

VIDEO IMAGES RECORDING POLICY



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Introduction

Galway Atlantaquaria is very proud of its Aquarium and is very happy for visitors to record their private, personal experience via image capture.

Image capture can mean cameras, digital cameras, SLR & Video, HOWEVER there is also a need to protect visitor's personal privacy under Data protection legislation and 'expectation of privacy' in a private business/area.

This policy is designed to enable semi-professional photographers, news media, Vloggers, You tubers, professional videographers, Artists and documentary videographers a clear line of communication with Galway Atlantaquaria¹.

We invite all visitors to remember their visit by taking visual images, as long as they are responsible and honest with their use. We have developed this policy under these guidelines;

- To protect Galway Atlantaquaria business, Animals and reputation
- The protection of identity and **personal data**
- To prevention of exploitation of children or young people, ensuring that images of children or young people are not misappropriated or manipulated inappropriately
- **To ensure that Adult'/children's rights to privacy and dignity are respected**

¹ This list means/includes anyone who wants to publish images for commercial, marketing or PR purposes

About

This Policy refers to any devices that can capture a visual image, for example cameras, phones, iPad and video recorders. It also gives staff & visitors an understanding about image capture.

Scope

The scope of this policy is to ensure that the reputation/business interests of Galway Atlantaquaria and the protection of a person's data are protected as best as possible at all times.

Galway Atlantaquaria Video, image and recording policy outline

NO ONE is allowed to capture a person's image (through whatever media) without special permissions, Informed consent, vetting, and self-declaration. There is a procedure for professionals should they inform Galway Atlantaquaria and visitors.

Galway Atlantaquaria cannot compel people to give permission to be recorded. Galway Atlantaquaria only allows people to take images of other people in the Aquaria, if they are able to give informed consent. Informed consent is the ability of the person to give permission for their image to be taken.

The person must also complete an image release form, so they can make an informed choice.

Galway Atlantaquaria will endeavour to forewarn visitors² of professional planned video shoots through appropriate signage and notice. We will also provide image release forms, if it is a Galway Atlantaquaria production³. Professional videographers should provide their own methods of legal image release forms.

² See appendix three

³ See Appendix two

The taking of photographs and/or videos for private use is permitted within public access areas on Galway Atlantaquaria property.

Warning

In special circumstances and where actions are deemed suspicious or inconsistent with this policy by observing/reporting persons, photographers and videographers may be approached⁴ and questioned to determine if further investigation or action is necessary.

Photography and video recording within restricted areas are prohibited. Individuals found in a restricted area will be subject to investigation and possible arrest and seizure of photography and/or video recording equipment may occur pursuant to the arrest. This policy applies in all circumstances, including where Galway Atlantaquaria may be promoting a photography contest or event.

GO Pros

GO Pros are not allowed into the Aquarium tanks, you will be asked by Aquarium staff to desist this behaviour.

Galway Atlantaquaria will ask you to delete footage & ask you to leave the aquarium without a refund, should you break these rules

⁴ A member of staff will ask politely for a look at the images captured.

Commercial and Special Photography

Commercial and Special Photography requires explicit authorization from Galway Atlantaquaria and includes engagements for commercial gain or profit such as, movie films, commercial television productions, and photography for commercial advertisements.

Special Photography often entails Blogging, Art pieces or YouTube promotions and this needs to be discussed with Galway Atlantaquaria.

Recording & space fee

Galway Atlantaquaria needs to ensure that staff is paid for working unsocial hours, please consult with management regarding these fees.

Can you record inside the Tanks with the Fish

This is a very special request and needs to be considered very carefully by Galway Atlantaquaria. In general the answer is NO; however we may accept requests from producers who are aligned with marine interests, are experienced with recording sea life & professionals in the field.

Procedure and Guidelines for Commercial and special photography

- You MUST contact Galway Atlantaquaria in advance at least two weeks of shoot and discuss your work. Details of work should be accompanied with a plan for shoot, including materials and equipment used. If there is heavy equipment it must be installed by a professional technician.
- You are allowed to meet with a member of staff; usually the person would be in marketing. The contact details are 091 585 100 or info@nationalaquarium.ie
- The proposed work and persons must be willing to sign a proof of health and liability form. This form is only to protect Galway Atlantaquaria for injury or damage to equipment⁵.
- As there will need to be a staff member present to oversee work they must be aware that they are liable to pay for staff member's time. This rate is fair as it stops shoots going on longer than necessary. Persons involved shall maintain the agreed upon time and schedule for the video recording/photo shoot.
- Galway Atlantaquaria reserve the right to stop shoot at any time should they feel the work is dangerous to persons and Aquarium.
- Staff shall be notified when videographers/photographers enter the building.
- Persons involved in the approved activity shall try to limit their activity on visitor's enjoyment of the aquarium.
- The videographers/photographers shall refrain from capturing video/photo images of visitors who are not specified as part of the shoot.
- If visitors are shot, the responsible party involved in the approved activity shall obtain a **written authorization/ Model release** from persons when photographing or videoing identifiable persons.
- Unless given written permission otherwise, the producers shall note the location of the video recording/photo shoot in the production credits.
-Sample credit line "Scenes shot at Galway Atlantaquaria, Ireland's largest native species Aquarium"

⁵ See appendices one

IMPORTANT info for accepted shoots

- No video recording/photo shoots of injured animals or accidents is allowed.
- Permission to video record/photo shoot in the Aquarium grants no rights to use Galway Atlantaquaria name or trademarks.
- Video recording or photo product must not imply any type of approval or endorsement by Galway Atlantaquaria.
- Violation of this policy may result in the revocation of permission to video record/photo shoot.
- Images recorded cannot be used for any other purpose than outlined in the videographer's proposal.

Special events

From time to time Galway Atlantaquaria run large scale events and may hire a professional photographer or record the day for its own social media use. It is our policy to ensure that the recording is not intrusive. Our images policy allows us to photograph people from behind and if we photograph groups of people we will ensure that image is distorted, or try to seek permission first!

Special events do not give exemptions on these days, as Galway Atlantaquaria will ensure it meets its own policy guidelines.

Summary

We hope you enjoy your visit to Galway Atlantaquaria, please record your day with respect for other visitors. Try to record with due care and regard. Please contact reception if you feel that your privacy has been affected and we will try to resolve this issue with reasonable actions.

We welcome any positive promotion of our Aquarium, but please follow our procedures outlined.

This policy will be assessed and renewed on the 18.08.2017

If you have any concerns please email info@nationalaquarium.ie Or call 091 585 100.

Definitions

Personal Data

The definition in the Act reads:

"Personal data" means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller."

It covers any information that relates to an identifiable, living individual. However, it needs to be borne in mind that data may become personal from information that could likely come into the possession of a data controller. Often a case by case assessment must be made taking account of some of the above considerations as to whether data could be deemed to be personal.

Under Data Protection law, you have a right not to have your personal data collected, published or otherwise processed without your consent. This includes your image, and therefore covers photographs. There is an exemption to the Data Protection Acts for the purposes of art or journalism.

Expectation of Privacy in Public

A person's reasonable expectation of privacy can get a little trickier outside the home. Although someone may not have a right to seclusion when in the public view, the law can still protect people from being portrayed in a way that could be considered humiliating or from having their private details broadcast. Persons involved in accidents, or bystanders to accidents, would probably not be able to sue a newspaper or television station just for showing images of their likeness if the event is newsworthy or if it's in the public interest to know about it. For example, if a TV news crew filmed the passengers of an automobile accident being rescued, and that footage was broadcast on the evening news, the passengers probably couldn't sue the station for damages just because their images appeared in the news story.

However, the passengers may be able to sue the station if it also broadcasts conversations between the accident victims and rescue personnel inside the ambulance, since the public doesn't have a legitimate interest in such information and the victim reasonably expect the conversations to be private. Similarly, privacy law can also protect someone from being shown in the media if her image isn't used in a way

that informs on a matter of public interest and publication of the image would cause her considerable embarrassment, even if no personal information is disseminated.

Private Place

You can shoot video inside someone's home, office or car as long as you have permission. In most cases, a verbal agreement is fine, but there are circumstances where it would be better to have a written release. If there's any chance the video will make money, a release can protect you if your subjects ask for a cut later on. You also need a written release if you give a major website or network rights to use the video on their site.

Children

If your video includes children, it's best to think twice before posting it to YouTube. There are stricter privacy laws regarding minors, particularly if they can be identified in the video, such as when standing in front of their school or wearing a T-shirt with their name on it. Beyond the legal issues, it's simply not smart to post videos of children without the parents' permission. This includes birthday party videos, school outings and Little League games -- if anyone under 18 is involved, have the parents sign a release so they're fully aware of what's going on.

Commercial Use

If you're shooting a video that will be used for commercial purposes, you need to have written permission from everyone featured in the footage. This includes shooting a commercial for your business, testimonials from customers, a Web series that generates income or an entry into a contest. Customize a standard release form to explain how you plan to use the footage, and state any rights the subject may have in regard to payment -- for example, is the subject signing away all claims, or will she receive a flat fee or percentage if the video makes a profit?

Considerations

Now that almost everyone carries a camera in their pocket, it's easy to capture the events of your day and put them online. However, as soon as you point that camera at someone else, the rules change. It's always better to have permission before you shoot. A verbal agreement caught on camera will work in a pinch. It may not seem necessary, but this simple step could keep you from paying big dollars to defend yourself in court after a video goes viral.

Image capture

Image capture (image acquisition) The process of obtaining a digital image from a vision sensor, such as a camera. Usually this entails a hardware interface known as a frame grabber, which captures single frames of video, converts the analogue values to digital, and feeds the result into the computer memory.

Model Release

A model release, known in similar contexts as a liability waiver, is a legal release typically signed by the subject of a photograph granting permission to publish the photograph in one form or another. A child cannot sign a release without the permission of a guardian or parent.

APPENDICES

These are sample forms and you will be asked to sign the official documents when planning your shoot.

Appendices one

RESPONSIBLE PERSON/Liability release/waiver of claim agreement/assumption of risk/indemnity SIGN OFF FORM

By signing this release I acknowledge that in consideration of being allowed to swim in the Aquarium, I personally assume all the risks (foreseen and unforeseen) that may befall me, WHICH MAY INCLUDE DEATH, SICKNESS & SERIOUS INJURY.

I _____ am a responsible person and I am fit to complete the activity I am about to commence.

1. I understand that Galway Atlantaquaria are permitting me use of the Aquarium and as such will not damage or intentionally hurt the animals and myself. (YES / NO)
2. I have checked all items that will be used in this activity and I have ensured they will not impact on the health and structure of the areas of work & me. (YES / NO)
3. I will credit Galway Atlantaquaria in finished work. (YES / NO)
4. I will complete the work in the allotted time and agree to cover staff costs should the work take longer. (YES / NO)
5. I have completed the Galway Atlantaquaria RISK ASSESSMENT form. (YES / NO)

This form has been explained by staff member _____ & agreed by (print name) _____

Signed _____ Date; _____

Appendices two A

Photography & Video Release Form

Release Title _____

I _____ hereby grant permission to the rights of my image, likeness and sound of my voice as recorded on audio or video without payment or any other consideration. I understand that my image may be edited, copied, exhibited, published or distributed and waive the right to inspect or approve the finished product wherein my likeness appears. Additionally, I waive any right to royalties or other compensation arising or related to the use of my image or recording.

By signing this release I understand this permission signifies that photographic or video recordings of me may be electronically displayed via the Internet or in the public educational setting.

There is no time limit on the validity of this release nor is there any geographic limitation on where these materials may be distributed.

By signing this form I acknowledge that I have completely read and fully understand the above release and agree to be bound thereby. I hereby release any and all claims against any person or organization utilizing this material for educational or promotional purposes.

Full Name _____

Street Address _____

City _____

Phone _____

Email Address _____

Signature _____

Date _____

If this release is obtained from a person under the age of 18, then the signature of that presenter's parent or legal guardian is also required.

Parent's Signature _____ Date _____

Appendices two B

RESPONSIBLE PERSON/FILMING IN THE AQUARIUM

This form must be fully signed and printed for the Aquarium to see on day of project, failure to comply will result in denial of access.

By signing this release I acknowledge that in consideration of being allowed to film in the Aquarium, I personally assume all the risks (foreseen and unforeseen, equipment damage, injury etc.) that may befall me. I also understand that the Aquarium can refuse access without explanation.

I _____ am a responsible competent person and I am fit to complete the activity I am about to commence.

Date of Project: _____ Times: _____

Reason and Blurb of Proposed project (Please give us a short sample of your project and what is the outcome)

No more than 200 words

(Print name) _____

Signed: _____ Date: _____

Prior Health and Safety talk with Management or Staff completed by

Signed: _____ Date: _____

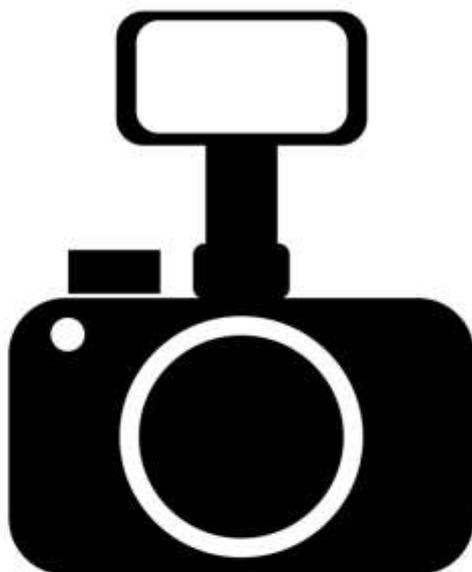
Appendices three

These images will be posted in reception and entrances; this doesn't mean we are filming the visitor.

NOTICE

There is video and recordings happening
in the Aquarium today.

This should not interfere with your visit,
and you will not be recorded.



Appendices four

Describe the activity or days event:		Date: Name: <u>of responsible person</u> Title: _____
It would be a good idea to run through the day or activity and try to imagine the RISKS that could happen. While you cannot be expected to prevent all accidents you should try to prepare for what could happen and take action. Be PROCTIVE rather than REACTIVE!		
Hazard/ risk Please assess the role/ site /area /office for risks and record them in this column.	Controls Identify the controls to be put in place to reduce or minimise the risk and keep the individual or area safe.	Level of risk Is it High, Medium or low risk? Consider eliminating or minimising the highest risks first.