



BAHÁ'Í FAITH

UNITED STATES BAHÁ'Í NATIONAL OFFICES

Office of Communications

Photo Policy for Print and Online Publication

This document provides guidance to the American Bahá'í community on the appropriate use of photography and videography for Bahá'í news, websites, publications and promotional materials, in print or on the Internet, with special notice on the protection of children. These guidelines for the use of news photos are based on the United States Constitution's protection of free speech and a free and independent press, and upon long-established privacy guidelines.

TAKING OF PHOTOGRAPHS

Local, state, national and international laws may exist pertaining to photographing or videotaping. Laws that are present may vary from one jurisdiction to the next, and may be stricter in some places and more lenient in others, so it is important to know the laws present in one's location. Typical laws in the United States are as follows:

Public Property

- It is generally legal to photograph or videotape anything and anyone on any public property, with some exceptions made for certain portions of military installations or other locations that have national security sensitivity.
- Photographing or videotaping a tourist attraction (such as the Bahá'í House of Worship in Wilmette), whether publicly or privately owned, is generally considered legal, unless explicitly prohibited by posted signs.

Private Property

- Photography may be prohibited and/or restricted within an area of property by the property owner. At the same time, a property owner generally cannot restrict the photographing of their property by individuals who are not located within the bounds of the property.
- In order to film on someone else's property, permission must be received from the owner.
- Photographing of private property that is generally open to the public (i.e. retail) is permitted unless explicitly prohibited by posted signs.
- Some jurisdictions have laws regarding filming while in a hospital or health care facility.

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Privacy Issues

- Members of the public have virtually no privacy rights when they are in public places. Basically, anyone can be photographed without consent except when they have secluded themselves in places where they have a reasonable expectation of privacy such as dressing rooms, restrooms, medical facilities, or inside a private residence. This legal standard applies regardless of the age, sex, or other attributes of the individual.
- Photographing private property from within the public domain (from the sidewalk, for example) is legal, with the exception of an area that is generally regarded as private, such as a bedroom, bathroom, or hotel room. In some states, there is no definition of "private," in which case there is a general expectation of privacy. Should the subjects not attempt to conceal their private affairs, their actions immediately become public to a photographer using an average lens or video camera.

PUBLISHING OF PHOTOGRAPHS IN RELIGIOUS PUBLICATIONS

Based on the protection of free speech and a free and independent press, as written in the United States Constitution, religious publications are not required to obtain permission from any individuals who appear in news pictures or stories, unless doing so would violate one of these four conditions:

1. Do not take photos in any location where a person might reasonably expect privacy; likewise do not publish photos that have been taken under this circumstance. (For example, individuals might have a reasonable expectation of privacy while saying prayers at a devotional gathering in a private home. But photos of someone praying at a public gathering held at a community center would be okay.)
2. Do not publish private information such as address, phone number or email address, or any other personal information not required for the story, in a photo or article.
3. Do not publish any photographs that would present the subject in a false light. (For example, taking a photo of a leader in the community next to a Bahá'í banner, which might give an impression that they have a close association with the Bahá'ís, even though they don't.)
4. Do not take photos of people for any commercial purposes (such as advertisements or brochure illustrations – even if the brochure is being given away for free), unless you have their permission to use the photo for that purpose. (See sample photo release form.)

The four rules listed above apply to Web sites as well as print media. Most websites and publications include both design elements and content. The content -- which often includes news -- changes frequently, but the design elements are more permanent. If a photo of any

person is incorporated into the design--for example in conjunction with a banner or logo--you are using that person as a model and you must have a signed release. But news photos that appear with news stories do not require releases.

If the publication or website does not adhere to any of these conditions, written permission (photo release) is required. The photo release should specify that the photo may be used in both print and electronic form, for instance in a community newsletter and public website. Thus, the subject of the photo can specify if they do not wish to have their photo or information used in either format. A standard photo release form is included in this document.

Copyright

The above guidelines assume that the photographer or other owner of the image has granted permission to use the photo itself. If photographer Jones takes a picture of Bahá'ís at a community activity, that image belongs to Jones and is automatically protected by copyright laws. If he submits the photo to the local Assembly with a news story, the Assembly can publish it on a Web site and in print. The photographer may request attribution (for example, "Photo copyright Jones" or "Photo courtesy of Jones"). But if anyone else wishes to use that photo, in print or on a Web site, they must obtain permission from Jones.

Child protection guidelines

For photos of children that will be used for any public purpose (newsletters, websites, publicity, advertising, etc.) it is necessary for parents to sign a photo release form. In instances where participants fill out a registration form, i.e., for a Bahá'í summer school program, it is recommended that a clause be added about photography in the registration or permission form that parents sign, along the lines of:

I, _____, give permission /do not give permission for photographs to be taken of _____ [insert minor's name] during _____ [insert name of Bahá'í activity]. I understand that such photographs may be used in publicity or marketing materials for the Bahá'í Faith, such as in newsletters, brochures, websites, and news media materials.

Signed (parent or guardian) _____

For photos of children used on websites, there should be no personal identification of the individual children, such as their names or residence, in related articles or captions, without permission from parents. If they are wearing name tags, it is best to edit out any visible names.

Sample Photo Release Form

Consent and Release of Photo

I hereby grant the Spiritual Assembly of the Bahá'ís of _____,
(the "Local Spiritual Assembly"), its successors and assigns, the right, without compensation to
use a photograph or photographs of me in any manner and in whatever way the Local Spiritual
Assembly may desire.

I hereby consent that such photographs shall be the property of the Local Spiritual Assembly
and that the Local Spiritual Assembly shall have the right in any manner and in whatever way
the Local Spiritual Assembly may desire, world wide, to duplicate, reproduce, in any form of
publicity or advertising, or otherwise publish and make use of such photographs, including
posting on websites and online social media platforms, free and clear of any claim whatsoever
on my part.

Signature

Date

Print Name