



FAQ's: Consent to Use of Image Forms

As the organizer of a photo session, it is your responsibility to obtain written consent from your subjects using these forms and to keep these consent forms in a safe place where they can be accessed as needed.

1. Why should I use consent forms to collect images or recordings?

The forms are a written agreement between you and the individual you are photographing or 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 relevant laws, including the following:

- The *Freedom of Information and Protection of Privacy Act* contains requirements for the collection, storage, use and disclosure of personal information (including an individual's image). Any image that shows an individual's face or other distinctive features constitutes personal information.
- The *Privacy Act* requires an individual to provide consent for the use of their name or image for advertising or promotional purposes.
- The *Copyright Act* protects creative works, such as performances and paintings. The owner of such works must give permission for the recording of those works.

2. Should I use a consent form for UBC faculty or staff?

You do not need to use a Consent to Use of Image or Recording form to take a photo or video of a UBC employee if their duties require them to be photographed in that context. For example, a senior administrator or department head may have an implied duty to appear in photos or videos on some official occasions. This duty, where it exists, is context-specific. When in doubt, you should seek the consent of the individual before collecting their image.

3. Should I use a consent form to record sessions held using video conferencing technologies?

The organizer of a video conferencing session is entitled to record that session provided that they notify the participants about the recording and give them the opportunity to anonymize

themselves by turning off their camera and sign in using an alias or nickname. It is not necessary to ask the participants to complete a consent form.

An individual who is required to appear in a recorded session, such as a visiting speaker, should be asked to sign a consent form.

4. Do I need to use a consent form to record images of a crowd scene or a public place?

Consent forms are not required to record images of crowd scenes at a presentation, ceremony, performance, sports meet or similar event that is open to the public and is voluntarily attended, as long as no single person is the dominant feature of the image.

5. What do I do when it is not practical to use a consent form?

If you wish to record images in large events where it is impractical to get every attendee to sign a consent form, you should notify attendees before and during the event, as follows:

- **Notification before the event** can be accomplished with an email or a note in the invitation.
- **Notification during the event** can be accomplished with a prominent sign displayed at the entrance to the event.

Here is a sample notification: "This event will be photographed and images will be posted on our website. If you would prefer not to be photographed, please inform the photographer. UBC is authorized to collect these images under section 26 of the British Columbia *Freedom of Information and Protection of Privacy Act*."

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

[Consent to Use of Image or Recording form](#): This is the primary form you should be using for photography or videotaping of unpaid subjects of purposes associated with UBC programs and services. The consent provided by the subject is revocable (even after it is signed), and if the subject asks you to stop using the image, you must comply with that request.

[Consent and Release for Models form](#): Use this form for photography and videotaping where the subject is a paid model or 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.

7. Can I alter the forms?

The forms are legal documents and are not to be altered or customized for your unit or faculty without discussing all changes with the Office of the University Counsel.

8. Where can I get advice about how to fill in the forms?

Refer to the sample Consent to Use of Image or Recording forms:

[Sample 1 \(Open House\)](#)

[Sample 2 \(Visiting Speaker\)](#)

[Sample 3 \(General Promotions\)](#)

Refer also to the sample Consent to Release of Models form:

[Sample 1 \(Newsletter\)](#)

Questions about how to complete the forms may also be referred to the Office of the University Counsel at university.counsel@ubc.ca.

9. Can the forms be completed and signed electronically?

Yes. You can either:

- (a) ask the recipient to print out and sign the form. Then they can send you a scan or an image of the completed form, or
- (b) ask the recipient to complete the form and sign it using an electronic signature application such as DocuSign.

10. Why does a parent have to sign the form if the subject is under the age of 19?

The age of majority in British Columbia is 19 years of age. Except as noted in the next paragraph, minors (i.e. persons under the age of 19) must have their parents or legal guardians sign consent forms on their behalf.

As an exception to the above rule, it is not necessary to ask a regular UBC student who is a minor to get their parent to sign the Consent for Use of Image or Recording form. UBC students are considered to have the maturity to sign this form on their own behalf, even if they are not yet 19 years old. Minors who are not regular UBC students should still have their parents sign the Consent for Use of Image or Recording form. As the Consent and Release of Models form is intended to create a legally binding contract, it should not be signed by minors under any circumstances.

11. Why is the subject required to provide their email address on the form?

Images must only be used or disclosed for the purposes specified in the consent form. If you wish the use an image of the individual for another purpose, you must contact that person and arrange to have further written consent. Therefore, it is important to collect their contact information. If a subject does not have an email address, it is acceptable for them to enter a phone number or other contact address.

12. How long should 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.

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

You should not use an external photographer or company to capture 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.

It is preferable for the external photographer to use UBC's consent forms. If the external photographer insists on using their own form, it must be reviewed by Supply Management to make sure it is consistent with their contract with UBC and with UBC's legal duties.