

# **Starr Library**

## **FILMING AND PHOTOGRAPHY POLICY**

### **Purpose**

Starr Library recognizes the First Amendment right to film in public settings. While the library is a public place, it is considered a “limited public forum” under federal law. Public libraries may reasonably restrict the exercise of free speech rights in their buildings, particularly when the conduct would be disruptive to, or interfere with, other patrons or staff or be inconsistent with the library’s mission.

The Library offers an environment that is conducive to reading, researching, studying, and attending programs for education and enrichment. Use of the Library is limited to those who conduct themselves in a manner which is appropriate to the Library’s nature and purpose. Anybody who interferes with the proper use of the Library by other patrons, harasses Library staff, or abuses Library property or materials, is subject to removal from the Library and/or restriction of Library privileges.

This policy is needed to ensure that filming and photography is consistent with the Library’s Mission Statement and other Policies and does not interfere with the provision of Library services. Individual patrons have a right to use the library facility free from harassment, intimidation, or threats to their safety, well-being, and privacy rights.

### **Guidelines**

- Subject to the preceding paragraph: photography and video or audio recording by visitors to the Library are generally permitted if it is strictly for personal use.
- Photography and video or audio recording for commercial or educational purposes are permitted only if the activity has been approved in writing by the Library Director. In order to ensure that such activity would not be disruptive to, or interfere with, the Library staff or patrons, or be inconsistent with the Library’s mission, all individuals proposing to engage in such commercial activities must request approval in writing and in advance.
  - Anyone wishing to record for commercial or educational purposes must provide a written request detailing the purpose, scope, and intended use of the footage.
  - Proof of liability insurance may be required for commercial or large-scale projects.
  - The library must be credited in all public materials as follows: *Filmed at Starr Library. The library does not endorse the content of this production.*

- A completed Filming Agreement Form must be submitted for approval at least 14 days in advance.
- The library reserves the right to review the final footage before public release.
- All requests to use a Library facility as a setting for photography, video or audio recording are to be referred to the Director, who has the responsibility and authority to evaluate the requests and to monitor the recording. Requests will be evaluated in terms of their impact on library operations and services.
- Filming must not disrupt the work environment of Library staff, obstruct passageways or cause disturbances to library patrons. Library staff may terminate any photo or film session that appears to compromise public safety, security, patron privacy or does not meet the standards of this policy. This includes harassment of other patrons.
- Filming parties are responsible for any damage incurred during their activities.
- In order to protect the rights of individual patrons and to prevent disruptions, interference with staff or patrons, or conduct inconsistent with the Library's mission, photographing and video or audio recording on Library property are restricted as follows:
  - Under no circumstances may the public, or members of the media take photographs or record video or audio of other people without the express permission of any Library patron or staff member who would be included within the composition. In the case of minors, permission must come from the parent or legal guardian.
  - No filming or photography is permitted in staff-only areas, restrooms, or near public computers.
  - In the event of a critical incident or emergency requiring police or fire response, public and media access may be limited to allow emergency personnel to ensure safety and security.
  - Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the Library.
  - Library furnishings cannot be rearranged to accommodate the photographer's wishes.
  - Filming that will be used to promote a particular political position or candidate is not allowed.
  - The terms above apply to the media as well as to amateur photographers and audio/video creators.

## **Exceptions/Responsibilities and Rights for Library:**

- Please note that the Library frequently engages in photographing and filming programs and events for its own publicity and promotional purposes. Library staff will make every effort to notify library patrons when recording is taking place. Those who do not want to be filmed or photographed must explicitly notify Library staff verbally or in writing in each instance.
- The library reserves the right to modify this policy at any time and to deny or revoke filming permissions at its discretion.

*(Adopted from The East Greenbush Community Library's Photography & Filming Policy)*

Adopted and approved by the Starr Library Board of Trustees

Dated: May 22, 2025

# **Starr Library**

## Filming Agreement Form

**Date of Request:** \_\_\_\_\_

**Filmmaker Name:** \_\_\_\_\_

**School/Organization:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Project Title:** \_\_\_\_\_

**Purpose of Filming:**

\_\_\_\_\_

**Proposed Filming Date(s) and Time(s):**

\_\_\_\_\_

**Areas of the Library to Be Used:**

\_\_\_\_\_

**Equipment to Be Used:**

\_\_\_\_\_

## **Filming Guidelines**

1. Filming must not disrupt normal library operations or interfere with patrons' use of the space.
2. Filming is limited to designated areas approved by library staff.
3. Patrons may not be filmed without their express written consent. Filming of minors requires parental/guardian consent.
4. Sound recording must not capture private conversations of library patrons or staff.
5. No filming is permitted in staff-only areas or near patron computers.
6. The filmmaker is responsible for ensuring all equipment does not pose safety hazards.

7. The library reserves the right to request review of footage before public release.
8. The library must be credited in the final project as follows: *Filmed at Starr Library. The library does not endorse the content of this production.*
9. The filmmaker assumes all responsibility for damages and liability during the filming process.

## **Insurance & Liability Waiver**

The filmmaker agrees to indemnify and hold harmless Starr Library, its staff, and governing bodies from any claims, damages, or liability arising from the filming activities. If required, proof of liability insurance may be requested.

## **Approval**

By signing below, the filmmaker agrees to abide by all library policies and filming guidelines. The library reserves the right to revoke filming permissions at any time.

**Filmmaker Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Library Representative Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Context notes (not for inclusion in policy):

## First Amendment of the U.S. Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

## New York Constitution, Art. 1, Section 8

“Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.”

Case law in NY holds that a library is a limited public forum.

*See, e.g., Kreimer v. Bureau of Police for the Town of Morristown*, 958 F.2d 1242, 1259 (3d Cir. 1992); *Armstrong v. District of Columbia Public Library*, 154 F.Supp.2d 67, 75 (D.D.C. 2001); *The Gay v. O'Hoopee*, 235 F.Supp.2d 1362, 1368 (S.D.Ga. 2002); *see also Brown v. Louisiana*, 383 U.S. 131, 86 S. Ct. 719, 15 L. Ed. 2d 637 (1966)

"A State or its instrumentality may, of course, regulate the use of its libraries or other public facilities. But it must do so in a reasonable and nondiscriminatory manner, equally applicable to all and administered with equality to all."

A “limited public forum” is created when the government designates “a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects.”

*Bronx Household of Faith v. Bd. of Educ.*, 492 F.3d 89, 96 (2d Cir. 2007) (quoting *Cornelius v. NAACP Legal Def & Educ. Fund*, 473 U.S. 788, 802, 105 S. Ct. 3439, 87 L. Ed. 2d 567 (1985)).

In the case of a limited public forum, constitutional protection is afforded only to expressive activity of a genre similar to those that the government has admitted to the limited forum.

*Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991).

