

## Nederlandse Kerk

Templum Domini Jesu The Dutch Church 7 Austin Friars London EC2N 2HA

## **Consent procedure Dutch Church Austin Friars**

With a view to new legislation (General Data Protection Regulations, 2018 - European law, which will be converted to domestic law on Brexit) being brought in in May 2018, some research was done to ensure compliance. This piece of writing solely covers the rights of individuals to control any images of them that are made public and not the artistic property rights/copy rights of the photographer. It assumes that parents/guardians are responsible for the safeguarding of children under the age of 18, and furthermore assumes that (vulnerable) adults have mental capacity to manage their own affairs.

It appears likely that specific, informed consent is technically required for taking photographs in our services and social gatherings, however given that the Dutch Church does not take or process large volumes of photographs, and the photographs which it does take are not used in a way that our congregation members would not expect them to be used there is a relatively low legal risk to the Dutch Church continuing the status quo that has been for some time, that pictures are commonly taken during/after services. Under the current Data Protection Act 1998 publishing a notice that photography is taking place (or adding a statement to the liturgy booklet to that effect) would be considered prudent. Under the Act, a signed consent form would only be needed for individual (portrait) photography in an (assumed) private place. Furthermore, under the Data Protection Act, it is considered prudent to ensure that photos do not show individuals in an easily recognisable way, but e.g. from the back, out of focus etc. The Dutch Church will act beyond these principles to make sure that there is complete transparency as to how we will treat individual's personal information.

Under the new legislation consent will need to be sought for the publication of photographs which clearly identify individuals, as this involves the 'processing of data'. Consent should be a freely given, specific, informed and unambigious indication of the individuals wishes, requiring some clear affirmative action from the individual to express this consent. Consent should also be able to be withdrawn as easily as it is given and, in the event that such consent is withdrawn, photographs should be withdrawn from publication (and no longer used for publication from the point of withdrawal of consent) and irretrievably deleted. The following actions/procedure with regards to consent to photography and publication are proposed:

- Photography statement in liturgy booklet and time given to congregation members to move positions in the church before service if they do not wish to be personally identifiable in pictures
- Individuals to be approached for specific consent to publish photo on website and/or Kerknieuws, social media or other specified format
- Specific recorded written consent as per consent form prior to publication on website and/or Kerknieuws, social media or other specified format (may be electronically transmitted)
- Consent forms to be securely filed in paper or electronic format



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- Withdrawal of consent notifications to be securely filed in paper or electronic format
- Actions taken promptly, and a clear written record made of such actions, if consent to publication of a photograph is withdrawn (immediate actions to include the removal of the applicable photographs online from church controlled platforms, the removal of the applicable photographs from social media timelines, the irretrievable deletion of the applicable photographs from church records so that they are not used in any physical publication from the point of withdrawal of consent and the taking of necessary steps to seek irretrievable deletion by relevant third party online platforms)
- Actions taken promptly, and a clear written record made of such actions, if an identifiable person within a photograph notifies us that they wish to assert their right to erasure ("right to be forgotten") (immediate actions as identified above)
- Review procedure once legislation/case law has clarified issues.

Trustees July 2018