

EMMA WILSON

# A GUIDE TO GDPR FOR WEDDING VIDEOGRAPHERS

General Data Protection Regulation



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# WELCOME



HI THERE, IT'S EMMA

In this guide, I will explain how you can get yourself GDPR compliant and avoid any mistakes that may come along the way.

Personal data is important and how you handle it, even more so.

Enjoy...

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Best viewed on tablet devices.

The European General Data Protection Regulation (or GDPR for short) covers how we handle and protect personal data – e.g how we collect, store and use it.

It is so important to know all the data you hold, where this data came from, where it is being stored and how you are using it.

Organisations need to keep records of all personal data, be able to prove that consent was given, show where the data's going, what it's being used for, and how it's being protected.



It's all about giving people more control over their personal data and simplifying regulations for international businesses who work with people within the European Union (EU).

GDPR applies to any business that processes the personal data of EU citizens, which means that even if you are based outside the EU, it still applies if you're dealing with EU-based clients.

IF AN IMAGE CAN BE USED TO IDENTIFY A LIVING  
INDIVIDUAL, THAT IMAGE IS THEREFORE LIKELY TO  
CONSTITUTE PERSONAL DATA.



# WHAT EXACTLY IS PERSONAL DATA?

Personal data means any information which can directly or indirectly identify an individual – e.g phone numbers, email addresses and home location.

By definition, this also means that **imagery (still and video)** of clearly identifiable individuals is also classed as personal data.

In some circumstances, imagery can also be seen as sensitive personal data if it provides identification of an individual.



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## WHAT ARE THESE ‘CONTROLLERS’ AND ‘PROCESSORS’ GDPR REFERS TO?

According to GDPR, it is essential for organisations involved in the processing of personal data to be able to determine whether they are acting as a data controller or as a data processor. So, what does that mean?

Well, a controller determines the ways and means of using and storing personal data. Whereas, a processor is responsible for actually using it.



As a small business owner, you may be both a controller and a processor, but you may also store personal data with a third-party IT provider, such as MailChimp for mailing lists, or services like Google/ Dropbox for storing the contact details of your clients and family members.

You choose what details you are providing, for example to MailChimp, to send emails and marketing campaigns – so you are a ‘data controller’ and MailChimp is acting as a ‘data processor’ by providing its services to you. However, you may also send emails yourself through something like Gmail, in which case you are also ‘processing’ the data.

Under GDPR you must obviously take measures to ensure the security of any personal data being processed, so you need to ensure that you have a contract in place with a processor, who also complies with GDPR.

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## WHAT CAN I USE PERSONAL DATA FOR?

Under GDPR, you must have a valid lawful basis in order to process personal data. There are six available lawful bases for processing – the basis will depend on your purpose and relationship with the individual.

**MORE ON LAWFUL BASIS**

# THE 6 REASONS FOR PROCESSING DATA

1. **Consent:** the individual has given clear consent for you to process their personal data **for a specific purpose**.
2. **Contract:** the processing is **necessary for a contract** you have with the individual, or because they have asked you to take specific steps before entering into a contract.
3. **Legal obligation:** the processing is necessary for you **to comply with the law** (not including contractual obligations).
4. **Vital interests:** the processing is necessary to **protect someone's life**.
5. **Public task:** the processing is necessary for you to perform a task in the **public interest** or for your official functions, and the task or function has a clear basis in law.
6. **Legitimate interests:** the processing is **necessary for your legitimate interests** or the legitimate interests of a third party. Direct Marketing would fall in this, but you must be able to show why your interests outweigh the person's right to privacy.



# WHAT RIGHTS DO MY CLIENTS HAVE IN REGARD TO THE DATA I HAVE

Under GDPR, EU citizens have several important rights, including the right to be forgotten, the right to object, the right to rectification, the right of access, and the right of portability.

- **Right to be forgotten:** An individual may request that you delete all data on that individual without undue delay
- **Right to object:** An individual may prohibit certain data uses
- **Right to rectification:** Individuals may request that incomplete data be completed or that incorrect data be corrected
- **Right of access:** Individuals have the right to know what data about them is being processed and how
- **Right of portability:** Individuals may request that personal data held by one organisation be transported to another





## HOW DO I MAKE SURE I HAVE CONSENT?

Consent is defined as ‘any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her’.

This means pre-ticked opt-in checkboxes and brief references to terms and conditions are no longer allowed. The person has to have actively opted in and it must be crystal clear what they are opting in to.

It must also be easy for an individual to withdraw their consent.





## BUT HOW DOES THAT WORK IF I PRODUCE A WEDDING FILM AND SPEND MONEY ON MARKETING MATERIAL AROUND THIS?



If you produce a wedding film on the basis that your couples have consented for you to use their imagery, but they then withdraw consent, there are circumstances where you can still use your film.

Tom Broster at Briffa, a specialist law firm, explains:

“You may be able to continue to process personal data even if an individual has withdrawn their consent for your business to do so, if you have another legal basis for doing so. For example, you may be pursuing a ‘legitimate interest’ or processing of the personal data is necessary to perform a contract with the individual.

“You may be able to rely on legitimate interests for marketing activities if you can show that how you use people’s data is proportionate and that your activity does not impact the fundamental rights of the individual.”

# DO I NEED TO OBTAIN THE CONSENT OF WEDDING GUESTS TO BE IN A FILM?

Most guests will expect that if they attend a wedding, there is likely to be a photographer or videographer.

According to Briffa, as long as you give an indication that you are filming, or likely to film, in the vicinity, so that it is clear to all guests they are being filmed, there is less likelihood of processing being considered to have no legal basis.

This also gives any camera-shy guests the opportunity to express if they do not want to be included in a final edit.

## USEFUL LINKS FOR FURTHER READING

- [Moving Image-What has GDPR got to do with me?](#)
- [General Data Protection Regulation \(GDPR\)- No Consent Required-But What is "Legitimate Interest"?](#)
- [General Data Protection Regulation \(GDPR\)-Why You Don't Need to Obtain Consent](#)



# OUR TOP GDPR TIPS FOR WEDDING VIDEOGRAPHERS

## 1. LIMIT THE AMOUNT OF PERSONAL DATA YOU COLLECT AND RETAIN

Delete or anonymise personal data which is no longer needed by your organisation and only collect what you really need in the first place.

**For example** – do you keep archived spreadsheets of old enquires and referrals, perhaps so you can track how couples are finding you? If you didn't secure a booking, you no longer need to keep the names, emails and phone numbers associated with these enquiries so 'anonymise' that data but keep the information needed for your analysis.



## 2. BE CAREFUL HOW YOU USE THE DATA YOU COLLECT

On your website, you may have an online enquiry form that will include personal data, such as a phone number and email address, to help you provide a quote.

Under GDPR, you can only use this personal data to contact them about your videography prices and services. You can't add these details to your email marketing list without specifically getting consent for that.



# 3. RECONFIRM CONSENT

If you have an existing mailing list but aren't sure how you obtained the data, you need to do a bit of housekeeping.

You can run a re-permission campaign - eg. send an email asking people to confirm they wish to be on your list - to refresh that consent and then remove the subscribers who don't engage from your mailing list.



## 4. HAVE A DATA COMPLIANCE PROCESS IN PLACE

GDPR means that every piece of personal information held by your business needs to be identified – even if it's stored offline. It is important that you document how you are caring for your client's data. Keep evidence of consent – who, when, how, and what you told people. Review this and refresh it if anything changes.

Video recording can provide a permanent record of a wedding, so it's important that you put in place measures to ensure there's no risk of unauthorised access if your camera, or memory cards, are lost or stolen. You will need to demonstrate that you have taken steps to reduce risk of theft – for example, you transfer images from the camera to a secure location and securely delete them from the memory card as soon as you can.



## 5. CREATE A PRIVACY NOTICE FOR YOUR WEBSITE

According to the ICO, your privacy notice must outline **why** you're processing their personal data, including the legal basis you have, and the list of any Third Parties you may be sending the personal data to (e.g a supplier). It must also state how long you'll be holding onto the data and the criteria used to determine these time periods. You'll also need to explain to individuals what their personal data rights are.



# 6. HAVE A COOKIES POLICY

Cookies are used by web analytics systems to show you how your web pages are performing, so it's likely that most websites will employ them. Even IP addresses used to identify devices connected to the internet can, in certain circumstances, be considered personal data.

Make sure you know whether your site uses cookies and all the ways in which you, or a third-party web hosting company, use this data. You must also get consent for using cookies.



## 7. IF YOU'RE HACKED, REPORT IT

Breaches in data security must be reported immediately to data protection authorities, such as the Information Commissioner's Office (ICO) in the UK. Ideally, breaches should be reported within 24 hours, but at least within 72 hours.

## 8. RESPECT THE WITHDRAWAL OF CONSENT

If a client asks you not share their images or details, you will have to agree. You need to act on withdrawals of consent as soon as you can, and you can't penalise individuals who wish to withdraw consent.



# 9. REVIEW YOUR PRACTICES

Make sure that **how** you obtain consent is in line with the GDPR's standards.

Consider using a double opt-in. This is where an individual, upon signing up, receives an email with a verification link that they must click on before they are officially signed up.





# 10. **CONSIDER A CONSENT NOTICE AT WEDDINGS**

Filming at weddings may include gaining consent from venues and authorities, but you could also make it good practice to advise guests too. When you shoot in a public area, people in the background may be captured on camera and it just isn't feasible to get every single person who enters that area to sign a photo release form. But you can post notices at all entrances advising guests that filming will be taking place.

# 11. **DON'T PANIC!**

Elizabeth Denham, the UK Information Commissioner, said: "Predictions of massive fines under the GDPR that simply scale up penalties we've issued under the Data Protection Act are nonsense. This law is not about fines. It's about putting the consumer and citizen first."

As wedding videographers, it's important not to ignore GDPR but, in reality, we're not handling the same volume of personal data as large organisations. So there's no need to start panicking. So get organised, address what you need to do and read some of links provided. But above all, carry on with your wonderful wedding filming!





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*with Emma Wilson*

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*Be Inspired, Educated,  
and Empowered*

"I have seized every opportunity to take advantage of any mentoring she offers and my business now proudly and confidently offers videography alongside photography. And while nothing compares to a happy client, I am still most proud when Emma approves of my work."

—Natascha, Belle & Sass

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