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## Photography, Filming, and Videography Policy

It is the policy of the Board of Trustees of the Merrimack Public Library (the "Library") to permit filming and photography under the conditions described herein only to the extent that it does not interfere with the operations, programs and activities of the Library, and is consistent with the Library's Bylaws.

The Board hereby authorizes filming and photography in Library facilities as follows:

1. Classes or events sponsored by the Merrimack Public Library (MPL) may be photographed or video-recorded by the Library's staff or its representatives. Attendance at a MPL-sponsored class or event constitutes the consent of all attendees and the consent of the parents or legal guardians of any minor children in attendance, to the future broadcast, publication, or other use of photographs or videos at the sole discretion of the Merrimack Public Library, unless attendees or parents of children in attendance specifically inform staff of an objection to such use.
2. Casual amateur photography, filming, and videotaping is permitted in the lobby, study and program areas of Library facilities for patrons and visitors wanting a remembrance of their visit, provided that the photography does not interfere in any way with Library operations or capture any identifiable likenesses of individuals without their permission, per NH RSA 91-A:5 and NH RSA 201-D:11, attached Appendix A.

Any such photographers are responsible for arranging all necessary releases and permissions from persons who are filmed or photographed. Except as otherwise permitted in paragraph 3 by the Library itself, **under no circumstances may anyone take a photo or film a Library patron without the express written or verbal consent of the patron, or their parent/guardian, if a minor.**

3. No commercial or media photography or filming may occur in Library facilities without the prior written permission and approval of the Library Director. Such approval shall contain the conditions under which the commercial/media photography or filming will take place, and address the rights to ownership of the photos/films. **For commercial/media requests, please contact Yvette Couser, Library Director via phone 603-424-5021 x108 or email [ycouser@merrimacklibrary.org](mailto:ycouser@merrimacklibrary.org)**
4. The Library may utilize photos and videos from public programs and events at Library facilities and Library spaces on its website, social media platforms and in Library publications. Photos, images, and videos submitted to the Library by users for online galleries or contests may also be used by the Library for promotional purposes. To ensure the privacy of all individuals, including children, images will not be

identified using full names or personal identifying information without written approval from the photographed subject, parent or legal guardian.

5. Any consent granted pursuant to this Policy to permit photography or filming may be revoked at any time upon failure to comply with terms of the Policy or the Rules and Regulations Policy of the Library.

6. Patrons or visitors are not permitted to take photos or videos if such filming or photography violates state or federal law.

## APPENDIX A

### **91-A:5 Access to Governmental Records and Meetings - Exemptions. –**

The following governmental records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

I-a. The master jury list as defined in RSA 500-A:1, IV.

II. Records of parole and pardon boards.

III. Personal school records of pupils, including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from

disclosure.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

XI. Records pertaining to information technology systems, including cyber security plans, vulnerability testing and assessments materials, detailed network diagrams, or other materials, the release of which would make public security details that would aid an attempted security breach or circumvention of law as to the items assessed.

**Source.** 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1. 2002, 222:4. 2004, 147:5; 246:3, 4. 2008, 303:4, eff. July 1, 2008. 2013, 261:9, eff. July 1, 2013. 2016, 322:3, eff. Jan. 1, 2017. 2018, 91:2, eff. July 24, 2018. 2019, 54:1, eff. Aug. 4, 2019.

**NH RSA 201-D:11 Library User Records; Confidentiality. –**

I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services, including records of materials that have been viewed or stored in electronic form.

II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such libraries and shall be disclosed upon request by or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.

III. Nothing in this section shall be construed to prohibit any library from releasing statistical information and other data regarding the circulation or use of library materials provided, however, that the identity of the users of such library materials shall be considered confidential and shall not be disclosed to the general public except as provided in paragraph II.

**Source.** 1989, 184:3, eff. July 21, 1989. 2009, 273:1, eff. July 29, 2009.