

Festival Photography

Legal Guide for UK Photographers

Covering image capture, publication, and public contributions

Prepared for Bollington Photographic Group Members | May 2026

⚠ Important Notice

This guide is prepared to help members understand the general legal landscape in the United Kingdom as it stands in 2026. It is for information and guidance only and does not constitute legal advice. If you are in doubt about a specific situation, seek independent legal counsel. Laws and guidance can change; always check for updates.

1. Introduction

Our photographic group has proudly documented this community arts and entertainment festival for many years. We are embedded in the fabric of the event, and the images we capture serve as a lasting public record of something that matters to people of all ages.

However, the legal and social climate around photography - particularly around image publication, consent, data protection, and the rights of individuals - has evolved considerably. This guide aims to give every member a clear, practical understanding of where we stand legally in the UK, what we must do, and what we should avoid.

We also invite members of the public to share their images through our website. The second half of this guide addresses what we need to do to manage that process responsibly.

2. The Legal Framework: What Governs Us?

Several areas of UK law apply to our activities. It helps to understand each one briefly before getting into practical guidance.

2.1 The Right to Photograph in Public

In the UK, there is no general law that prevents you from photographing people or places in a public space. If you are standing in a public area and something is visible to the naked eye, you are generally free to photograph it. This is a long-established principle and has not changed. **The festival takes place in public or publicly accessible spaces, which means our members are on solid ground simply in pressing the shutter.**

Key Principle

There is no right to privacy in a public place in the sense that prevents photography. Being in public means accepting that you may be photographed. This has been consistently supported by UK courts.

However — and this is important — the right to take a photograph does not automatically extend to an unlimited right to publish, distribute, or use it commercially. These are separate questions governed by different rules.

2.2 Data Protection and UK GDPR

The UK General Data Protection Regulation (UK GDPR), brought into domestic law through the Data Protection Act 2018, is the most significant change in the legal climate for photographers in recent years. It applies when you capture and publish images of identifiable individuals.

A photograph of a person is personal data if that person can be identified from it. Publishing such a photograph online counts as 'processing' personal data under UK GDPR.

For most journalistic, artistic, or community documentation purposes — which is what we do — there are legitimate grounds to publish under UK GDPR. These include:

- **Legitimate interests: Our group has a legitimate interest in documenting a public community event for the benefit of that community.** Publishing images of participants and audiences in a proportionate, appropriate manner is likely to fall under this basis.
- **Public interest / journalism and arts:** UK GDPR contains specific exemptions for journalistic, academic, artistic, and literary purposes. Photography of public events for community record-keeping sits comfortably in this space.

What This Means in Practice

You do not need to obtain written consent from every person you photograph at a public festival. However, you must still treat people's data fairly, not use images in a way that would embarrass or demean subjects, and respond promptly if someone objects to an image of themselves being published.

2.3 Children and Vulnerable People

This is where we must be especially careful. Children attract specific additional protections, and the climate has shifted very significantly here.

You are not prohibited from photographing children at a public event. Press photographers do it every day. However:

- **Images of identifiable children in sensitive or potentially compromising positions should not be published without parental consent.**
- Our website **must not feature close, identifiable images of individual children** without parental or guardian consent.
- Group shots and wide crowd scenes where children are incidental (not the subject) carry far less risk.
- **Never publish an image that identifies a child alongside any text that could also identify them (full name, school, address).**
- If a parent or guardian asks us to remove an image of their child, we must do so promptly. There is no argument to be had here.

⚠ Children — Our Highest Priority

No identifiable photograph of a child should appear on our website as a 'primary subject' without explicit parental or guardian consent. If in doubt, do not publish. This protects children and protects our group from significant legal and reputational risk.

2.4 Copyright

The photographer holds copyright in any photograph they take, from the moment of creation. You do not need to register anything in the UK.

This means:

- Members retain copyright in their own images.
- **By uploading to our group site, members grant the group a licence to display those images** — but you should make this explicit in your membership terms.
- The group should not sell or commercially license a member's image without their permission.
- For publicly submitted images (see Section 5), the submission form must address copyright — see below.

2.5 Performers, Ticketed Venues, and Staged Events

Some festival events are ticketed and staged — concerts, performances, competitions. This creates an additional layer of consideration.

Purchasing a ticket creates a contract between you and the event organiser. Many event tickets — particularly for music concerts — include terms that restrict or prohibit photography, or limit it to personal non-commercial use. You must check the terms of any ticketed event before photographing.

- If a ticket or venue explicitly prohibits photography, you must respect that restriction.
- Performers have limited but real rights under the law. The Performers' Protection Acts and provisions in the Copyright, Designs and Patents Act 1988 protect certain commercial exploitation of performances.
- **Photography for community website publication, with no commercial exploitation, is unlikely to infringe performers' rights** — but commercial use would be a different matter.
- If event organisers have given our group accreditation or media permission, **keep this documentation and carry it with you.**

Practical Steps

Before each festival season, seek written confirmation from the festival organisers that our group has permission to photograph all events, including ticketed and staged performances, for publication on our community website.

A brief letter or email reply is sufficient. File it safely.

2.6 Defamation and Moral Rights

Publishing an image in a context that implies something defamatory about the subject — even without words — can create legal exposure. Ensure images are presented honestly, in proper context, and are not cropped or captioned in a misleading way.

Photographers also have moral rights under UK copyright law, including the right to be identified as the author of their work. Where practicable, credit photographers on published images.

3. Practical Photography Guidelines for Members

The following guidance translates the legal position into day-to-day practice at the festival.

3.1 Before You Shoot

- **Carry your photography group membership card or any festival accreditation.**
- Know the terms of any ticketed event you are attending. Check the festival programme or website in advance.
- **If you are working near areas used primarily by children (e.g. children's activity zones), be especially considerate and - where feasible - introduce yourself to organisers.**

3.2 While Shooting

- Photograph freely in open public areas, crowds, performances, and community spaces.
- Exercise discretion around individuals who are clearly distressed, unwell, or in private moments even if technically in public.
- If someone indicates they do not wish to be photographed, respect this. It is not a legal requirement to stop, but it is the right thing to do and protects our group's reputation.
- **For children:** take crowd and contextual shots freely, but **avoid singling out individual children for close portraits without a parent present who has indicated consent.**
- Do not photograph inside toilet facilities, changing areas, or any space where people have a reasonable expectation of privacy.

3.3 After Shooting: Before Publication

- Review your images before uploading. Ask yourself: would this image embarrass or distress the person in it if they saw it published?
- **For any image where a child is clearly the primary identifiable subject, do not publish without consent.**
- Do not publish images in a context that misrepresents what was happening (e.g. do not crop a crowd to imply a confrontation).
- Caption and credit images accurately.

3.4 Responding to Takedown Requests

Anyone can ask us to remove their image from our website. UK GDPR gives individuals certain rights over their personal data, including the right to object to processing. Our group must have a simple, clear process for this:

- A contact email address for image removal requests, clearly displayed on the website.
- A commitment to respond within 72 hours.
- A policy of removing or anonymising (e.g. blurring faces) images where a legitimate objection is received.
- A log of takedown requests and actions taken.

Recommended Action

Appoint a named Privacy/Image Liaison within the group. This person handles all removal requests, keeps the log, and ensures the website privacy notice is kept current.

4. Our Website: What We Must Have

A **website** that publishes images of identifiable individuals — including images submitted by members and the public — **is subject to UK GDPR obligations**. The following **are required**, not optional.

4.1 Privacy Notice

Our website must have a clear, accessible Privacy Notice (sometimes called a Privacy Policy) that explains:

- Who you are (the group, with a contact address).
- What personal data you collect (names, email addresses from uploads; images of individuals).
- Why you process it (community documentation, event record, group membership).
- The legal basis for processing (legitimate interests, or consent where applicable).
- How long you retain it.
- Individual rights: access, correction, deletion, objection.
- How to exercise those rights (the contact email).

If your group is based in the UK and processes personal data, you are likely required to register with the Information Commissioner's Office (ICO). Registration costs £40 per year for small organisations. Check the ICO website: ico.org.uk.

4.2 Cookies and Analytics

If your website uses cookies (including analytics tools like Google Analytics), you must obtain consent via a cookie banner before setting non-essential cookies. This is a legal requirement under the Privacy and Electronic Communications Regulations (PECR).

5. Public Image Submissions: Is a Disclaimer Enough?

You invite members of the public to upload their photos. This is a valuable and community-minded initiative, but it requires careful management. Here is a frank assessment.

5.1 The Short Answer

A Disclaimer Alone is Not Sufficient

A disclaimer and tick-box on an upload form reduces your risk, but it does not eliminate your legal responsibility for content you publish on your website. You retain responsibility for what appears on your site, regardless of who submitted it. Some active moderation is legally and ethically necessary.

5.2 Why You Can't Simply Pass All Responsibility to the Submitter

Under UK law — including the Electronic Commerce (EC Directive) Regulations 2002 — website operators can claim a degree of 'hosting' protection for user-generated content, but only if they:

- Do not have actual knowledge of unlawful content, AND
- Act expeditiously to remove content when they become aware of it.

This means that once you are aware of a problematic submission (e.g. an image of an identifiable child submitted without consent, or a defamatory image), you are legally obliged to remove it quickly. Passive publishing with a disclaimer and no review process will not protect you.

5.3 What Your Upload Form Should Include

The tick-box and declaration on your upload form should cover the following — each as a separate, required acknowledgement:

Declaration Point	Why It Matters
'I am the photographer who took this image and own the copyright, or I have the copyright holder's permission to submit it.'	Prevents unwitting copyright infringement on your site.
'I confirm that all identifiable individuals in this image were photographed in a public place and were not engaged in a private activity.'	Establishes the submitter's reasonable basis for photography.
'I confirm that no individual in this image has indicated they do not wish to be photographed.'	Reduces risk of images published against a subject's clear wishes.
'If this image includes children who are clearly identifiable as primary subjects, I confirm I have parental or guardian consent to submit and publish this image.'	The most critical declaration — essential for child protection.
'I grant Bollington Photographic Group a non-exclusive, royalty-free licence to display this image on the group website for community purposes.'	Establishes your legal right to publish without owning copyright.
'I understand that Bollington Photographic Group reserves the right to decline or remove any submission at its discretion.'	Preserves your right to moderate and remove content.
'I have read and agree to the Privacy Notice.'	Required under UK GDPR to demonstrate informed engagement.

5.4 Moderation: What Level Is Required?

You have a choice between pre-moderation (review before publication) and post-moderation (publish then review). For a community photography group, we recommend the following pragmatic approach:

Pre-Moderation (Strongly Recommended for Child Images)

Any submission where a child appears to be the primary identifiable subject should be reviewed by your Image Liaison before going live. This is not burdensome — it simply means that member of your team looks at it before it appears on the public website. Given the stakes, this is the right approach.

Post-Moderation with Clear Reporting

For adult-focused images (crowd scenes, performers, etc.), post-moderation is a proportionate and workable approach, provided:

- A 'Report This Image' mechanism is clearly available on every published image.
- Reports are reviewed within 72 hours.
- Clearly problematic content is removed without hesitation.
- A log is maintained.

Summary Recommendation

Use a robust, multi-point declaration form (tick-boxes for each point, not one blanket disclaimer). Pre-moderate any submission featuring children as primary subjects. Post-moderate everything else, with a clear reporting mechanism. This combination is legally defensible and practically manageable.

6. Quick Reference Summary

Situation	Position / Action
Photographing adults in public at the festival	Permitted without consent. Exercise discretion.
Photographing children in crowds / wide shots	Generally fine. Keep proportion and context appropriate.
Close identifiable portrait of a child as primary subject	Do NOT publish without parental consent.
Ticketed/staged events	Check ticket terms. Seek written group accreditation from organisers.
Someone asks you to stop photographing them	Respect the request. Not legally required but correct practice.
Someone asks for an image to be removed	Remove or anonymise within 72 hours. Log the request.
Public uploads – copyright	Require submitter declaration that they own copyright or have permission.
Public uploads – children	Pre-moderate. Require parental consent declaration.
Website legal requirements	Privacy Notice, ICO registration (likely), cookie consent.
Selling or commercially licensing images	Separate issue – requires individual copyright holder consent. Seek advice.

7. Contacts and Resources

The following organisations and resources provide free guidance:

- Information Commissioner's Office (ICO): ico.org.uk — UK GDPR guidance, registration, self-assessment tools.
- National Union of Journalists Photography guidance: nuj.org.uk — practical photography rights guidance.
- British Journal of Photography legal guides: bjp-online.com
- Bollington Festival organiser — contact them at least 6 months before the next festival, for **written confirmation** of your media access.

8. Document Version and Review

This guide should be reviewed annually, or whenever there are significant changes to UK data protection law, or a significant incident arises. Suggested review: before each festival season.

Document version: 1.0 | May 2026

Next review due: April 2027 (or earlier if law changes)

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Disclaimer

This document is provided for general information and guidance only. It does not constitute legal advice and should not be relied upon as such. The law can change, and individual circumstances vary. If you face a specific legal question, consult a qualified UK solicitor.