do I need a consent form?

You need a consent for any photograph or video intended for use in any UBC publication meant for the purposes of marketing, recruitment or public relations, such as UBC websites, printed and electronic newsletters, brochures, viewbooks, promotional items, third-party websites or other material. The Consent to Use of Image form (see description below) is the primary form you should be.

### 3. Which form do I need to use? What is the difference between the forms?

- a. **Consent to Use of Image form:** This is the primary form you should be using for photography or videotaping of unpaid subjects. The form gives UBC permission to use images of an individual (including any motion picture or still photographs) for any purposes in connection with promoting UBC and its activities which may include advertising, promotion and marketing. This permission is revocable (even after it is signed), and if the subject asks you to stop using the image, you must comply with that request.
- b. **Consent and Release for Models form:** Use this form for photography and videotaping where the subject is a paid model, is a performer, or if there are circumstances where permanent control of the image is necessary. Examples would be the use of an image in a major marketing campaign or in a large print run of documents. This form creates a legally binding contract (if the payment is actually made) and is not revocable by the subject.

### 4. Why does a parent have to sign it if the individual being photographed is under the age of 19?

The age of majority in British Columbia is 19 years of age and persons under the age of 19 must have their parents or legal guardians sign consent forms on their behalf. Please note that many students at UBC are not 19 years of age.

### 5. Why do you need contact information?

Images must not be used or disclosed for purposes other than those specified in the consent form. If you wish to use an image of the individual for another purpose, you must contact that person and arrange to have further written consent.

### 6. I am hiring an external photographer. What do I need to do?

You should not use an external photographer or company to make images on your behalf unless you have put a written contract in place with them following UBC procedures. The Department of Supply Management can assist you with this process. Failure to do this will likely lead to you not obtaining the rights over the images that you wish to have. Even with an external photographer, you are still required to use a Consent to Use of Image form. However, depending on the nature of your contract with the external photographer – they may wish to use their own forms. If that is the case the external photographer's forms should be reviewed by Supply Management to make sure they are consistent with their contract with UBC.

**7. Do I need a consent form for photography in a crowd scene or a public place?**

Crowd scenes that do not include children under the age of 19 or photographs where no single person is the dominant feature do not require consent forms. All photographs of children under the age of 19 require consent to use of image form forms signed by a parent or guardian.

**8. Do I need a consent form for UBC faculty or staff?**

You are still required to use a Consent to Use of Image form if you are photographing or videotaping UBC faculty and staff. Please note that these forms are not appropriate for videotaping classroom lectures. Please contact the Department of Faculty Relations or the Office of the University Counsel if you wish to videotape lectures.

**9. Where do I find the Consent to use of image form?** Please click below for downloadable PDF of the:

- [Consent to Use of Image form](#)
- [Consent and Release for Models form](#)

**10. How long do the forms remain on file?**

Completed forms should remain on file and accessible as long as the photographs or videos remain in use or available for use at UBC.