



**TO:** Library Advisory Commission

**FROM:** Allison Gray, Library Director

**SUBJECT:** Goleta Valley Library, Possible Policies Regarding First Amendment Audits

**RECOMMENDATION:**

Discuss possible policies for the Goleta and Santa Ynez Valley Libraries regarding First Amendment Audits.

**BACKGROUND:**

There are a rapidly increasing number of First Amendment Audits in American public libraries. First Amendment Auditing is a social movement that tests constitutional rights, particularly the right to video record in a public place, promoting transparency and open government. Generally, the goal appears to be to create videos for posting on YouTube or social media to show that the posters' rights have been infringed upon.

Auditors will say the library is a public place and therefore they have the right to film anything there. However, public libraries in California are government entities and are therefore limited public forums. Federal law also considers public libraries as limited public forums. This gives libraries the right to have certain time, place, and manner restrictions. The rights to film can be restricted if they interfere with library operations or functions.

Library users have a general expectation of confidentiality (as protected by both State and Federal law) and freedom from harassment at the library. We want to maintain a peaceful atmosphere for everyone at our library branches. If someone comes in to conduct a First Amendment Audit, it would not be advisable to react in an emotional manner. Therefore, it is important to continue creating policy that will aid staff in handling a possible audit situation.

There has been no national study conducted on how many libraries have been subjected to First Amendment Audits. However, there have been numerous audits conducted all over the United States and increasingly in Canada and the United Kingdom.

## DISCUSSION:

Regarding photography, many topics must be considered. Are there places in the library that are definitely off limits to the public? How does staff protect everyone's privacy? How would policies on this topic be enforced?

It would be beneficial to have a basic Photography/Filming Policy about filming in public spaces. Several public library filming and photography policy examples have been attached, including those of Northland, PA, Berkeley, CA, and Pasadena, CA (Attachments 1, 2, and 3, respectively). Limited public forums are allowed to ban entry into Staff-Only areas so filming would not be allowed in those areas. Signage is sufficient to address that problem.

The Library Advisory Commission is being asked to discuss the possible provision for staff to address a First Amendment Audit. Action at the August meeting is not necessary if the Commissioners wish to have more time to reflect on the issues. The policy/ies could be addressed at the October Library Advisory Commission if preferred.

Library staff will take the feedback form the Library Advisory Commission and work with the City Attorney's Office to ensure that these policies are legally defensible and practical before ultimately taking them to the City Council for consideration and adoption.

Once the proper policies are in place it will be incumbent upon Library Administration to train library staff on them and on how to remain calm during First Amendment situations so that everyone, including the Auditors, feel comfortable in the Goleta and Santa Ynez Valley Libraries.

### Review By:



Allison Gray  
Library Director

### Approved By:



Jaime A. Valdez  
Neighborhood Services Director

## ATTACHMENTS:

1. Northland Public Library Film and Photography Policy
2. Berkeley Public Library Photography and Filming Policy
3. Pasadena Library Photography Disclaimer with City of Goleta Considerations

## **Attachment 1**

### **Northland Public Library Film and Photography Policy**

# Film and Photography Policy

## Introduction

The purpose of this policy is to establish the terms and conditions under which Library space may be used for still photography, filming and/or video production. Northland Public Library's express permission is required for any filming or photography in the Library building, on the Library grounds or at Library sponsored events by professional, commercial, student or news photographers or filmmakers or by other Library visitors/users wishing to take pictures or film for commercial and/or personal purposes.

All photography/filming requests are coordinated by the Library's Director of Communications. In addition, all Library rules and regulations must be followed and there shall be no interference with the ongoing operations of the Library and the work of its staff. Questions regarding this policy should be directed to the Director of Communications at extension 103 or [yonn@northlandlibrary.org](mailto:yonn@northlandlibrary.org) or the Executive Director at extension 101 or [steelea@northlandlibrary.org](mailto:steelea@northlandlibrary.org).

The Library reserves the right to prohibit any filming or photography for any reason, including, but not limited to, if the filming or photography creates the potential for: (i) disruption of business; (ii) damage to or alteration of Library property; (iii) inappropriate use of Northland Public Library's name, logo or image; (iv) disruption of pedestrian or vehicular traffic; (v) other safety hazards; (vi) violations of the Library's privacy policies; or (vii) individual or corporate financial gain.

## Non-commercial (private use) Photography

Non-commercial photography (such as a visiting Library professional, casual tourist or Library user who wants to record a visit or capture the building's architecture or landscape) is generally allowed without prior written permission provided that such activity does not capture identifiable likenesses of individuals without their permission. Individuals who take pictures must honor requests from Library users who do not want to be included in photos. Equipment, such as tripods, may not obstruct passageways or cause disturbances to Library users. The Library reserves the right to terminate any photography if it results in disruption of the ordinary Library environment or operations.

## Non-Commercial Filming, Commercial Filming or Commercial Photography

Filmmaking (commercial and non-commercial) or commercial photography is coordinated by the Director of Communication. Approval is at the discretion of the Library's Executive Director and is contingent upon facility and staffing availability. All filmmaking and professional photography must take place before or after the Library's normal operating hours and all equipment must be removed during the Library's

Source: <https://www.northlandlibrary.org/about-northland/general-policies/film-and-photography-policy/> (downloaded 6/17/22)

operating hours. Rental fees will be negotiated based on project scope. The process for requesting permission is detailed below.

### **News-related Filming & Photography**

The Library will consider reasonable requests for journalistic, non-commercial filming and photography. Notification is not required but is appreciated for news-related photography.

### **Library Photography or Filming**

Occasionally, Northland Public Library staff may elect to photograph or film Library programs and/or events. The Library reserves the right to include these images in brochures, flyers, web pages, news releases or other promotional materials, as well as make them available to media outlets and event participants. When names or images are used by the Library for publicity or other Library-related uses, the Library obtains customer permission or allows customers to “opt out” of having their image taken.

### **Requests for Permission to Film or Take Photographs**

Non-news related requests should be made in writing at least 5 business days in advance by emailing Nicholas Yon, Director of Communications, at [yonn@northlandlibrary.org](mailto:yonn@northlandlibrary.org). All requests for filming or photography must include the following information:

- Name and description of the organization or individual making the request.
- Project description, including the context and way in which the Library is to be portrayed and the intended use of the resulting material.
- Date(s) requested.
- Time and duration of proposed shoot.
- Number of people and amount and type of equipment involved, including vehicles.
- Potential disruption (sound, light, physical, etc.) of Library activities.
- Location releases, if necessary, must be submitted for review by the Library in advance.
- Proof of adequate insurance coverage and a signed indemnification agreement (student photographers/student filmmakers are exempt.)

All professional photography/filmmaking must take place before or after the Library’s normal operating hours and all equipment must be removed during the Library’s operating hours. Rental fees will be negotiated based on project scope. Approval is at the discretion of the Executive Director and is contingent upon facility and staffing availability.

Source: <https://www.northlandlibrary.org/about-northland/general-policies/film-and-photography-policy/> (downloaded 6/17/22)

## **Additional Guidelines**

- Use of Northland Public Library's name, logos, trademarks or images in connection with any photograph or film is prohibited without written permission by the Library.
- Photos of minors are prohibited at all times without the written permission of the minor's parent or guardian.
- No set construction or alteration of buildings/grounds is permitted.
- All areas occupied in connection with the filming/photographing must be returned to their normal conditions.
- Applicants must not make any connections to the electrical system other than through plugging into standard duplex receptacles. Covers from electrical panels or boxes must not be removed.

## **For More Information**

Contact the [Director of Communications](#).

Approved 1/24/17

Rev 6/22/2021

## **Attachment 2**

### Berkeley Public Library Photography and Filming Policy

**BERKELEY PUBLIC LIBRARY  
POLICIES**

**SUBJECT: Photography and Filming in the Library**

A.R. Number:	10.18
ORIGINAL DATE:	01/09/08
BOLT Resolution #:	R08-05
REVISED DATE:	03/19/14
PAGE:	1 of 2

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**I. PURPOSE**

The purpose of this administrative regulation is to set forth photography and filming policy addressing the parameters under which photography and filming may take place in Library facilities while preserving the rights of Library users to use Library services and facilities.

**II. POLICY**

It is the Berkeley Public Library's most significant priority to provide library services to the community in accordance with the values described in the Library's Mission Statement, and to enable Library users to use those services while having a safe experience at the Library. To achieve this, the following rules apply to photography and filming in Library facilities:

Casual Photography and Filming: The public areas in Berkeley Public Library facilities are part of the public environment and, therefore, casual photography and/or filming intended to record a visit is permitted, provided that such photography and/or filming does not interfere in any way with Library operations, is consistent with the Library's Mission Statement and rules or capture identifiable likenesses of individuals without their permission. Individuals who photograph and/or film must honor requests from individuals who do not wish to be included in any photography/filming and have the sole responsibility for obtaining all necessary releases and permissions from persons who consent to being photographed and/or filmed. Photographing and/or filming of minors are prohibited without the permission of their parent or legal guardian. Individuals wishing to take photographs of and/or film Library buildings and/or inanimate objects for personal use may do so without special permission, as long as no additional equipment, such as supplemental lighting, is used. Library personnel may terminate any photography and/or filming session that appears to compromise public safety or security and/or violates Library rules.

Research Photography and Filming: Individuals interested in research photography and/or filming of the Library's special collections, such as the Berkeley History Room Collection, the Art/Music clipping files, etc. must obtain advance authorization from the Manager overseeing the specific Library unit in order to avoid disrupting library operations. Researchers are responsible for obtaining their own permissions when photographing and/or filming copyrighted material in the library.

Media Photography and Filming: The Library welcomes media requests for stories directly involving library programs, resources, collections and services; however, advance authorization must be obtained from the Director of Library Services, or her/his designee, for use of library facilities for photography or filming activities in order to ensure there are no disruptions to Library operations and to protect the safety of those using library facilities. The Library does not grant permission for news media to use its facilities for stories or projects that do not relate to the Library itself, as interview venues for unrelated stories, and disallows access to library patrons for opinion polls or man-on-the-street interviews within its facilities.

Commercial Photography and Other Filming: Filming and commercial photography projects in library facilities require advance authorization from the Director of Library Services, or her/his designee. Factors considered for approval are inclusive of, but are not limited to, the Library's interest; issues of

confidentiality; statutory requirements; amount of time the project requires, inclusive of employees' time; and any other purpose the Director of Library Services, or her/his designee, deems to be of interest of the Berkeley Public Library.

All filming and/or photography requests must be submitted in writing at least 2-3 weeks prior to the desired shoot date. Requests will only be considered if submitted in writing at least 2-3 weeks prior to the shoot date. The letter of intent must include a synopsis and script of the shoot and a storyboard where the Library is featured as itself; a complete breakdown of all shoot specifics, including number of crew members, exact and or proposed schedules, requested locations, and equipment to be used; and, any other requests. Students must include a copy of their course assignment. The Library reserves the right to decline involvement in any project and to approve any scene and/or image in which the Library is featured.

Filming and/or photography may not be related to political campaigns or to partisan issues because the Library wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference.

The Berkeley Public Library does not allow the promotion or advertising of any brand other than the Berkeley Public Library brand. Any products, signs, or promotions used for filming and/or photography must be displayed or take place solely within the designated filming and/or photography area, with the approval of the Library and removed prior to the Library's operating hours.

Filming and photography may take place only in public spaces during hours when the Library is closed, cannot endanger Library facilities, and must not disturb Library personnel or interfere with normal Library operations. Filming and/or photography in staff areas is prohibited. All facilities rules and guidelines must be followed. Smoke and smoke effects are not permitted; and, all equipment must be removed prior to the Library's operating hours. The production / film maker / photographer will be charged for the repair of any damage that is incurred.

Library personnel such as are necessary to open, secure, and remain on the premises during a shoot must be paid at overtime rates by the production / film maker / photographer. Additional production fees may apply. Fees are quoted on a case-by-case basis and go directly to support Library programs and services.

Any persons filming and/or photographing on Library premises have sole responsibility for obtaining all necessary releases and permissions from persons who are filmed.

Individuals or organizations seeking to do photography and/or filming for commercial purposes are referred to the Berkeley Film Office and its policies and requirements (510-549-7040, <http://visitberkeley.com/film-office/filming-guidelines>).

Library staff may stop any filming session that appears to interfere with library operations, compromise public safety or security and/or jeopardize the integrity of the Berkeley Public Library.

Reviewed by:

Director of Library Services

Date

Approved by:

Chair, Board of Library Trustees

Date

### **Attachment 3**

Pasadena Library Photography Disclaimer with City of Goleta Staff  
Considerations

## **Pasadena Library**

### **Photography Disclaimer**

The Library often photographs or videotapes programs for use in publicity materials. By being present during these activities, you consent to use of your appearance or likeness by the Library, and its licensees, designees, or assignees, in all media, worldwide, in perpetuity. To insure the privacy of individuals and children, images will not be identified using names or personal identifying information without written approval from the photographed subject, parent or legal guardian.

Source: <https://www.cityofpasadena.net/library/library-policies/#photography-disclaimer>

### ***City of Goleta Staff Considerations:***

*To post around library and on the library website at Goleta, Buellton and Solvang?*

*Perhaps add to statement:*

*“If you do not wish your child to be photographed, please alert a staff member.”*