

# THREE TIMES YOU CAN USE PHOTOGRAPHS OF PEOPLE WITHOUT WRITTEN CONSENT

## ONE: When it does not count as personal data

If you are taking photographs of large groups of people where no individual is in focus and you would not be able to identify anyone in the picture even from the context, then this is not personal data. Therefore, GDPR does not apply and you do not need consent.



## TWO: When your legal basis is 'legitimate interests'

If you have deemed that 'legitimate interests' is a more appropriate legal basis than consent, then it should be sufficient to notify people before and during an event that they will be photographed and how to let you know if they object. You must give them access to your Privacy Policy where it explains what your 'legitimate interest' for using photographs is, and how and where they will be used.



## THREE: When you give other methods of consenting

Consent is defined by GDPR as given by 'a statement or by a clear affirmative action'. It does not have to be written. An easy way to do this for photographs is to organise two different coloured lanyards for people to wear at your event. If they choose black, it means they consent. If they choose red, it means they don't consent. Only use photographs with all black lanyards.

