

## The real Audio-Visual Best Practices

MSF's overall purpose is to save lives and alleviate suffering while protecting human dignity and seeking to restore people's ability to make their own decisions.

Images can help MSF show the reality of a situation; expose neglect and despair; inspire hope and understanding; and connect people around the world. At the same time, images (both video and still photographs) can cause great harm and offence if they are too extreme, intrusive, manipulated or used inappropriately.

No set of guidelines can anticipate every situation, and an element of self-regulation and common sense is required. However, the advice given in this document is intended to guide MSF (communications) staff and commissioned photographers towards best practice in both production and use of images, and to avoid exploitation, offence or harm.

This is an evolving document, highlights in **yellow** are still open points and will be resolved in later iterations.

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# Obtaining images

## How MSF obtains images

There are five main ways in which MSF acquires images:

I. Photographer under contract.

MSF requests a photographer to make a photo report for MSF. In such an agreement, the photographer is given a formal contract for the work and is paid by MSF. The photographer should adhere to MSF rules and regulations, and get a full security briefing by the Head of Mission or Project Coordinator. Depending on situation, the photographer will receive an MSF ID card and will perform his/her work while wearing an MSF T-shirt or vest. The agreed work of the assignment must be set out in a Terms of Reference document. Cooperation should be based on mutual goals and agreement.

II. Partly assigned photographer.

MSF requests a photographer to make a report while he/she is carrying out work for other client(s) in the same region. The same rules apply as those mentioned above, but only for the period in which the photographer is working on the MSF assignment. At the same time, it must be made clear to the photographer that although he/she will be working for MSF for only part of their visit, he/she will be associated with MSF for the duration of their trip within the same context and therefore the photographer should always respect our basic principles. For example, if the visa was obtained with the help of MSF, it means that for the authorities, the photographer will remain linked to MSF. The Head of Mission and Project Coordinator should be very clear with the audio-visual producer on the do's and don'ts within specific contexts. Communication department staff should also warn the photographer about these issues in advance of his/her departure for the field.

III. MSF buys images from a freelance producer who has visited our projects or context where we work.

Since the images acquired are part of a report produced outside of any agreement with MSF, there is no direct implication for us. However this does not mean we aren't concerned about the ethical considerations of the photographer. It is good practice to check the source of material, the previous publications, verify the context in which the work was produced or who commissioned the original work. If the images/footage acquired contain portraits and personal stories, it is best to check the procedures that were followed to obtain consent. If the information is considered sensitive, it is advised to get a copy of the release forms, or to sign a contract/waiver so MSF cannot be held responsible.

IV. When MSF facilitates access to our projects for a freelance photographer.

In this type of agreement, MSF's work is simply used to tell part of the story they are following. The photographer and MSF will work together to get a story out into the public domain where it suits MSF communication, fundraising or advocacy purposes. This arrangement requires more freedom of movement and interpretation for the photographer in order to report and tell a balanced story. However, the photographer should realise his/her activities can have consequences for MSF. If he/she is biased in the visual interpretation of a situation or MSF's position toward parties involved in a conflict, it could have a negative impact for MSF<sup>1</sup>. These issues should be discussed with the photographer before they begin their work either by staff from the communications department or by the Head of Mission/Project Coordinator. In very precarious situations, it might be preferable to work with photographers who have already worked successfully with MSF.

V. MSF staff and volunteers take photos or videos showing our projects or the context where we work.

MSF staff and volunteers should adhere to MSF rules, regulations and the security briefing, as already given by the Head of Mission or Project Coordinator. MSF staff and volunteers should agree the scope of photographs and ensure that data is collected to accompany them. Everyone is a photographer

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<sup>1</sup> For instance, MSF had to postpone activities in Bunia, DRC when a photo was published showing MSF bringing medical aid to armed Lendu warriors. The Hema fighters saw the pictures, they accused MSF of showing partiality in the conflict.

nowadays, and therefore all MSF staff and volunteers are recommended to read this 'Best Practices' document and the Ethical Guidelines to alert them to concerns – ethical, practical and legal- of taking photos of our work and patients.

Protection of the patient remains the priority while ensuring good practice and obtaining consent for any images/footage taken, as outlined below.

### **A note on buying images from image banks e.g Shutterstock**

When communicating about MSF's work, it is preferable to use our own images sourced from one of the methods mentioned above. However, it can be that you may need to buy images from an image bank (in emergency situations where we have no presence for example) or from newswires.

For example:

An image showing a girl being rescued out of the water was used in an MSF appeal for the earthquake in the Sulawesi region of Indonesia. It gave the impression that MSF was operational in the area and providing rescue support to people. The problem is a) MSF was not yet on site, b) MSF does not provide emergency rescue support, c) the rescuers were not MSF staff.

Consider the following when using image banks:

- Image banks are great for context images i.e showing the devastation of a natural disaster.
- Be aware that images of people in action, in distress, can be misleading i.e that MSF is assisting in an environment we are not present.
- The price of images is determined based on the intended use of the image – i.e for use in an e-newsletter for distribution to 5000 donors. The image cannot be used for any other purpose. It generally makes more sense to buy images when there is a clear return on investment, ie fundraising.
- There is no such thing as exclusive use. The same image could well be bought and used by anyone else such as UNICEF, Oxfam, and the local Red Cross.

## **The role of the commissioning editor and hiring photographers**

The commissioning editor is the only person who can hire photographers and commission filming/photography assignments. Generally, the commissioning editor is the full-time professional audio-visual editor working out of one of the five operating centres or from a sectional office. This person is the exclusive point of contact for the assignment, and it is they who must be responsible for securing the best deal for MSF with regard to fees, image licensing rights and permissions for use of commissioned work.

The commissioning editor at MSF is responsible for:

- a) The assignment for collecting audio-visual material - MSF communications staff or professional freelancer;
- b) The agreement of contracts and fees associated with the assignment prior to it starting (in the case of a freelancer);
- c) Determining the Terms of Reference for the assignment including the usage rights of images;
- d) Receiving, checking, editing, uploading and distributing the gathered audio-visual material.

Other communications staff, including Directors of Communication, Communications Advisors, Operational or Medical staff, will not commission or agree licensing or usage terms with audio-visual producers/freelancers directly without the participation and agreement of the photo editor responsible for the project.

It is crucial for MSF field and communications teams in headquarters to discuss, agree in advance, and produce in writing a clear terms of reference (ToR) document that helps avoid unpleasant misunderstandings later. In some cases, the Head of Mission may be the best person to have this discussion with the photographer. Often the project coordinator may do this. The person may vary

depending on the operational section. The ToR should be the basis for the project. A [sample ToR](#) document can be downloaded from the media database.

Subjects to be addressed with the photographer:

- Before commissioning or agreeing to help facilitate a photographer, always check his/her name and credentials with an audio-visual producer in one of the MSF offices.
- Travel and accommodation: Is the photographer permitted to travel in an MSF vehicle? Will they be hosted in the MSF house? If so, are they expected to contribute payment towards food and drink? If so, how much?
- Photographer's agenda: Find out what story the photographer is pursuing and how the medical/humanitarian angle provided by MSF will fit into this. Check whether they already have agreements to publish their material in any given media or for any other organisations (e.g. human rights organisations).  
What is the photographer's perceived link with MSF? In some contexts, it may be deemed undesirable for a photographer to be seen as 'working for MSF'. In such cases, it might be decided not to let the photographer travel in MSF vehicles or stay in the MSF compound.
- Overview of medical ethics
- Overview of MSF's data protection policy
- Obtaining relevant permissions. Most medical structures where MSF teams work do not 'belong' to MSF. Please ensure that the photographer gets permission from the necessary authorities before starting to take pictures. Permission may need to be granted from local military commanders as well.
- This Best Practices document and the Ethical Guidelines are available to alert photographers to some of our concerns – ethical, practical and legal - about producing audio-visual material of our work and patients. Please advise the photographer to read and sign these documents to confirm they have understood them. These documents are part of MSF's global audio-visual policy and are available for [download from the media database](#).

## Field medical staff responsibilities

It is the duty of MSF's medical staff to protect the best interest of their patients and as such should consider the following responsibilities when interacting with photographers and patients:

- Protecting MSF patients and confidentiality
- Doing good
- Doing no harm
- **Negotiating informed consent**
- **Granting rights of confidentiality and anonymity**

As an MSF doctor or nurse in the field, it is your job to step in to protect your patient's interests if you think that they are being unfairly treated by a photographer or cameraman.

### Photo information and medical confidentiality

MSF asks photographers collaborating with MSF to provide written information to help us accurately describe the contents of an image. Confidentiality and data protection need to be taken into consideration when collecting this information.

Information should (at a minimum) include: the date, place, a description of the situation, and any restrictions on the use of the photo requested by the subject. Photographers are also requested to record the names of all patients and others in the picture, not just the expats, (that is, after checking beforehand that the subjects are willing to give them).

The medical condition of a patient is often a vital piece of information for the communications staff to use the picture honestly (we would not want to describe someone as suffering from TB when actually they had cancer, for example). However, medical confidentiality about a patient's health should always be paramount so MSF staff should not give out medical and personal information to the photographer if the patient does not agree.

## Safety and security considerations

Safety and security issues concerning photographers in the field consist of two levels of risk:

- I. The risk of working in a dangerous area where lives are at stake and a good knowledge of the context is needed to make proper choices concerning safety and security. These risks can easily be discussed during a good briefing and a clear explanation of MSF's operational rules in the field.
- II. The risk of cooperation with a photographer who does not respect or is not aware of MSF's principles of neutrality, impartiality and independence. These risks cannot be ruled out and require good communication between MSF and the photographer. The photographer must be informed if he/she is expected to follow the same security rules as expatriates. They must also clearly understand what types of behaviour will be considered unacceptable, e.g. taking photos of roadblocks, etc.

If there are any doubts about safety and security considerations, communications staff should always double check with their colleagues in operations.

## Obtaining proper consent (including removal of consent)

The principles of good audio-visual practice demand that MSF audio-visual producers clearly identify themselves to their subjects and, wherever possible, obtain freely given, specific, informed consent from the subjects to be photographed and for their image to be used by MSF and its media clients. **To avoid conflict of interest, consent should be collected from patients or care-takers by MSF audio-visual producers' rather than by MSF medical staff.**

In all cases, each patient should understand that their refusal to take part in a photo/video or any other audio-visual material will not affect the medical care they receive from MSF. This consent must be documented and stored on the Media Database.

### Written consent

Collected using this standard [written consent form](#) (**languages are added as they become available**).

Use when:

- Access to a printer is reliable
- Patients and subjects are fully literate and able to sign their name
- The image/film is intended for use in a formal medical journal (*The Lancet*)

### Audio/video consent

Collected using this [standard video script](#) for audio/video consent.

Use when:

- Patients and subjects are illiterate or illness prevents them from signing their name
- In emergency and crisis photo response environment

In the case of **crowd** and **general scenes**, where no single person is the identified subject of a photograph, the photographer is required to ensure that every effort has been made to:

- identify himself/herself to the people who may be photographed;
- take into consideration the potential repercussions to individuals identified within a crowd on their safety, privacy and right to remain anonymous;

- Ask the crowd if anyone is against being pictured (show of hands).

The photographer is nevertheless required to document that people were informed and asked for consent, and which method was used. For example: “The translator informed people in the local language, that we would be taking images for a donor magazine. Every person who did not want to be in the photo was given the chance to leave the room.”

### Staff consent

There are some (former) staff who are - for various reasons – no longer willing to let MSF use their images in public communications. Ideally, these images need be removed from the international media database. It's crucial this type of information is transferred to the media database administrator(s) so they can remove these images. To report this, contact an AV referent or privacy officers in HQ, or the media database administrator at [media.server@msf.org](mailto:media.server@msf.org).

### Removal of consent

In accordance with GDPR, a person has the right to remove consent for future use of their image. MSF has to respect this and record that consent has been removed. Anyone wishing to remove consent can send their request to [dataprotection.io@geneva.msf.org](mailto:dataprotection.io@geneva.msf.org).

For more detailed information on consent, please refer to the MSF audio-visual policy developed by the Core AV Group (May 2018) [LINK].

### On an ethical note

Patients and other people photographed are more likely to experience negative consequences, such as discrimination, from the use of their image in their own country and community. While few are likely to launch formal legal action against MSF this should not be taken as impossibility. If people are not able to seek legal protection, our responsibility towards them on an ethical level is even higher. Images that were not intended for local use, could end up being available locally. MSF staff should always be aware and careful about the images we use and be particularly careful not to unnecessarily put people at risk. See the [Ethical Guidelines](#) for more information.

## Post production

Every image stored in the MSF photo database or in any other location has undergone some changes at some point. When the original was a slide or a negative, it was scanned and most likely adjusted in hue or colour balance. Even digital images are rarely untouched before they arrive on our desks. What can be considered a manipulation of an image is subject to interpretation, but some points are worth considering regardless of personal opinion on authorised or non-authorised manipulation.

## Image processing

Image processing must conform to the basic rules of acceptability. In this regard MSF conforms to the accepted good journalistic practices of international news wire service agencies, and reproduces here, for MSF's own good practice guide, the Agence France Presse rules and guidelines from 2016.

The rules are:

- No additions or deletions to the subject matter of the original image (thus changing the original content and journalistic integrity of an image);
- No excessive lightening, darkening, or blurring of the image (thus misleading the viewer by disguising certain elements of an image);
- No excessive colour manipulation (thus dramatically changing the original lighting conditions of an image).

The guidelines are:

- Only minor Photoshop work should be performed in the field, especially in bad

lighting conditions;

- When editing under prime conditions, some further minor photo-shopping (performed with the above rules) is permitted.

This includes basic colour correction, subtle lightening and darkening of zones, sharpening, removal of dust and other minor adjustments that fall within the above rules. Photographers should understand the limitations of their laptop screens and their working environments. MSF photographers should trust their photo editors to carry out the basic functions to prepare their images for the MSF Media Database.

## Changing colour

The most common visual elements to get tweaked are colours and the removal of dust and scratches. Colour corrections are required to assure a good rendering of the image in print or web publishing. Conversion to black and white can be necessary when a publication is printed in black and white. All of these things should be done by professionals. Tweaking colours requires a good, calibrated screen and knowledge of the publishing medium (e.g., type of paper, web, print size). Changing colours on a regular MSF screen will most likely ruin the image file.

## Cropping

Cropping (or cutting out parts of an image for size or other considerations) is common in all media, and this is no different within MSF. It's hard to draw the line on what is acceptable or 'good practice' and what is beyond that. Cropping pictures is considered a fundamental right by the editor of a web/printed publication. However, it is a sensitive issue with professional photographers. Many do not want their images cropped and they will mention specifically when delivering their photos. (Check the database carefully for such advice). It is important to bear in mind the integrity of the photographer's work and cropping should not alter the content and atmosphere shown in the image. Sometimes there is no other way than to crop a certain page, but the picture could be repeated in its 'full' form on another page. For example, the homepage of a website could promote an article using a cropped version and then use the full image on the main page of the article.

## Enhancement

Digital photography has opened the door for more 'enhancements'. It has never before been so easy to remove a red-eye effect or facial blemish. However, think very carefully before modifying an image to create what might be seen as the perfect picture. For example: "How about taking out the fly on this little boy's cheek? Isn't that a bit too much for our donors?", "Can't we take out that military guy with his Kalashnikov in the background? It's really ruining this great image". Many will agree this is a step too far, but when one is getting desperate to find the right image, the limits of good practice tend to change.

If you really cannot avoid manipulating an image, make sure every party involved agrees with the intervention. The photographer needs to give his approval as the creator. It is important to inform your Photo Editor or other direct line manager in MSF before production. Consider the necessity of manipulating the image and MSF's integrity. Does MSF need to do this to get a point across? MSF still maintains a certain credibility, one that it relies on when speaking out and showing the world what is happening in a given place or situation. Any digital manipulation will damage the credibility of the images MSF uses.

## Transposing

This should not take place as it does not represent the image that was taken.

## Camera-phones

Camera phones and other mobile devices may in some circumstances provide an additional atmospheric and/or speedy way to tell and disseminate photographs for a story. Special attention should be given to the metadata of these images and a note about the source of the images (eg: low resolution from a mobile phone) should be included in the image caption and metadata.

## **In-camera effects**

In-camera effects such as multiple exposures, colour shifts, tilt-shift focus should be explicitly detailed in the image caption and drawn to the attention of the photo editor before validation.

## **RAW-files**

MSF does not process RAW files from commissioned photographers and does not archive RAW files on the media database.

## **Delivery of images and film**

### **Expectations**

High resolution image files are expected as standard. Image sizes vary by camera model and chip configuration; however it should be taken as standard that within the limitations of the camera used, MSF expects to receive the highest resolution of the photograph for its archive and use.

Photographs should be supplied with the following metadata either embedded in the image file (in the relevant IPTC field) or in an accompanying text document:

- Image capture date;
- Photographer credit;
- Copyright information;
- Caption description;
- Country of origin;
- Usage rights;
- Consent status (the consent form/audio/video should be sent to the Photo Editor for uploading on the Media database.

### **Delivery time**

Photographs from an assignment must be submitted to the commissioning editor as soon as is practically possible.

A small selection of key images should be transmitted at the earliest opportunity – either towards the end of the assignment or immediately thereafter – to the commissioning Editor for their immediate feedback and action. A wider edit should follow as soon after as possible depending on the availability of a good internet connection, the collection of supporting caption information and ability of the photographer to process the work away from the field.

These selections should be followed up with the submission, via hard disk or cloud share, of the final selection of photographs done during the assignment.

For professionally commissioned assignments, and as specified in the contract, the MSF Photo Editor reserves the right to request to see and select from ALL the photographs made by a photographer whilst on a paid assignment from MSF.

Photographers who have not submitted work one week or more after an assignment has concluded are considered to be in breach of contract unless other exceptional terms have been agreed prior to the start of the assignment.

### **Captions**

Writing a clear caption is part of good practice. Without clear, accurate notes or captions photographs are, at best worthless, and at worst potentially harmful.

Photographs without clear, informative captions will NOT be permitted to be stored for extended periods of time or released to the MSF network via the Media Database.

If the responsibility of collecting a good caption lies with the MSF audio-visual producer harvesting content – the Photo Editor will ensure that adequate photo captions are included with the correct material on the media database.

Each photo should have a different caption, including the following key elements:

- Description of WHO is in, or WHAT is happening in the photograph;
- Date of WHEN the photo was taken;
- Location region/town and country WHERE the photo was taken;
- Name of the photographer.

Note: in the case where the photographer is a freelancer contracted by MSF this needs to be specified in the contract.

Caption example:

*Monga Ngoy, 8, waits her turn 02 April 2014 at the MSF measles vaccination project with her mother Kumuimba at the MSF-run hospital in Juba, South Sudan. PHOTO: Anna Surinyach/MSF*

A **supplementary caption** may be included separately that expands on the background story common to a series of images taken in the same place or a collection of many images from different sources brought together to tell a common story.

The Supplementary caption may also be used for including translated multilingual versions of the main image caption.

Supplementary photo caption example:

*In March 2014 MSF launched a vaccination campaign targeting more than 100,000 of those most at risk from measles following an outbreak of the disease earlier in the year.*

## Courtesy

Communications staff should remember that it is professional courtesy to provide field/local staff and teams who facilitated the work with copies of images (via the field communications manager). This should be done in all cases within a reasonable timescale to ensure a good relationship.

## Distribution of images and film

### Distribution internally within MSF - the MSF Media Database (MDB)

The MSF internal media database is the primary means of distributing images within MSF. It is the only approved intersectional asset management and storage system for MSF's audio-visual material. All MSF photo and video production should be archived on the media database and made available, according to individual licence and validation, to the internal network of MSF sections and offices worldwide.

### Maintenance and management

The media server is maintained and managed by the International Office photo editor. There exists however a variety of other user profiles with access to areas of the media database management relevant to their roles at MSF.

## User roles

The assignment of user roles on the media server allows communications staff to add their own clients and approve new users to the media database, so they can distribute photo stories to their contacts directly. Alternatively, it is encouraged to create share links with download options for a safe and quick dissemination capability.

## Uploading images to the Media Database

All images uploaded to the media database must be tagged with identifying metadata including captions, credits, keywords, usage rights, consent status.

Not all images uploaded and archived on the media database are intended to be available or visible to everyone. Photographs produced for MSF, either by commissioned professional or by MSF's own staff, must include clear usage rights and be set to the correct public/internal profile in the archive.

Purpose types\*:

- *Public* images are visible to logged- in external media;
- *Internal* photographs are visible only to logged in MSF staff and are cleared for use only in MSF's own publications, websites and social media channels;
- *Pending Approval* photographs are visible only to MSF photo editors and are awaiting final information and validation.

\* *Purpose types will be revised in the coming months – November 2018*

## Uploading consent forms – coming soon...

Instructions on how to upload consent forms will be here soon.

## Story archive folders

All story archive folders on the MDB (for collections of images related to a single story) must include a background description text as a summary to the images in that folder.

As with image files themselves, a story folder of images stored on the MDB without an accompanying description and without a declaration of consent is considered incomplete.

Images uploaded to the MDB may require subsequent information, text or validation before release. These images (and the story folder in which they are stored) should be marked with *Pending Approval* as above. Additional notes should be written into the specific files and/or folder to indicate at what stage of production the photographs are at.

Failure to do so may result in unintentional accidental publication of incomplete or inappropriate photographs to the network. Beyond three months of *pending validation* the audio-visual material will be downgraded to *disqualified* and will no longer be visible.

## Distribution externally

It is considered bad practice for any MSF staff (communications or otherwise) to download images from the MDB and distribute them directly to the press or to store them in a sharable cloud folder as a means to provide media to external clients.

The best practice is to share links with download options directly from the MDB for a safe and quick dissemination capability. Links to specific images and videos can then easily be shared externally by creating a temporary access link with download options. You will need to have additional rights on the MDB to make such links. Contact the administrators to upgrade your profile.

## Contracts and copyright

Contracts with freelancer audio-visual producers provide a legally binding agreement on the terms of the photo/video assignment, the expectations of production and the rights of usage of the work produced.

Contracts with professionals should clearly state that audio-visual producers are expected to make ALL (ideally) the images they have shot on an assignment available to the commissioning editor to make their final edited selection from.

MSF will not claim copyright of photographs that are produced by independent professional photographers or agencies. MSF will however expect to receive a licence for a defined period to publish and distribute the images from an assignment for its own purposes (period to be defined at contract stage – suggested minimum is 5 years).

As an MSF employee the author grants MSF a non-exclusive licence to archive, distribute and publish their work for editorial use, fundraising activities and social media story-telling. MSF will always provide a credit to the photographer (and their agency where appropriate) on images it publishes or distributes to third party editorial clients.

Freelancers and MSF staff will be expected to grant MSF a licence for the audio-visual material made under assignment and selected by the editor, including, but not limited to:

- The right to distribution of images to external media clients for editorial use;
- The rights to use photographs in MSF print, digital, and social media channels;
- The right to use photographs in any MSF fundraising or advertising campaigns.

**Note that contracted photographers are expected to be aware of the Behavioural Commitments. Contact your local HR for clear instructions.**

## Embargoes

In exceptional circumstances usage rights other than the full distribution licence above may be negotiated and agreed in advance with the audio-visual producer (as part of the assignment contract) where the granting of a lesser licence to MSF is not detrimental to the value of the assignment as a whole and is not designed to provide the photographer or their agent with exclusivity for private sale of the work undertaken on paid assignment for MSF.

The commissioning editor may agree to embargo distribution of photographs from an assignment and defer to the audio-visual producer (or their agency) for the initial distribution of the work. This arrangement will only be made in exceptional circumstance and where it is clearly designed to help guarantee usage by an approved external media client. The potential additional commercial benefit to the producer from third party royalty payments must not be considered as an incentive to impose embargoes on MSF commissioned photography.

Once MSF agrees with an audio-visual producer to embargo the material and limit the availability to a particular publication we are ethically obliged to respect it. However, that obligation ends when the photographer/videographer:

- Offers the material to a different news outlet than initially agreed  
or
- Puts the images on general sale via an agency or personal website.

## Emergency and crisis photo response

A major part of MSF operations are in response to emergencies. Production of audio-visual material during an emergency can often be chaotic and fragmented with MSF Operational Centres seeking

access to coverage and communications staff swamped by requests for access by professional photographers (with or without an assignment guarantee from a publication).

The MSF photo editors and communications staff agree that in emergency situations a single intersectional emergency photo editor is designated as the sole commissioning editor. The intersectional emergency photo editor will represent the interests of all the OCs and sectional audio-visual requirements and be the focal point to represent these needs to the operational and medical directors of the emergency mission.

The Directors of Communication, Communication Advisors, Operations Managers and Emergency coordinators will recognise and support the role of the Intersectional Emergency Photo Editor and will include him/her in all discussions and planning of media coverage for emergencies.

## Choice of image

MSF accepts that communications and fundraising staff around the movement will choose different images according to the audience they are targeting. For example, an image of a bare-breasted woman (even one who is breastfeeding) would not be acceptable in the U.S. or in much of the Islamic world, but would be perfectly acceptable for use in France. MSF trusts its communications and fundraising staff to act as responsible 'gate-keepers' for the material.

The most important thing is that we do not distort reality either to make things appear significantly better or more dramatic, than our teams on the ground find them.

Please refer to the [Ethical Guidelines](#) for further considerations.

## Legal Rights and Protection

### Who is ultimately responsible for the use of images?

The decision to use an image rests within each MSF section and is therefore the responsibility of the Director of Communications or the Director of Fundraising who has been delegated this responsibility from their General Director. When a MSF section circulates or uses highly questionable images (difficult to define until complaints are made) then that section can be held accountable for use of the image by the wider movement.

### What is the legal status?

The legal protections afforded to people who object to having their image used differ from place to place. In Europe, it is clearly stated that a person's image cannot be used without their consent. With the new GDPR every individual's data – including their image and personal information accompanying the image – are strongly protected within the EU. MSF is committed to comply with these regulations. That said, MSF also has a legitimate interest to bear witness of what we see, as a part of our mission, and to inform about our work for general information, transparency as well as fundraising needs. In particular there are four components we need to consider:

- a) Using images of expatriates or HQ/section personnel
- b) Using images of patients/local populations in HQ/section countries
- c) Using images of patients/local populations in the country where they were photographed (and reside)
- d) Using images of patients/local populations internationally (e.g. websites, social media and international press)

### a) Images of expatriates/employees

Prior to GDPR, most MSF offices did not request headquarters staff persons' permission to use their image. This will need to change now and sections have started to take steps to address this gap.

## **b) Images of patients/local populations in HQ/section countries**

The ultimate risk is that a patient could accuse MSF of inappropriate behaviour in use of images. Depending on the individual circumstances, it is likely that MSF would attempt to come to an agreement.

In light of the new European data protection regulations, we do not yet know, how likely it is that MSF could encounter legal issues for using images of patients or members of a local population in HQ or other countries where we work. However, MSF has a legitimate interest in publishing images and stories for information and fundraising purposes as:

- MSF is not a commercial company
- One of MSF's aims is to advocate on behalf of populations in danger
- MSF can show (through these guidelines and other means) that it is considerate of data protection as well as the ethical questions related to the use of images.

## **c) Images of patients/local populations in the country where they were photographed or reside**

Patients and other people photographed are more likely to experience negative consequences from use of their image in their own country than abroad. While unlikely, it is not impossible that they will launch formal legal action against MSF if they feel their image was unjustly used.

MSF staff should be aware and careful about the images we use. Images that are not intended for local use, can end up being available locally. Therefore we should be pay particular attention to the usage information included with each image on the media database to avoid unnecessarily putting people at risk.

## **d) Images of patients/local populations on websites, international media and social media**

The elements are the same as in the point above, but with one additional question: under which jurisdiction would a complainant launch an action against MSF? This uncertainty makes it even more difficult to evaluate the situation.

The use of the internet has had a huge influence on the reproduction of images around the world and is a very common tool in many countries. Publishing images on social media means giving up some control over the spread of images. This means that once an image is published, there is no going back. MSF has to be aware of the legal consequences of using images with this medium.

Rather than relying on the low risk of potential lawsuits, before publicly publishing images (social media, MSF media database included), MSF staff should consider the following:

- Would someone in their own country take legal action if they or someone close to them was shown in such a situation?

If the answer brings about any doubt, do not use the image.

## **Further reading, supporting documents and practical resources**

### **Further reading:**

[MSF's Public Communications in the Digital Age - Dircom5 and CoCo Platform](#)

[AFP Editorial Standards and Best Practices](#) (12 Apr 2016) – section 8 – Images: graphics, photos and video

### **Reference guides:**

[MSF Comms Toolbox – AV Content](#)

[Ethical Guidelines](#)

GDPR AV Policy – **coming soon** – November 2018

### **Tutorials:**

[AV Tutorials](#) – including “Five shot method” and Essential Graphics

[Filming with a Smartphone](#) tutorial

### **Archive of common forms:**

[Photo / Video guides, consent forms and internal documents](#)