

Sample Photo Permission Release¹

¹Please note, none of the information included in this guide should be understood as binding legal advice. The information privacy laws vary by state/province. However, there are a few general principles applicable to most jurisdictions. Generally, a photo release form is NOT required if the purpose of the photo is for non-commercial activities. For example, a photo published on a council's website capturing attendees at the council's annual picnic usually does not require a photo release from the subjects, even if the subjects are minors.

Below is a chart that councils or assemblies can refer to in determining if a photo release is necessary.

Do I need a Photo Release?

| No. | Topic | Activity |
|-----|--|--|
| 1 | Who is the subject? | Determine who the individual is in the photograph or video. |
| 2 | Is the subject a member? | Determine whether the individual is or had been a member of the local council. |
| 3 | Where will the photo be used? | Determine the reason for the rights clearance (e.g., video, photograph, website, Facebook page, printed brochure). |
| 4 | What purposes will the material serve? (e.g. Purpose of usage? Social, Fraternal, Educational or Informational?) | Determine whether the material is being used for social, educational or informational purposes. If for social or fraternal purposes, no written permission is usually required. |
| 5 | Will the material be used for commercial purposes? | Determine if the use is for commercial purposes such as promotion of (i) membership in Local Council, (ii) fundraiser, or (iii) sale of insurance. If there is a commercial purpose, a Permission Form should be signed by the individuals in the photograph or video. |

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