

Leaflet on image rights (valid for Germany)

If pictures of other persons are taken and published for the purposes of reporting and documentation, a declaration of published, a declaration of consent from the person or the person with guardian is usually obligatory.

Image rights in the club and for competitions:

This is a general recommendation for action which has been prepared to the best of our knowledge.

Publication without consent versus data protection:

The Arts Copyright Act states:

1. **Persons of contemporary history** - i.e. of political, social, economic and cultural life - such as sportswomen or sportsmen may be photographed without consent.
2. If people are **to be seen as "accessories"** in the photo - i.e. they are not the reason why the photo was taken,- and the image message would not change in the slightest, if these people were not there - then they do not have to be asked for permission.
3. Furthermore, people **at public events** may also be photographed without a declaration of consent.

The new **General Data Protection Regulation** (in German "Datenschutzgrundverordnung, DS-GVO") has been in effect since 2018, which prohibits the collection, storage, processing or transmission of personal data. This includes, among other things, all data that enables the allocation and identification of individuals - i.e. also photos.

But: the collection, storage, alteration or transmission of personal data or its use is permitted if this is necessary for the fulfilment of the **purpose of the club**.
The organising, documenting and reporting on competitions, flower ceremonies and, for example, team line-ups in the form of team photographs **serves the purpose of the club**.

Pictures from competitions / match days

Match days are public events at which the persons present may be photographed without a declaration of consent and the pictures may be published, because the the organisation, documentation and reporting of and about the match day serves the purpose of the club.

Accordingly, taking and publishing pictures **of large groups of people as well** as active sportsmen and sportswomen for the purpose of reporting on the public match days is permitted (BGH - Bundesgerichtshof, judgement of 28.9.2004 -VI ZR 303/03).

Flower ceremonies and team photos

If in doubt, it is advisable to obtain a declaration of consent if pictures are to be published in which people are the focus. A declaration of consent does not necessarily be in written form but can also be verbal or implied. An implied declaration of consent has been made if a person's actions indicate that he or she consents to the taking and publication of the images. If he or she smiles into the camera at a flower ceremony or a team photo, then consent has been implied.

Declaration of consent for minors

For the production and publication of pictures in which children are visible, the consent of the parents or guardians must be obtained. It could be argued that the permission of the legal guardian to allow the minor to participate in a sporting event of a club, their implied consent to publication has also been given. However, this is disputed in the literature, so that before the consent of the respective legal guardian should be obtained Ideally, this should be done in writing, but at least via the advertisement, which makes it clear that registration and participation also implies consent to publication.

In addition, the child's declaration of consent must also be obtained if he or she has the necessary that he or she understands the significance and scope of the publication of the pictures - this can be assumed to be the case from the age of 14, whereby implied consent can be assumed.

Right to one's own photograph

Every person has the right to their own image and may decide for themselves whether they wish to be photographed and whether the images may be published. Exceptions to this are the three situations mentioned above (see publication without consent). Nevertheless, we as a club will comply as soon as possible to the request of a person who does not wish to be photographed and / or does not wish the pictures to be published.

Protection of privacy and intimacy

Furthermore, the intimacy and privacy of the persons depicted must be protected.

In order to protect children in particular, photos in which children are visible should be avoided as far as possible.