

UC SANTA BARBARA ADVISORY

Guidelines for the Use of Individuals' Images and Creative Work

Issued: May 2013

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OBTAINING AND USING IMAGES OF IDENTIFIABLE INDIVIDUALS OR THEIR CREATIVE WORK TO HIGHLIGHT UCSB PROGRAMS

A. INTRODUCTION

1. California Civil Code, Section 3344 governs the use of "another's name, voice, signature, photograph, or likeness in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services..." Consent of the individual is required prior to using/publishing his/her identifiable image in this manner or for these purposes.
2. Although the use of another's image on a UCSB Web site or brochure or in other media to highlight UCSB or its programs does not fall under the specific criteria in the Civil Code, UCSB's practice is to obtain the consent of the individual whose identifiable image will be featured in any media, prior to its publication. (This does not apply to UCSB's newspapers or news organizations.)
3. Copyright laws govern the use of another's creative work. If the publication/use of another's creative work does not conform to fair use definitions; obtain the consent of the individual whose work will be featured in any media, prior to its publication. More information about copyright is available here, [UC Copyright](#).

B. OBTAINING PERMISSION

Obtain an individual's written permission prior to publishing an individual's personal image, photo, name, voice, or creative work on a UCSB Web site, in a brochure, or in other media for the purpose of highlighting a UCSB department, program, or event.

1. Abbreviated Release for UCSB Employees

To request permission of an individual employed by UCSB, you may use an abbreviated release.

- An abbreviated release must include the following statement: I give the [Department Name] at the University of California, Santa Barbara permission to use [my photo(s)/image/name/voice/creative work], on [Department Name's] Web sites and other electronic and printed materials for educational purposes and/or to highlight the [Department Name's] program(s). I understand and agree that the University is the exclusive owner of all rights pertaining to materials in which the photo appears.
- Following the statement collect the individual's printed name, signature, date of signing, UCSB affiliation (department name) and contact information (email and phone number).

2. Release for UCSB Students, Minors, and Non-Affiliates

To request permission of a UCSB student, minor, or an individual unaffiliated with UCSB, use the release forms available at the [UCSB Risk Management Web site](#). If you have questions about when or how to use these forms, please contact Risk Management & Insurance.

C. RECORD RETENTION

Retain the abbreviated and standard releases for 2 years after the image or creative work is removed from the University Web site or from other UCSB media.

D. PRIVACY NOTIFICATION

When you request permission to use images on your Web site, it is a good practice to inform the individual of your privacy practices by including a link to, or a copy of, your Privacy Notification statement. For information about privacy notifications, see the [Advisory on Privacy Notifications](#).

E. USING IMAGES OBTAINED AT PUBLIC UCSB EVENTS

1. If you plan to capture images or recordings of identifiable individuals during a public event to highlight a UCSB department, program, or event, provide those attending with advance notice by including a statement in your promotional materials (brochures, Web sites, et al.) such as, "This event will be photographed or recorded."
2. Additionally, prominently post at the entrances to the event advisory signage to inform your attendees that recording, filming, or photography will take place. By doing so, you esteem your colleagues and patrons and provide them with the opportunity to make an informed decision about whether they want to attend and potentially have their image and/or voice recorded and published. Suggested language for the signage is noted below.

NOTICE:

Public recording of this event is occurring on these premises.

By entering this space, you agree and grant irrevocable permission to have your likeness, image, voice, and appearance photographed and recorded for multiple purposes and used as embodied in UC Regents Product whether recorded on or transferred to videotape, film, slides, photographs, audio tapes or other media, now known or later developed, and to be included in various University electronic Products: [Insert "NAME of Product" – such as "Outreach Forum."]

F. USING IMAGES OBTAINED AT PRIVATE UCSB EVENTS

Sensitivity to the privacy of your guests must be exercised; written consent must be obtained from each individual who will be participating in the recording, filming, or photography prior to its occurrence, if the product will be used to highlight UCSB or its programs. Use the relevant UCSB release form found here:

- [Use of photos, films, music, and/or artwork](#)
- [Use of an individual's image, name, and/or voice](#)

G. OTHER CAMPUS IMAGE RESOURCES

1. You may contact the UCSB Cheadle Center for Biodiversity and Ecological Restoration (CCBER) for photographs of flora and fauna.
2. UCSB Photo Services has an [archive of campus photos](#) available for the Web for a fee. If you don't find what you are looking for in their archive, you may hire their photographers to shoot on location or in their studio. To use any other photographer, videographer, or other

individual to film or record on University property, you must obtain prior written approval. See below.

H. FILMING ON UNIVERSITY PROPERTY

Filming on University property requires an approved permit.

1. For low intensity educational filming, contact the Office of Public Affairs to apply for a **UCSB Facility Access Permit for Low Intensity Educational Filming**.
2. For all other filming requests, complete the **Application for a Film Permit** found here, [Business and Financial Services](#) and send it to the Contracts Office, University of California, Santa Barbara 93106-2095; or call 805-893-8025.

I. RELATED RESOURCES

1. [UC Copyright](#)
2. [UC Policies Applying to Campus Activities, Organizations, and Students](#)
Section 102.25 Definitions and important information about photography or recordings in private spaces. **Excerpts:**
 - It is a violation of the Student Conduct Code “to make a video recording, audio recording, take photographs, or stream audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person’s knowledge and express consent.”
 - “Photographs and recordings made in private locations of sexual activity or that contain nudity, may not be posted online or otherwise shared or distributed in any manner without the knowledge and express consent of all recorded parties, even if the photograph or recording was originally made with the knowledge and express consent of those parties.”
3. [UCSB Advisory on Privacy Notifications](#)
4. [UCSB Advisory on the Use of Security Surveillance Cameras](#)
5. [UCSB Risk Management](#)