

# City of Madison Photo Policy

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## Using Photos

### Appropriate Use Guidelines

Images owned by the City of Madison may only be used by **City staff** for official **City business**. Do not use City-owned photos to promote non-City events, private businesses, etc.

### Sharing Images Externally

Before sharing images with an external organization, get permission to share from the department that owns the image.

If you share the images with an external organization, the organization must provide photo credit by attributing the photo to **"City of Madison, Wisconsin"**.

Only share images externally when there is a benefit to, or partnership with, the City of Madison.

### Sensitive Topics

Be conscious of sensitive topics. Without a signed model release for the specific use, do not use photos of identifiable people to discuss sensitive topics.

### Commercial vs. Non-commercial Use

Some City of Madison business is considered **commercial use**, which has restrictions on using a person's image without their permission. If you are using photography for a commercial purpose, make sure you check whether the City has the rights to use the photo for commercial use.

It is the responsibility of the user of photography to understand whether their purpose is commercial or non-commercial, and use photography appropriately.

If you want to use a City-owned photograph to promote City services, events, etc., ask yourself the following questions:

1. **Are you using the photograph for a commercial purpose?**

If the use is non-commercial, you can use any City-owned photography.

If the use is commercial, proceed to question 2 (see *Commercial Uses* below).

2. **Is there an identifiable person in the photograph?**

**Please note** that "identifiable" is a broad term. Could a person who knows the subject reasonably identify them?

If there are no identifiable people, you can use any City-owned photography.

If there are identifiable people, proceed to question 3.

3. **Did the photographer obtain a photography release from the person in the photograph?**

If the photographer obtained a release, you may use the photograph for commercial purposes.

If the photographer did not obtain a release, you may **not** use the photograph for commercial purposes.

### Commercial Uses

The following uses are considered **commercial**. You may only use photos approved for commercial use.

- Promoting paid events; and
- Selling photos (e.g., selling calendars).

## Non-Commercial Uses

The following uses are considered **non-commercial**. You may use any photos taken and owned by the City of Madison.

- Promoting unpaid events;
- Promoting City services, including paid services (for example, Goodman Pool, Olbrich Botanical Gardens); and
- Web banners, website imagery, news releases, social media, etc. (unless it is promoting a paid event).

## Using Non-City Owned Images

If you want to use images that are not owned by the City of Madison, you need to be aware of copyright.

### Copyright

**You cannot use copyrighted images** without permission from the owner. This includes:

- Posting the image to the City website or social media;
- Using the image in print pieces;
- Scanning the image to create a digital copy; and
- Copying or reproducing electronic versions of the image.

**Photos are copyright by default.** Copyright begins as soon as the photo is created. It is an automatic right and does not require the owner to register or file the copyright. Copyrighted photos may contain a watermark, a copyright symbol, or a credit statement on the photo. However, the absence of these does not mean the photo is not copyrighted.

This means **you cannot use images off the internet** without getting permission from the copyright owner. If the City of Madison does not own images you need, you will need to buy stock photos or find images that are in the public domain. Most photos on the internet are *not* in the public domain.

### Stock Photos

The Attorney's Office has approved the free stock photography websites [unsplash.com](https://unsplash.com), [pexels.com](https://pexels.com), and [pixabay.com](https://pixabay.com). Contact the Attorney's Office if you would like to use stock photos from another website.

### Third-Party Photos

If you are collecting photos from the **public** for the City's use, the photo submitters must agree to the following:

#### Photography Agreement (Public)

By submitting photos, you give the City of Madison permission to use these photographs for any purpose in any media, including for advertising and trade purposes. You also represent that any people depicted the photographs have consented to the use of their likeness for this purpose. You also acknowledge that neither you nor any person or organization in depicted the photographs will receive any compensation for the use of these photos, and release the City of Madison and its agents, employees, and assigns from any claims, which are in any way connected with this use.

If you are working with a **contracted photographer**, contact the Attorney's Office to work on the contracting language.

Contact the Attorney's Office with any questions about using images taken or owned by third parties.

# Taking Photos

It is the responsibility of City photographers to obtain and retain any model releases, and keep copies of releases for at least three years. City photographers also need to add appropriate metadata to any photographs that include people indicating whether they have a release on file.

When taking photos in public, photographers should wear clear identification as a City of Madison employee.

## Public & Private Spaces

Public space is anywhere that a person does not have a “reasonable expectation of privacy”. Photographers can take photos of any subjects, even people on private property, as long as the subject is within public view.

Photos taken in public spaces can be used for any non-commercial purposes, even if you do not get a release.

### Public Spaces

Examples of public spaces include:

- City facilities, in areas open to the public, such as police and fire stations, libraries, parks, Goodman Pool, Olbrich Botanical Gardens (indoor and outdoor), and Warner Park Community and Recreation Center (WPCRC);
- Public meetings;
- Monona Terrace (excluding meeting rooms);
- Madison Public Market;
- Community centers;
- Capitol Square;
- Streets;
- State Street, including outdoor eating areas;
- Farmers’ markets, indoor and outdoor;
- Unpaid, non-ticketed events (e.g., Bratfest); and
- Outdoor events (e.g., Dane Dances).

### Private Spaces

There is a reasonable expectation for privacy when:

- The space or event is in an indoor space that is privately owned;
- The space or event is in an indoor space that has a controlled entrance;
- The space or event is outdoors and is enclosed; and
- Restrooms, locker rooms, and other areas where privacy is expected.

## Photography Releases

Photographers should get releases for any photoshoots that are in a private space, or that are intended for commercial use. If you get a release, be sure to add metadata indicating that the photos can be used for commercial purposes.

### General Release Notice

Post a general release notice for:

- Spaces or events where there is a reasonable expectation for privacy (see *Private Spaces* above); and
- Photos that may be used for a commercial purpose.

#### Photography Release Notice

By entering this area, you agree to allow the City of Madison to record your image, voice, and appearance in audio, video, and photographic form. You grant the City of Madison the right to use the recordings for any purpose in any media.

Thank you for your cooperation!

### Release on Registration

Instead of posting a General Release Notice, agencies may include a release notice when collecting registration information for ticketed events or programs.

#### Photography Release Notice

By registering, you agree to allow the City of Madison to record your image, voice, and appearance in audio, video, and photographic form. You grant the City of Madison the right to use the recordings for any purpose in any media.

Thank you for your cooperation!

### Model Release

A Model Release is a statement that each individual in the photographs signs. Use a model release for:

- Dedicated photo or video shoots;
- Shoots on private property, especially of minors;
- Shoots that will be used for specific commercial purposes (for example, to promote a specific paid event); and
- Shoots that will be used for sensitive topics (for example, healthcare).

#### Photograph and Publicity Release Form

I, \_\_\_\_\_, give the City of Madison permission to record my image, voice, and appearance in audio, video, or photographic form.

I agree that the City of Madison has complete ownership of these recordings, including the entire copyright, and may use them in any manner for any purpose in any media, including for advertising and trade purposes. I grant the City of Madison the right to use my name and likeness to promote the City of Madison and their activities and events.

I acknowledge that I will not receive any compensation for the use of these recordings, and release the City of Madison and its agents, employees, and assigns from any claims, which are in any way connected with this use.

I have read and understood this consent and release.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent / Guardian Signature \_\_\_\_\_

Date \_\_\_\_\_

*Parent or Legal Guardian must sign for a minor.*