

Multimedia: privacy and copyright

WHAT'S MULTIMEDIA

Multimedia is a variety of media used for communication purposes.

Kinds of media include graphics, photographs, video, as well as audio and music recordings.

Note: Pre-existing copyright protected works, such as artwork and performances, are also referenced herein.

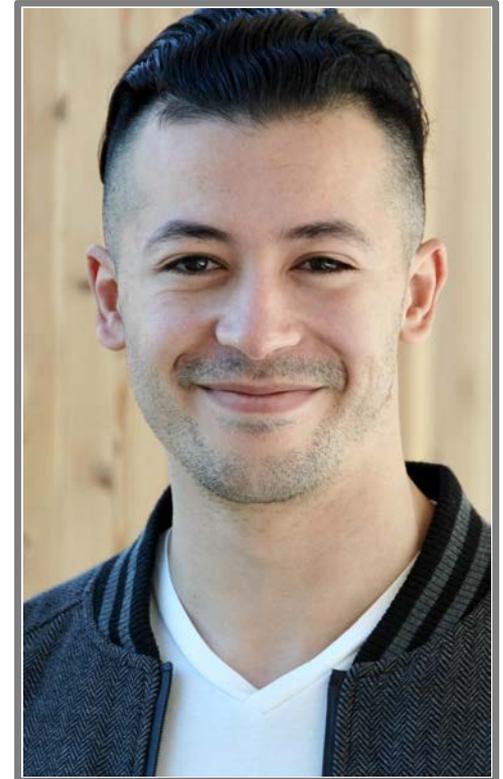
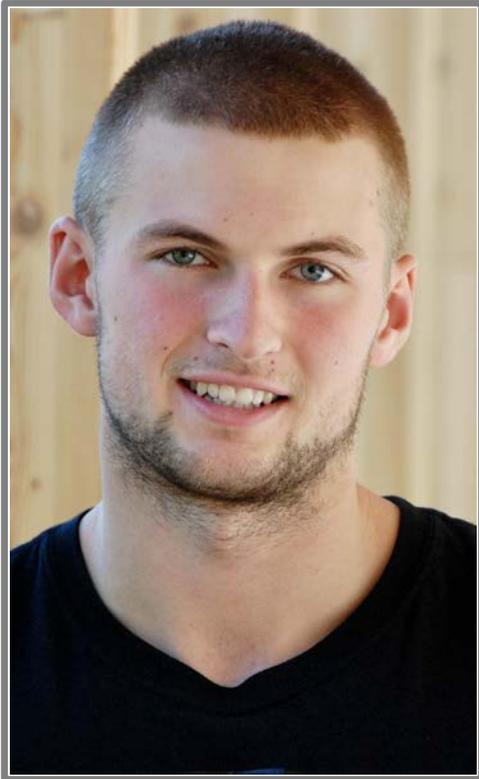
BIG QUESTION



When is it acceptable to capture and publish images and other works?

100% confident you know?

Scenario – Is it acceptable to capture and publish images of these students who posed for portraits?



Photographs by SFU Student Services, Communications (GR)

Answer – Can't know just by looking at them. Must know details (5Ws + how) or permission status.

How you capture and store images is important to you, your colleagues, and the next person in your job.

GET CONFIDENT

Check out new website: www.sfu.ca/students/photo-video-permissions

SFU SIMON FRASER UNIVERSITY
ENGAGING THE WORLD
STUDENT SERVICES
Photo and Video Permissions

A-Z DIRECTORY SIGN IN [This site](#) [SFU.ca](#)

Photos and Videos: what do I need to know?

We all know how to take photos and videos, but do we understand the multimedia copyright and privacy rules so we know when we can legally capture and publish those images?

Multimedia copyright and privacy

Everyone in the campus community may use this site to quickly assess when permission/consent is required to capture and publish images taken on campus of:

1. identifiable individuals, and
2. pre-existing works, such as art.

Real campus scenarios show you how to apply precautions, required by freedom of information and protection of privacy acts as well as copyright acts.

What is multimedia?

Multimedia is a variety of media used for communication purposes (graphics, photographs, video, audio and music recordings, etc.)



When is it acceptable to capture and publish images?

Requesting consent: images

- Images at campus indoor events
- Images at campus outdoor events
- Images at campus public spaces
- Images taken outdoors by drones
- Images of campus indoor objects
- Images of campus outdoor objects
- Images taken at athletic events
- Images of athletes
- Images for news or journalism

Requesting consent: music

- Music: published works
- Music: your original work
- Music: athletic events
- Music: royalty free

Student Society events

- SFSS events

Copyright in classroom

- Audio and video in classroom

Website design

www.sfu.ca/students/photo-video-permissions

Site layout ►

Organized by activity

Designed for people responsible for supervising, organizing, or taking images on SFU campuses.

Landing page ►

Quick reference section of best practices for capturing and publishing images of people and pre-existing works, and **quick links to look up permission requirements.**

Content format ►

- Consent/permission requirement
- Reason
- Kinds of consent
- Options to publish
- References and forms (sources)

REASSURANCE

Professional staff available to us:

Alexandra Wieland

SFU Information and Privacy Officer

awieland@sfu.ca, privacy@sfu.ca

Donald Taylor

SFU University Copyright Officer

dstaylor@sfu.ca, copy@sfu.ca

PRIVACY

FOIPOP/FIPPA – Applies to images of identifiable people too.

- 1) Collection
- 2) Accuracy
- 3) Correction
- 4) Protection and storage
- 5) Use
- 6) Disclosure
- 7) Retention and disposal

Bottom line: “The University, its employees, service providers and volunteers share a legal obligation to protect personal information in the custody or under the control of SFU. All must comply with the Act’s privacy rules and regulations whenever third party personal information is entrusted to the University’s care.” (Source: www.sfu.ca/archives/foipop)

COPYRIGHT

Acts and policies - Apply to protected work(s) of creators, artists, writers, as well as the owners of protected works.

- Canada's Copyright Act
- SFU's copyright policy
- SFU's FAQ

Bottom line: "Copyright protection exists as soon as a work is created *in a fixed form*. A fact or idea is not subject to copyright protection, but the *expression* of the fact or idea is protected." [Source: www.sfu.ca/help/academic-integrity/copyright]

CONFIDENCE BUILDER

Apply 5Ws+how Framework Check

Answer the following to determine if permission is required:

- WHO** – Identifiable person in image, or not?
- WHAT** – Original work, or not? (e.g., image, music)
- WHERE** – Private or public location? (e.g., Is there a reasonable expectation of privacy?)
- WHEN** – Age of subject? (e.g., child vs adult)
- WHY** – Purpose? (e.g., private or public event)
- HOW** – Distribution? (e.g., publishing in any manner like print or electronic (3rd party), storage on device.)

Original works? Unsure?



SFU 50th anniversary – Student Services picnic, 2015
Bocci Bravehearts (L-R): Brittany, Connie, Harpreet, Katarina

Identifiable? Unsure?



When in doubt...

Refer to website

www.sfu.ca/students/photo-video-permissions

The screenshot shows the SFU Student Services website page for Photo and Video Permissions. The page is titled "Photos and Videos: what do I need to know?" and provides information on multimedia copyright and privacy. It includes sections for "Multimedia copyright and privacy", "What is multimedia?", and "When is it acceptable to capture and publish images?". There are also lists of items for which consent is required, such as images and music, and information about Student Society events and copyright in the classroom. The page features icons for a camera, a drone, and a video camera.

SFU SIMON FRASER UNIVERSITY
EMBRACING THE WORLD
STUDENT SERVICES
Photo and Video Permissions

A-Z DIRECTORY SIGN IN This site SFU.ca

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- SFSS events

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- Audio and video in classroom

TYPES OF CONSENT

Ways to seek permission

- Model release form
- Email notification (organizer)
- Photography signage
- Announcement at event
- On-camera consent
- Written permission/confirmation

CONSENT & WORKAROUNDS

The following **examples** show how to:

- a) apply the **5Ws+How framework** to understand when it's necessary **to get consent** before capturing and publishing images, and
- b) **work around a problem** to move forward with your project if you do not have the necessary consent.

Images at campus indoor events

Employees

Students 19 plus

Student-athletes

Minors K-12

Students under 19



⚠ CONSENT IS REQUIRED

Example

Indoor
private
event

WHO
WHAT
WHERE
WHEN
WHY
HOW



Workaround – Release form



SIMON FRASER UNIVERSITY
ENGAGING THE WORLD

EVENT:

SFU Student Services

Dept: _____

Contact Name: _____

Contact Email: _____

CONSENT TO USE PERSONAL INFORMATION AND LIKENESS

Pursuant to Section 32(b) of the Freedom of Information and Protection of Privacy Act

(RSBC 1996, c. 165) I, (print name) _____

give my consent to Simon Fraser University ("SFU") to use my personal information, including photographs, video recordings and sound recordings of me under the terms and conditions noted below.

1. The personal information to be used is as follows:

My name and likeness in the form of photographs, videos and sound recordings.

2. The personal information may be used by the following SFU employees:

SFU employees tasked with creating illustration, promotion, art, exhibition, editorial, advertising, broadcast, trade, or any other work related to SFU's activities.

3. The personal information and likeness is used only for the following purpose(s):

Illustration, promotion, art, exhibition, editorial, advertising, broadcast, trade, and other purposes related to publicizing SFU's activities, programs, presentations, ceremonies, performances, sports meets and similar events.

Images at campus indoor events

Employees

Students 19 plus

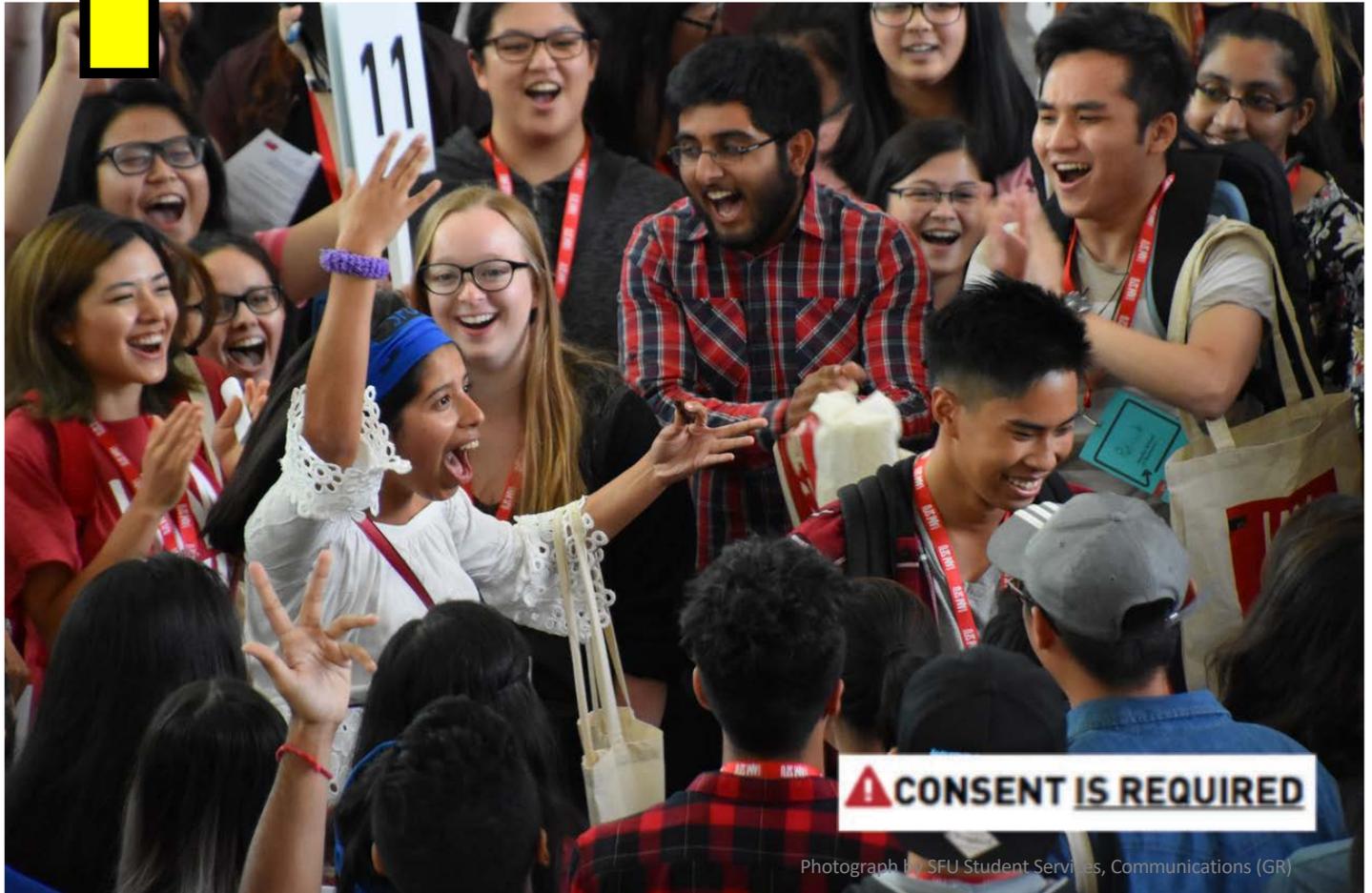
Student-athletes

Minors K-12

Students under 19

Example

WHO
WHAT
WHERE
WHEN
WHY
HOW



Photograph by SFU Student Services, Communications (GR)

Workaround – clear signage



Images of athletes

— **CONSENT MAY BE REQUIRED: IT DEPENDS**

Employees

Students 19 plus

Student-athletes

Minors K-12

Students under 19



SFU's student-athlete consent form states that the **SFU Athletic Department has permission to use and release photographs of its athletes**. With exemption of media, all other SFU departments should seek permission from SFU Athletics, or directly from the athletes, to obtain consent for images of athletes to be captured and included in all other projects, just as with any other individual.

Workaround – Athletes

This poster showcases student athletes trained as peer learning coaches by the Student Learning Commons, and were undertaking a recognized co-curricular activity.

Apart from their student-athlete waiver form, each student-athlete who participated in the photography session for this poster signed a **model release form**.

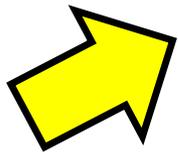


To connect with
a Learning Coach
please contact:



Kelly Traynor
Academics First

Lorne Davies Centre 223
Email: acalan@sfu.ca
Tel: 778-782-2378



Example

Basketball



Elisa Homer
Business Major

Football



Jaryn Bailey
Business Major



Soccer



Olivia Aguiar
Kinesiology Major



Ryan Dhillon
Business Major



Sophie D'Souza
Criminology Major

Softball



Katherine Murnaghan
Biomedical Physiology Major



Victoria Saunders
*Psychology Major
Kinesiology Minor*



Swimming and Diving

Track and Field



Peter Behncke
Business Major



Chantel Desch
Education Major



Daniel Kelloway
Earth Sciences Major

Volleyball



Christine Howlett
Business Major



Madison Power
Health Science Major

Wrestling



Images at campus indoor events

Employees

Students 19 plus

Student-athletes

Minors K-12

Students under 19

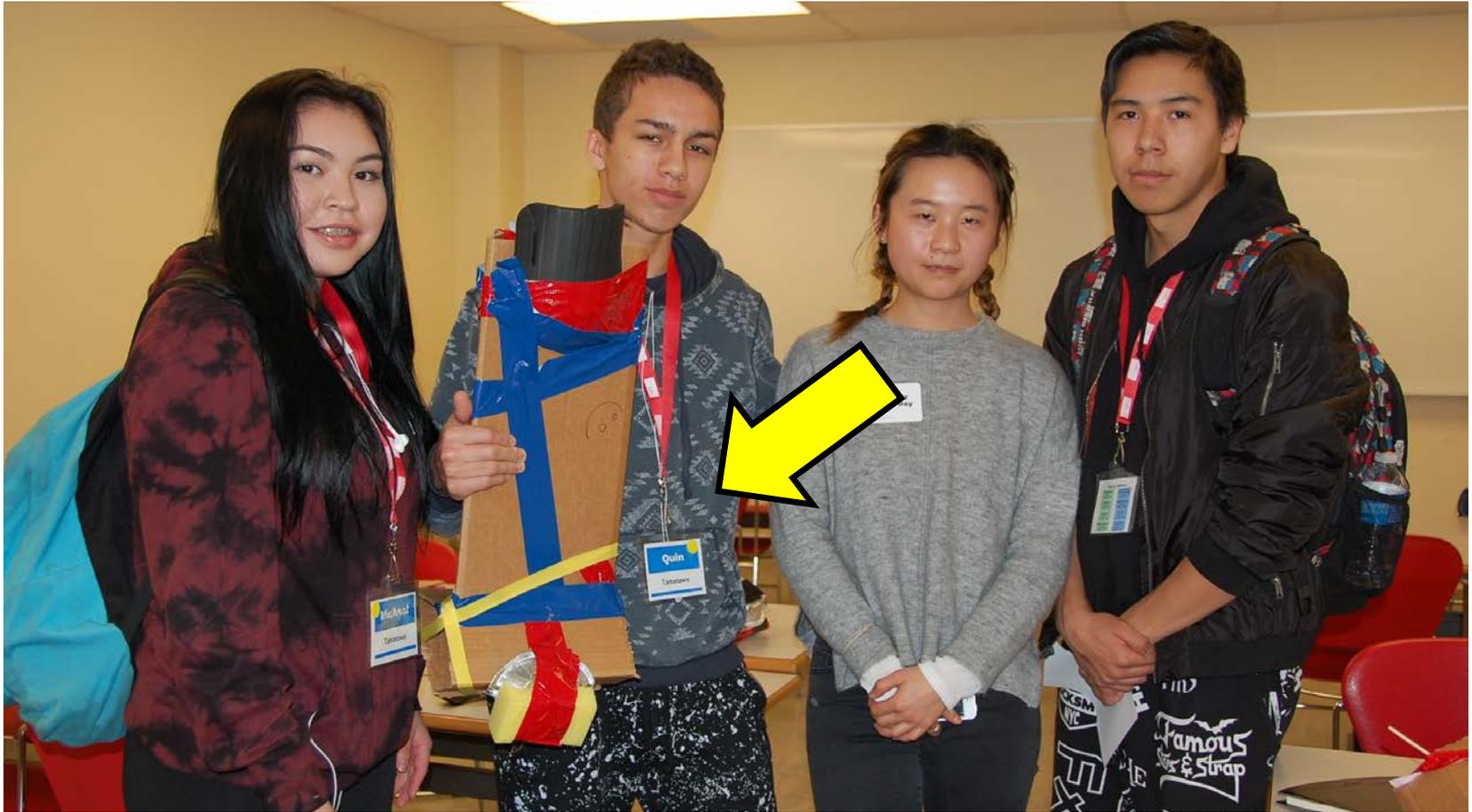
Example

WHO
WHAT
WHERE
WHEN
WHY
HOW



Workaround – Lanyard or sticker

Use coloured lanyards, stickers or badges to indicate that a parent's consent has already been obtained.



Images at campus indoor events

Employees

Students 19 plus

Student-athletes

Minors K-12

Students under 19

Example

WHO
WHAT
WHERE
WHEN
WHY
HOW



⚠️ CONSENT IS REQUIRED (BUT PARENTAL CONSENT MAY NOT BE REQUIRED)



Photograph by SFU Student Services, Communications (GR)



See website for further explanation.

Workaround – crop image



⚠️ CONSENT IS REQUIRED

Another indoor example



2017 Photograph by SFU Student Services, Communications (GR)

Identifiable faces in front row.

Workaround – Blur faces or step back



Blake Fly, SFU Orientation 2016

2016 Photograph by SFU Creative Studio

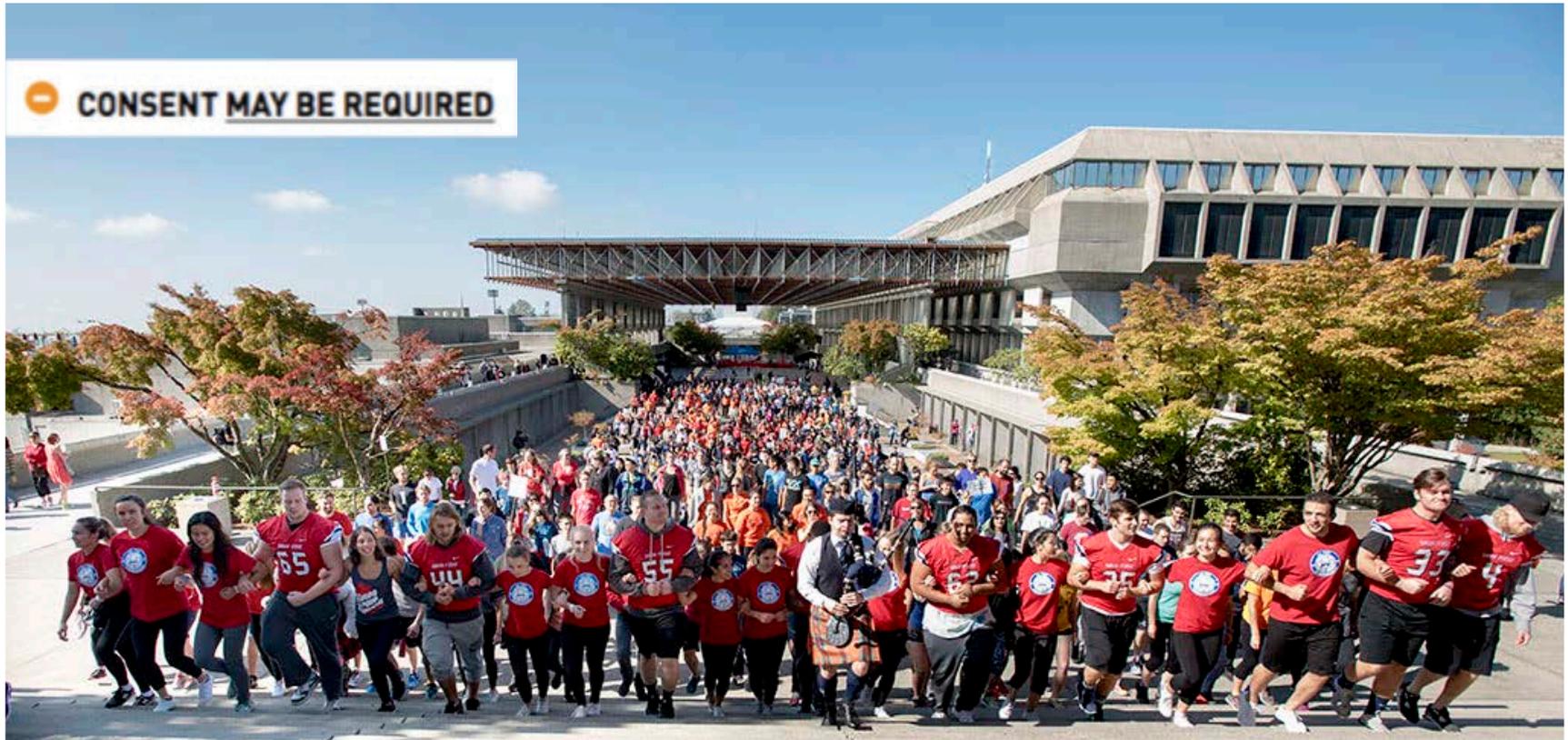
Images at campus outdoor events (not using drones)

All university members

All minors

The public

Example - consider 5Ws



SFU Terry Fox Walk/Run. Photograph by SFU Creative Studio

Best practice - Assume university property is private property, even though the public may access grounds, walkways, hallways, etc., and then post/notify when you are capturing images for a work-related project.

Images taken at athletic events

Attendees

🚫 **CONSENT MAY BE REQUIRED: IT DEPENDS**



Photograph by SFU Student Services, Communications (GR)

Indoor/outdoor examples - consider 5Ws

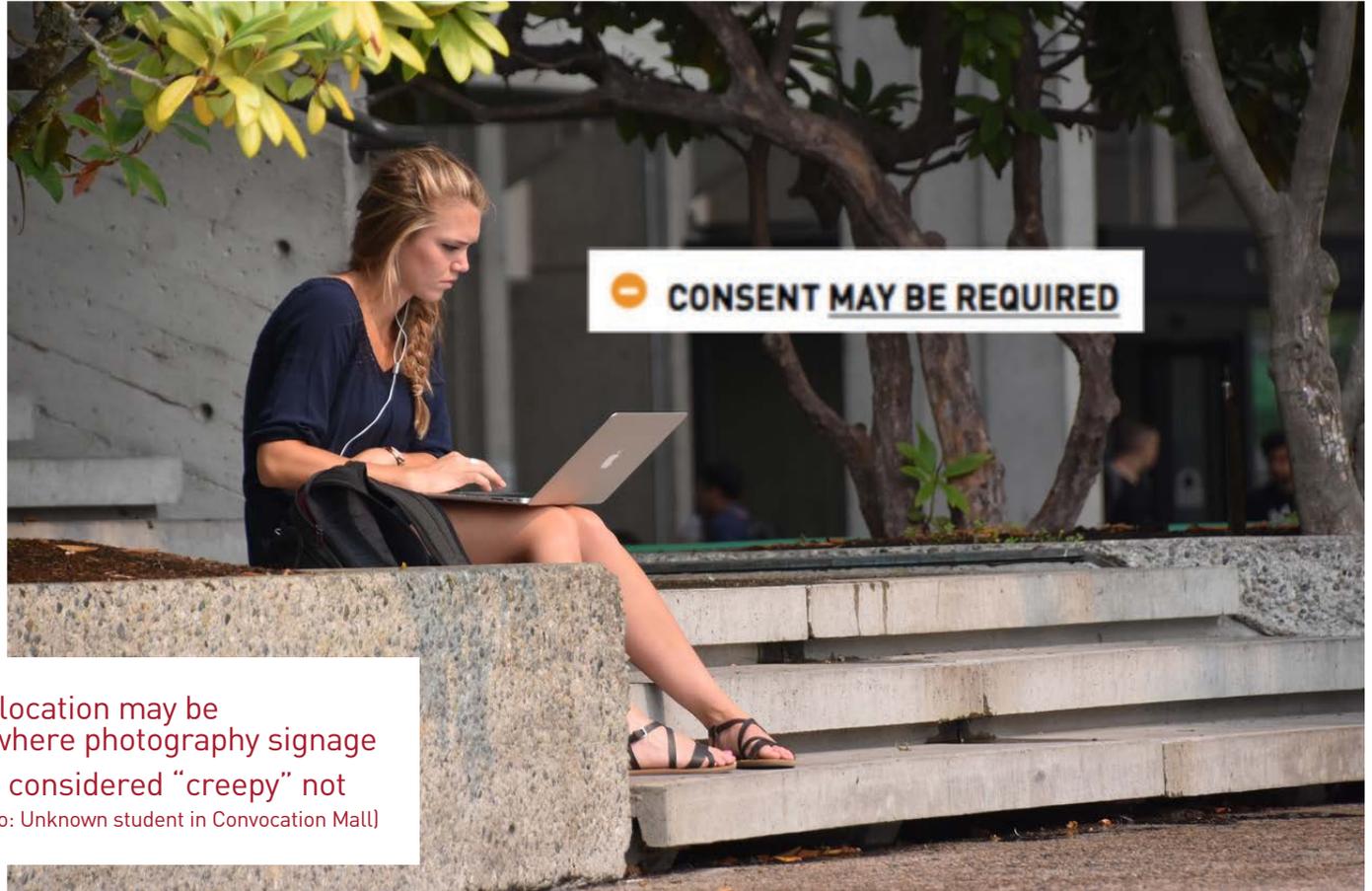
Public spaces

All university members

All minors

The public

WHO
WHAT
WHERE
WHEN
WHY
HOW



Example – Even though a location may be considered public space, where photography signage is not required, it could be considered “creepy” not to ask for permission. (Photo: Unknown student in Convocation Mall)

Images taken outdoors by drones

Capturing aerial footage — with or without people

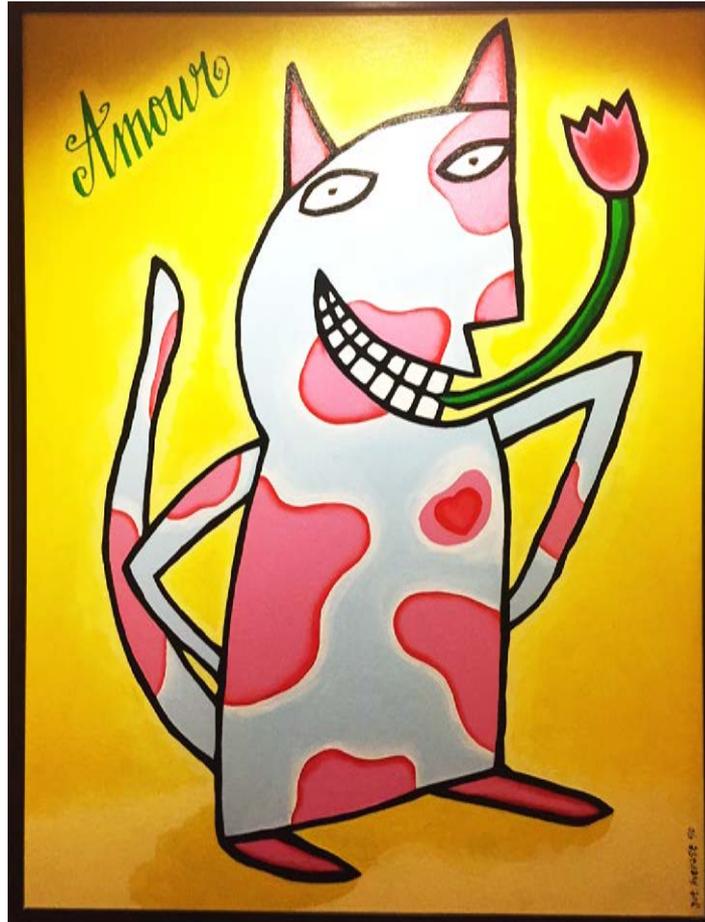


Drones are **not normally permitted** on campus. Consult University Communications.

Photograph by SFU Student Services, Communications (GR)

Images of campus indoor objects

Art (paintings, photographs, sculptures, other artwork) that is on display.



Painting: Entitled "Amour",
Artist: Joe Average
Location: Student Services
Boardroom, MBC 3107.

⚠ CONSENT IS REQUIRED IF OBJECTS ARE LOCATED IN PRIVATE SPACE (E.G., STRAND HALL, SFU ART GALLERY)

Workaround – Indoor objects



Photograph by SFU Student Services, Communications (GR)

Consent is **not required** if artwork is incidental to the main subject of the image or permanently fixed in a public space.

Images of campus outdoor objects

Building architecture, permanently installed sculpture, and other works of artistic craftsmanship on display in public space

 **CONSENT IS NOT REQUIRED**



Photograph by SFU Student Services, Communications (GR)



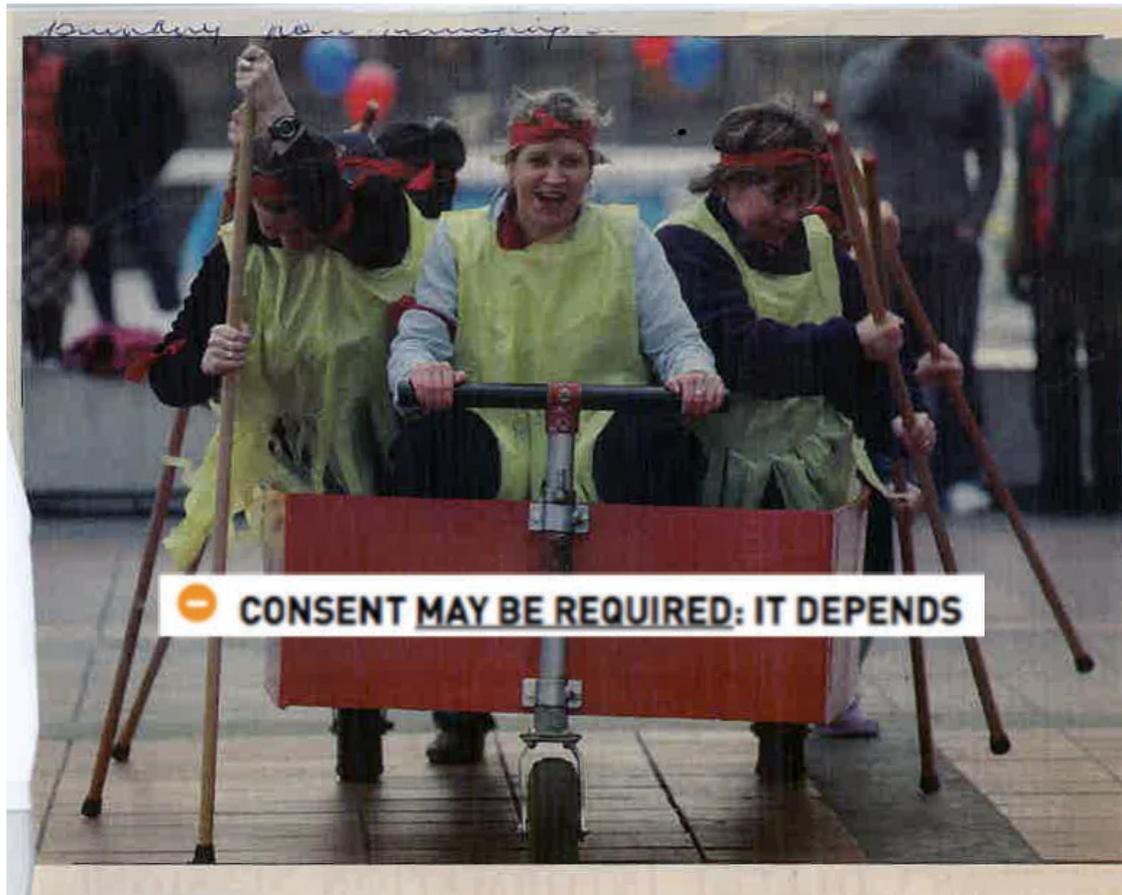
Photograph by SFU Student Services, Communications (FF)

Images for news or journalism

All (students, staff, faculty, public)

News-worthy content may not be reused for any other purpose. (e.g., non-news related promotion, or marketing and sales).

Photograph by Burnaby Now Newspaper, Gung Haggis Fat Choy event, SFU Convocation Mall



Music: published works

Adding published music (copyright protected) to videos/slideshows, etc.

CONSENT IS REQUIRED

Reason

All original and published music is copyright protected. It is illegal to use an original song, or any other creative work in its "fixed form." [\[http://www.lib.sfu.ca/help/academic-integrity/copyright/protect\]](http://www.lib.sfu.ca/help/academic-integrity/copyright/protect)

Kinds of consent

Obtain permission and pay a licensing fee that is legal and binding.

Music: royalty free

⚠ CONSENT IS REQUIRED

Adding royalty-free music to videos/ slideshows, etc.

A budget is required to pay for ongoing music licensing fees if music is needed.



Promotional video of Vancouver prepared for CACUSS Conference by SFU Student Services, Communications (GR).
Images and clips courtesy of Tourism Vancouver. Music by freeplay.com

Music: royalty free

Adding royalty-free music to videos/ slideshows, etc.

Embed credits at end of video and in YouTube/Vimeo description box.

⚠ CONSENT IS REQUIRED

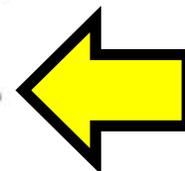
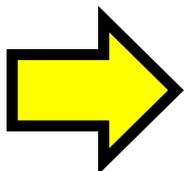
collaborative
conversations

casfaa
june 2016

join us



Images courtesy of Tourism Vancouver • University of British Columbia • Museum of Anthropology • Grouse Mountain
Music provided by freeplay.com



Give credit where credit is due, even if it's in tiny letters.

Music: athletic events

Playing / capturing published music (copyright protected) at athletic games and events.



Cameras rolling at an athletic event, or other event where copyright protected music is playing, should not capture or record music.

Music: your original work

Adding your original music to videos/ slideshows, etc.

— CONSENT ISSUES

If you **create an original piece of music you are protected by Canada's copyright act.**

The copyright symbol © is not required, but can be a good idea to include as it is a reminder to others to not copy your original work.

Consent and Release of Your Original Work Form

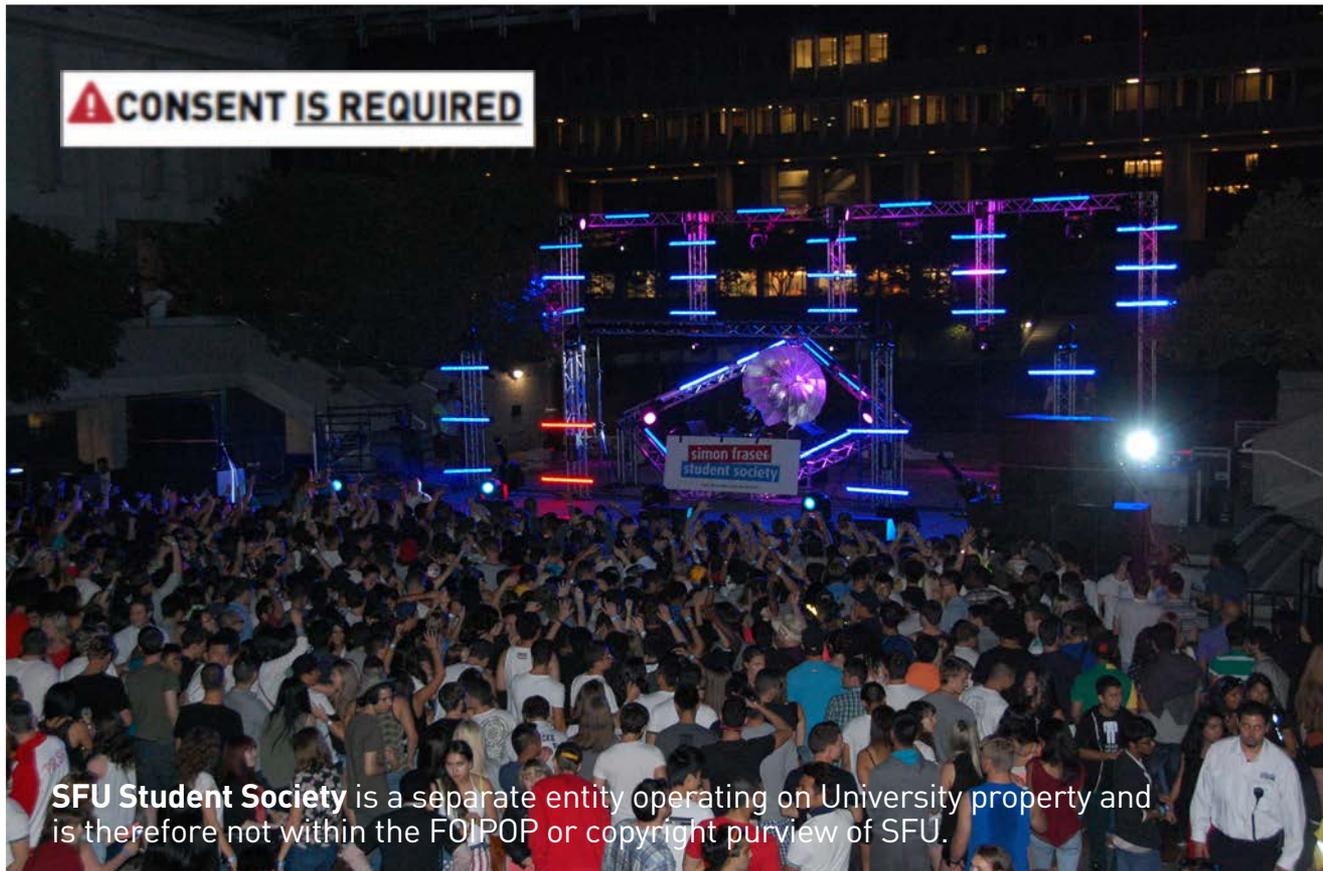
<http://www.lib.sfu.ca/system/files/26749/Use-of-existing-photograph.pdf>



Gayle Brawn – Karaoke Canada Day, Student Services

Student society (SFSS) events

Capturing events not organized by SFU employees



SFU Student Society is a separate entity operating on University property and is therefore not within the FOI/POP or copyright purview of SFU.

CONFIDENCE CHECK

When is it acceptable to capture and publish images/works?

Walk through the 5Ws+How, and you'll have your answer!

WHY	Purpose? Repurposing? (e.g., type of event, or different purpose than originally captured)
WHO	Identifiable student, employee?
WHAT	Original/Pre-existing? (e.g., image, artwork, music)
WHERE	Private/public property? (e.g. expectation of privacy)
WHEN	Age of subject? Archived photo(s)?
HOW	Distribution/ safeguarding/ personal device / 3rd party sharing?

NOW YOU KNOW

- Find answers to your questions on the website about multimedia copyright and privacy.
- Use the 5W+H framework in a pinch to determine when it's okay to capture and publish an image or pre-existing work.
- Obtain permission on a model release form, or by another method, if an image is to be used for a purpose other than it was originally captured and published with permission.

Remember, always keep individuals' rights ahead of your own needs.

www.sfu.ca/students/photo-video-permissions