

Many of us like to check out photos from concerts, conferences or sport events on gallery portals and social networks to have a look at guests of those events. However, after 25 May, when General Data Protection Regulation (GDPR) comes into force, the situation will no longer be the same.

Unless the poster receives permission from the person depicted on photos to be posted, it will not be allowed to publish them on different resources.

This is not expected to apply to publication of photos for journalistic needs.

«No, GDPR does not mean people will not be allowed to take photos and publish them. Because the regulation's goal is protecting people's privacy, organizers of different events will have to take into account several conditions, including the context of events and permission from participating people for the publication of photos,» says attorney Ieva Andersone from Sorainen law firm.

GDPR will affect all companies – creative, media and communication industry are no exception. Sorainen law firm's attorney Ieva Andersone and Squalio IT company productivity solutions specialist Kristaps Sedols explain the factors organizers of public events will have to take into account:

-First of all, images to be made publicly accessible must not allow viewers to identify specific people. For example, panorama views, group photos, pictures of event locations, arms holding cups, etc.;

-Secondly, photos depicting event managers, moderators, lecturers, musicians are allowed to be published if those people provided permission for that. People associated with organization of concerts or their broadcasting know very well that world-famous musicians do not permit photos to be taken of the entire event. They often establish specific rules in accordance with which people are allowed to take photos. GDPR requirements are similar. The only difference is that they apply all visitors, explains Andersone;

-Thirdly, it is allowed to publish photos if people depicted on them have given their permission;

-Lastly, requirements for the use of photos for journalistic needs, if it is done with intention of publishing information in the interest of society, remain unchanged. This exception is provided by the Personal Data Protection Law, which specifies GDPR rules in Latvia. Other exceptions are planned for data processing for academic, artistic or literary needs.

«I believe the largest challenge for public event organizers will be the creation of a comprehensive and convenient system that would allow, first of all, getting permission from visitors on taking photos and using them later. Secondly, the system should provide people with the right to express their unwillingness to have their picture taken,» says Andersone. The media have to consider carefully if publication of images does serve public interests and is beneficial to journalism.

Because of that, information materials for different events, such as tickets and membership cards, will have to state if photos are allowed to be taken there and if those photos are allowed to be published in social networks or other public resources. To avoid situations when a person is 'forced to agree' getting their photo taken, it is necessary to divide those situations from ones in which it is necessary to have your photo taken to even attend an event.

«For example, if you go to a club, unless you are of a certain age, another reason why you may be denied entry if you refuse to give permission to have your photo taken there. It is important for club owners to inform you about possible photo ops during events. Nevertheless, you still have the right to ask that your photo is not taken or ask that your photo is not published on any public portals,» says the expert.

Because media representatives often cover public events, the requirement to find balance between private data processing principles and freedom of speech also applies here. For example, a major challenge may be deciding if taking photos of popular people in secret and publishing those photos somehow serves public interests. «It would be best for media to perform an internal audit of documents, IT systems and procedures before 25 May to come up with a way to continue working and adding any possible changes to existing operations,» says Andersone.

Any organization that plans to or regularly organizes public events should develop internal guidelines to ensure compliance with GDPR requirements. This will provide employees with information as to how they should act in situations and when they should ask permission from people. Sorainen and Squalio have developed GDPR Ready product to help prepare companies for GDPR based on their activities.

It is highly important to define the data necessary to be collected from visitors to ensure successful realization of organized events. This information may include name, surname, e-mail (for communication). It is no less important to identify the employees that require access to this information (accountant, organizer, etc.), as well as secure safe data storage after the event. Finally it is also necessary to correctly maintain this database to ensure third parties cannot access information.

As for what private persons have to know, Sorainen representatives say: «If after 25 May you notice your face on a photo published in a photo gallery associated with an event you had attended (does not apply to events organized by friends), and you weren't informed o

f the photo op and did not give your permission to have your photo taken, you have all the rights to contact the organizer of the event and request that photo to be taken down.»  
BNN

<http://bnn-news.com/life-after-25-may-is-this-the-end-for-free-publication-of-photo-galleries-from-events-182320>