

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 2/10/2020

### Policy Statement

Baker County Library District (BCLD) supports the First Amendment rights of freedom of speech and press as they pertain to libraries, librarians, and library patrons. Photography and filming, as described in this policy, are allowed to the extent that the activity is consistent with the library's Code of Conduct and other policies, and does not infringe upon any user's right to "quiet enjoyment" of the library, free from harassment or fear that their reading, viewing, or research activity will be recorded and disclosed without their consent.

Library facilities are considered "designated" or "limited public forums" in contrast to "traditional public forum" spaces such as parks, sidewalks, and streets in which any person can exercise their First Amendment rights. The US Supreme Court has established that in a Limited Public Forum, conduct may be subject to time, place, and manner regulations as long as the restraints are content-neutral and in the legitimate interest of the managing agency operations.

Designated staff-only areas in the library are considered "non-public forums" and may be restricted from public access or expressive activities such as filming and photography.

### Definitions

The terms "photograph" or "photography", "recording" or "filming" are used generally and refer to any method including photography, filming, video or any other process of still or moving image or audiovisual capturing in any method used now or in the future.

- Baker County Library District shall include the following:
- Main Library (Baker City) and property
- Buildings and property designated as Branch libraries
- Buildings and locations designated as interim libraries or program locations
- Bookmobiles and kiosks
- All other property and facilities assigned to or owned by the library

### General Policy Regarding Permission

Permission is not required for photographing/filming/recording in public areas if no tripods, lights, drones, or other specialized equipment is used and such activity does not intrude upon the experience of others using the library. There may be designated nonpublic areas in library locations and/or exhibition areas or other areas or events where photographing is prohibited.

Activity must not capture identifiable likenesses of individuals or their activity in the library without their consent. Individuals who photograph or film must honor requests from library users and staff who do not want to be included in photos or film. Oregon law ([ORS 165.540](#)) requires that all participants in a conversation be specifically informed that their conversation is being recorded.

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 2/10/2020

The library's DIRECTOR and/or designee may terminate any session that appears to be disruptive to library operations, compromising to public safety or security of people, buildings, or collections, or damaging to the library public image.

### **Permissible activities**

#### **Amateur and Non-commercial Photography or Filming**

Casual amateur photography is permitted in library facilities so long as activity is unobtrusive, does not disrupt the library experience of others, and supplementary or specialized equipment such as lighting, tripod, extension pole, boom mic, or unmanned aircraft system (drone) is not used.

#### **Exterior Photography**

Photographing the exteriors of library buildings does not require permission; photography may not impede the ingress or egress of visitors or staff to or from any library building, or capture a library visitor's personal activities from an external vantage point. No person may operate a drone on or over the boundaries of library-owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy any staff or visitor of the library.

#### **Library Events and Promotions**

Occasionally Baker County Library District staff may elect to photograph or film Library programs and/or events. The Library reserves the right to include these images in brochures, flyers, web pages, news releases or other promotional materials, as well as make them available to media outlets and event participants. When names or images are used by the Library for publicity or other Library-related uses, the Library obtains patron permission or allows patrons to "opt out" of having their image taken.

#### **Meeting Facilities**

Groups arranging meetings in library meeting facilities may arrange for photographers and news media during their event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the library.

### **Activities Requiring Authorization**

For all other photographing/filming/recording, requests for permission must generally be made at least 24 hours prior. Permission should be requested on weekdays between 9 a.m. and 5 p.m. when the Library DIRECTOR or designate Person In Charge is normally available. Insurance documentation and fees will be negotiated based on project scope (See Legal Issues).

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 2/10/2020

### **Commercial and Entertainment Industry Use**

With prior approval from the DIRECTOR, or her/his designee, the Library may allow its facilities to be used as setting for a creative film or video, portraits, advertisements, fashion shoots or for any other photography or film projects which will be used for commercial purposes provided the project does not interfere with the mission of Baker County Library District, and is in accordance with the rest of this policy. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot.

### **Documentary-Type Photography for publication or broadcast**

With prior approval from the DIRECTOR, or her/his designee, the Library may permit photography of its premises and activities when the use of the photographs involves the library directly, i.e. books, articles, or videos about the library itself, the library's position in the region as a tourist or learning destination, or as part of a piece used to describe our city's environs.

### **Political Campaigns**

With prior approval from the DIRECTOR, or her/his designee, filming and photography related to political campaigns or partisan issues may be permitted with the following provisions. The production company shall provide a written agreement that it will not use identifying library logos, staff, agents, or unique features since Baker County Library District wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.

### **Media Requests**

While Baker County Library District has an open-door policy for news media photographers and reporters whose stories directly involve the library's programs, resources, collections, and services, obtaining advance permission is extremely important to:

- Protect the safety and privacy of those using library facilities and resources
- Ensure library business is conducted without disruption
- Ensure that the library's users are not disturbed

Using library facilities as interview venues for unrelated stories as well as photographing library users for opinion polls or "person on the street" interviews is prohibited without prior approval from the DIRECTOR or her/his designee. Media representatives must be accompanied by a member of BCLD staff during project activity.

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 2/10/2020

### **Nonprofit, Academic or Research Projects**

With prior approval from the DIRECTOR, or her/his designee, filming and photography related to nonprofit, academic, or research projects involving the library's materials and resources may be permitted within certain limitations.

Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the library. Additional permissions must be obtained from Baker County Library District to photograph materials or items in special collections because of complex copyright issues in these areas. Discussing what advanced authorizations are required with the Library Director can expedite this process.

### **Request Approvals**

The DIRECTOR, or her/his designee is authorized to grant permission to photograph/film/record the interior of library buildings, setting the conditions under which the photographing may take place, or to deny permission.

### **Factors Considered for Approval**

The DIRECTOR, or her/his designee will consider and act upon requests for permission to photograph considering:

- The public interest
- Statutory requirements
- The library's interest
- Issues of confidentiality
- The amount of time each project will require
- The need to maintain impartiality among competing photographers
- Any other purpose that the DIRECTOR, or her/his designee deems to be in the interest of Baker County Library District

### **Legal Issues**

#### **Insurance Documentation**

An insurance certificate to the value of \$1 million covering the duration of the film/photography project shoot, naming Baker County Library District as the beneficiary and also include a cross liability/severability of interest clause which is defined as follows:

The Insurance as is afforded by this policy shall apply in respect to any claim or action brought against any one Insured by any other Insured. The coverage shall

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 2/10/2020

apply in the same manner and to the same extent as though a separate policy had been issued to each Insured. Any breach of a condition of the policy by any Insured shall not affect the protection given by the policy to any other insured. The inclusion herein of more than one Insured shall not operate to increase the limit of liability under this policy.

Prior to filming, the photographer will provide the Library District with Certificate of Insurance naming the Library District as an additional insured.

### **Liability for Injuries**

Permission to photograph/film/record does not release the persons or groups involved from liability for injuries to persons or property that result from their activities on library property.

Film and photo project representatives will agree to indemnify, defend and hold the Library District harmless in the event there is any claim that occurs during the shoot.

### **Photographic Releases**

Photographers filming or photographing on library premises have sole responsibility for gaining all necessary releases and permissions from persons who can be identified in any photography. The library undertakes no responsibility for obtaining these releases.

*First adopted by the Library Board of Directors: 1/14/2019*

### **Models:**

Carnegie Library of Pittsburgh

<https://www.carnegielibrary.org/about/policies/film-and-photography/>

Hartford Public Library

<https://www.HPL ct.org/library-policies/photographypolicy>

Nashville Public Library

<https://library.nashville.org/about/policies/filming-and-photography-policy>