

## Public Affairs Case Study 6

**WHAT YOU NEED TO KNOW ABOUT PHOTO RELEASES****What is a photo release?**

A photo release is signed by the individuals in a given photograph, allowing that photo to be used for purposes outlined in the release form. If the individuals in the photo are under the age of 18, it is usually necessary that a parent or guardian sign the form granting permission for use of the photo. The wording in such a release varies according to the intended uses of the photo. (See a sample release on the next page. Its language has been approved by CAP's general counsel.)

**Consider the following scenarios:**

- ◆ *You're at a cadet encampment, busily snapping photos of the teenagers, scrupulously recording their names and ranks for the photo cutlines, and trying to figure out the best way to showcase the excitement of the event. The photos turn out to be terrific. The lighting is perfect and the composition looks downright professional. You decide to use a few of the best shots on your wing Web site.*

***Do you need a photo release from the cadets in those pictures? Should their parents sign a release as well?***

- ◆ *Two months ago you took some great photos of senior members during a SAR exercise. You sent them in to National Headquarters for Civil Air Patrol News. Not only did one of them appear in CAP News, but now Headquarters has come out with a brochure that features your photo on the front page.*

***Should you have gotten a photo release from all the members in that photograph before you sent it off to National Headquarters? Should Headquarters have gotten a photo release before including it in its brochure?***

**In most cases, CAP photographers need not obtain photo releases.**

The necessity for photo releases is tied to American privacy laws. According to CAP general counsel Stan Leibowitz, privacy law is a state-by-state issue, and with photography, revolves around whether or not images are used for commercial purposes or are altered in some way.

Because CAP is particularly careful to protect its cadets, PAOs always have special concerns about releasing their photos for publication.

Attorney David Donaldson Jr. told the Texas Press Association, "The key to understanding the guidelines for shooting and publishing photos of minors is that minors are not adults and cannot consent to being photographed or having their photographs published where such photos would invade privacy or involve improper commercialization.

"So, if any of the plans to photograph or publish photographs of minors would violate privacy or publicity laws, and the parents or responsible guardians have not consented, then you have a problem. But if the photo you have in mind to use does

not violate the minor's rights, then you don't need consent. **For example, when a minor is in a public place and the photo is not used for commercial purposes, then typically no consent is required.**"

This is why CAP regulations do not require photo releases, either for senior members or cadets. The prevailing policy is that members participate in CAP activities of their own volition, in public settings, and any photos taken of them are intended only to promote the organization and its opportunities for volunteerism -- not for profit.

This holds true for school settings as well, if you're photographing CAP members (aerospace education teacher members, for example) with their students, or CAP members speaking to a classroom. As a courtesy, if you're on school property, you should first ask the principal for permission to take photos. Once you have the principal's OK, you need not get separate photo releases from every child who appears in your photos.

Of course, some activities (like col-

lection of debris after the crash of space shuttle Columbia) may have photo restrictions imposed from an outside source for security reasons, but that is a different issue. Certainly, if you're not sure it's all right to take or publish photos because of security issues, you should check with the appropriate authorities first.

Is there ever a time when you should ask for a photo release? Generally speaking, if any subjects in the photos, or their parents, express concern about how you plan to use the photos, you can ask them to sign a release just to clarify the intended use and ease their minds.

Or, if you plan to significantly change the photo in some way -- adding special effects with a photo manipulation program, for example -- you might get a release just to be on the safe side.

For a CAP photographer, in the vast majority of cases, photo releases are unnecessary. You may want to keep a few release forms in your camera case, should you ever need one. On the following page is a sample photo release form you can use.



# CIVIL AIR PATROL

## OFFICIAL PHOTO RELEASE

The undersigned agrees to give Civil Air Patrol permission to use his/her photograph for the purpose of publicizing CAP and its activities. The photo may be used in general CAP promotions, which could include any of CAP's official Web sites, brochures, magazines, video productions, television programs, newspaper articles or newsletters. CAP also may use this photo in publications to support fundraising for the organization, but only in compliance with the fundraising guidelines that govern CAP as a 501(c)(3) nonprofit organization.

The undersigned agrees that the photo may be used by other organizations who agree to publish information that will promote CAP among their constituents.

The undersigned agrees that the photo may or may not include an identifying caption when it is used.

The undersigned agrees that the photo may be used for these purposes at the squadron, wing, region and national levels and that the photo becomes the property of Civil Air Patrol.

The undersigned agrees that he/she need not supply further consent or approval for any future use of the photo and waives any payment for the photo, now and in the future.

The undersigned agrees that the photography session was conducted in a completely proper and professional manner, and this release was willingly signed.

\_\_\_\_\_  
Signature of individual photographed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of individual photographed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent (if individual is under 18 years of age)

\_\_\_\_\_  
Date