

# **Pollard Memorial Library**

## **Policy for Image and Audio Capture Within the Library**

### **Purpose**

The purpose of this policy is to ensure that any kinds of image making, audio capture, or other form of documentation related to the library will be conducted in a manner that is consistent with the mission of the library and its commitments to the privacy and safety of patrons and staff.

### **Defining the Library as a Legal Space**

From a First Amendment perspective, the library exists at the intersection of what is defined as: public forum, limited public forum, and non-public forum. These three legal terms are foundational to understanding the PML Policy for Image and Audio Capture Within the Library.

Many of the public activities taking place in the library, from individual patrons looking for book materials, accessing computers, or studying in a carrel are protected under the notion of "limited public forum". *In such spaces, the library has the right to regulate image and audio capture in a manner that is consistent with the mission and purpose of the library.* PML aims to protect patron's rights to receive information free from harassment, intimidation, or threats to their safety, well-being, and privacy.

There are also spaces within the library that are considered non-public forums. The public is only allowed to enter with permission and only for specific reasons. These non-public forums include such locations as restrooms, designated study areas, staff offices, break rooms or work areas. Image and audio capture is not allowed to invade the privacy of library users or staff in non-public forums.

### **The Spaces of the Pollard Memorial Library (PML)**

PML's primary hub is an iconic historical building adjacent to Lowell City Hall. There is also an ancillary space dedicated to the library located in the Lowell Senior Center. A bookmobile that traverses the city and its many communities also serves as a pop-up proxy space for PML. This policy applies to all of the areas under the jurisdiction of PML.

### **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.

### **Image and Audio Capture Within the Library**

#### **I. Staff Uses of Image and Audio Capture**

- a. Library staff have the right to photograph, film/video, and record events for promotional purposes. These promotional uses may include print, online, and video distribution.
- b. Visitors will be advised in advance of a program by signs or words that there will be photography, video etc. by the library staff. If a visitor does not wish to have their image or words captured, they must indicate this to the program organizer, otherwise it will be assumed they have agreed to these activities.
- c. The images, words, or other documentation procured in this way will not be distributed with names or other identifying information for any participants.

- d. These rules for staff use of image and audio capture only apply to OPEN public events held by or at the library. Private events (such as class visits) require a more stringent permission process described below.

## **II. Amateur/Non-Commercial Image and Audio Capture**

- a. Amateur image and audio capture is only for personal purposes, and there is no intent to distribute or sell the items.
- b. This form of image and audio capture is generally permitted without need for special permission.
- c. However, such photography should not include photos or video of patrons of the library who are merely bystanders without obtaining their verbal consent.
- d. Photographs or Images of children are more tightly restricted. Within the library, we ask that only family members or close friends with permission of the guardian take photos or video that include an image of a child or teen under 18 years of age.
- e. Amateur photographers may not disturb other users with their activities.
- f. Amateurs will not capture images in the areas of the library designated "non-public areas".

## **III. Commercial Capture (Including professional photography, movie and music industry, and other social media outlets).**

- a. Commercial capture is any such activity that encompasses image and audio capture of the library, its internal architectural assets, and its property and collections, which will be used for commercial purposes or economic gain other than that which is normally afforded to library patrons regarding use of information and images. Examples of such uses include pre-wedding photos, graduation videos, or professional photography of art owned by the library.
- b. All individuals or entities wishing to capture images and audio within the library for commercial purposes must make an application to and receive permission from the Library Director. (The application is attached to this policy.)
- c. The Library Director will review the application and establish with the applicant the terms by which they may capture images or other within the spaces of the library.
- d. If warranted by the extent of the image/audio capturing activity proposed, the Library Director may also request a fee to cover staff or other inconvenience that would be incurred by the library to allow permission. The fee may include such items as janitor coverage, late hours for staff, or limited inconvenience to public users. All fees will be paid to *the City of Lowell*.
- e. Commercial capture, as with any activity conducted within the library, must not interfere with the individual patron's right to information, safety, well-being, and privacy.
- f. It is the responsibility of the commercial photographer or other to secure all required permissions from the individuals who will appear in the images taken at the library.

## **IV. Media**

- a. Media are defined as reporters and photographers who are covering an activity at the library or ongoing library processes. Media may also be at the library to cover an issue related to the library itself, such as the budget, the use of the building, or the appointment of new staff.
- b. Members of the media are welcome within the library, but like all other users of the library their activities may not infringe upon patrons' rights to information in an environment free of interference or harassment. Members of the media must respect patron's rights to privacy (both adults and children). The media are also expected to respect the rights of staff to do their job without impediment and to respect staffs' rights to privacy.

- c. 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 Library Director.
- d. The Library Director is responsible for answering any questions or making any official statements to the media regarding library issues. The Library Director is available to mediate any questions about library access with members of the media.

**V. Non-Profit, Academic, and Research**

- a. Photographers working on nonprofit, academic, or research projects that affect the operation of the library must secure authorization in advance from the Library Director to avoid disrupting Library operations. (Use the application attached.)
- b. Research photography of the library's materials and resources is permitted within certain limitations.
- c. 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 Library Director or her/his designee.
- d. Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the library. When advanced authorizations are required, please discuss the issue with the appropriate librarian.

**This policy is subject to review by the PML Board of Trustees.**

**Adopted by the Board of Trustees, June 2024.**

# **Pollard Memorial Library**

## **Permission for Commercial or Documentary Filming and Photography**

I, \_\_\_\_\_, Director of the Pollard Memorial Library, have on this date \_\_\_\_\_ given permission to \_\_\_\_\_ to create photographs or videos on the Pollard Memorial Library premises for use solely in \_\_\_\_\_

The specific distribution rights granted are:

Credit for use of the Library's premises will be given to the Pollard Memorial Library, Lowell, MA. Any expenses incurred by the Library to facilitate this filming will be payable to the Pollard Memorial Library.

Area(s) of the library, object(s) to be photographed:

If any Library staff or patrons are to be photographed or filmed the Library must have a written consent form from each adult over the age of 18 years or from their parents/guardians, if they are minors.

In no event shall this be deemed permission to reproduce images(s) listed above for any other commercial purposes.

\_\_\_\_\_, Director, Pollard Memorial Library

Acceptance of Terms

I, the undersigned, acknowledge that I have read and that I understand the conditions for permission as stated above. My signature below constitutes acceptance of these terms.

Signature Title

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Name (print or type, please)

Date

# **Pollard Memorial Library**

## **REPRODUCTION OF IMAGES PERMISSION FORM**

I, \_\_\_\_\_, Director of the Pollard Memorial Library, have on this date \_\_\_\_\_ given permission to \_\_\_\_\_ to reproduce the image(s) listed below for use solely in \_\_\_\_\_

The specific distribution rights granted are:

Credit for use of these image(s) will be given to the Pollard Memorial Library, Lowell, MA.

Image(s) to be reproduced:

In no event shall this be deemed permission to reproduced images(s) listed above for commercial purposes.

\_\_\_\_\_, Director, Pollard Memorial Library

Acceptance of Terms

I, the undersigned, acknowledge that I have read and that I understand the conditions for permission as stated above. My signature below constitutes acceptance of these terms.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name (print or type, please)

\_\_\_\_\_  
Date

*Rev. 1/3/20*