

MARION COUNTY FAIR POLICIES AND PROCEDURES

Sponsoring Department:
Community Services- County Fair

SUBJECT: Fair Photos

1.0 Purpose

The purpose of this policy is to develop guidelines for Fair authorized individuals to take photos at the Marion County Fair (MCF) and the subsequent use of them.

2.0 Definitions

For the purposes of this policy, a *private place* can be considered a place where the subject has a reasonable expectation of privacy; and a *public place* is a place where the subject has no such expectation.

When taking pictures of identifiable people, the subject's consent is not usually needed for straightforward photographs taken in a public place, but consent is often needed for photographs taken in a private place. This latter type of consent (for photos taken in a private place) is sometimes called a “model release”. (*Wikipedia; Lovetoknow* photography website)

Examples of private places:

- Inside any private residence (including hotel rooms, tents, etc.)
- Inside any restroom or dressing room
- At any medical facility
- Inside a private room in an otherwise public establishment such as a restaurant or hotel room
- In the parts of a building where the general public is not allowed (for example, a private office)

Examples of public places

- On the street or a sidewalk
- Outdoors in an easily visible part of private property
- In parks and recreation areas that are open to the public
- At a large event where many people are openly taking pictures
- In the parts of a building that are freely accessible to the general public (for example, a foyer or lobby)

3.0 General Policy

The United States Supreme Court has ruled that photographers may take pictures of individuals on public land, or a “public place”, without their permission. If photos are to be used for commercial purposes, the persons in the photos must sign a photo release. Minors/children in public can be photographed without their permission as long as the photos are not being sold for profit or other commercial purposes.

The MCF contracts out with a professional photographer to take photos on the fairgrounds at fair time. These photos are later used for showcasing the fair through brochures, web pages, posters, and other marketing methods and materials. When feasible, the photographer obtains signed releases from the subject(s).

4.0 Policy Guidelines/Procedures

3.1 The following notice will be placed at all fairground entry gates:

“By entering the Marion County Fair and participating in the activities held here-in, you consent and authorize, without restriction or compensation, to the possible use of your and your accompanying group’s image appearing in photograph, audio, or video or other formats which may be included in future media or marketing.”

3.2 Only an officially sanctioned photographer will take photos at the MCF; they are authorized to take random photos of individuals, groups, and activities.

3.3 When taking photos of individual minors, when feasible the authorized photographer will attempt to obtain a signed release.

3.4 Photos will be used on the official fair web pages (mcfair.net), in posters, brochures, flyers, and other materials for the purposes of promoting the fair.

3.5 Photos will not be sold for profit or given to other entities for their benefit or for their interests separate from the MCF’s interests.

Drafted: 09/21/12

Adopted: 05/01/13

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