

The photovoice decision tree: Legal considerations and ethical implications for photographs and captions

By: [Lindsey R. Oakes](#), [D. Rose Ewald](#), Muhsin Michael Orsini, and [Robert W. Strack](#)

Oakes, L.R., Ewald, D.R., Orsini, M.M., & Strack, R.W. (2022). The photovoice decision tree: Legal considerations and ethical implications for photographs and captions. *Health Promotion Practice*, 23(2), 250-261. <https://doi.org/10.1177/15248399211053892>

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Abstract:

This article presents a photovoice decision tree that serves as a guide for making lawful and ethical decisions during the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. Lawful and ethical considerations encompass privacy of person, privacy of place, illegal acts and obscenity, defamation, representation of truth versus actual malice, and opinion versus assertion of fact, but do not address pursuing and obtaining institutional review board approval for photovoice projects and/or other important steps of photovoice projects that are beyond the scope of this article. The decision tree presumes that a comprehensive photo release process was completed with all photovoice participants and collected from any individual captured within a photograph. The decision tree has important implications for research and practice, including movement of photovoice practitioners beyond the required institutional review board approval for research projects to consider lawful and ethical issues associated with photograph selection, caption development, and public display of photographs and captions. This decision tree can serve as a meaningful tool for all photovoice practitioners and participants to guide their lawful and ethical decisions.

Keywords: photovoice | participatory photography | visual methods | captions | legal issues | ethical implications | decision tree | ethics | participatory action research | CBPR | empowerment

Article:

It is the ethical obligation of the photovoice researchers, staff, or facilitators (i.e., “practitioners”) to understand, anticipate, and appropriately train photographers and facilitate data development, curation, and showcasing. Drawing from our own experiences, our review of the literature related to photography law, and consultation with a legal expert, we have developed a photovoice decision tree that can guide lawful and ethical decision making during the portions of the photovoice process involving photograph selection, caption development, and public display of photographs and captions. The photovoice method is highly recognized and frequently utilized to empower marginalized populations and instigate social change in communities all over the world (Devakumar et al., 2013; Franchitto et al., 2008; Joanou, 2009). How do photovoice

practitioners, and/or participants (i.e., photographers) ensure lawful and ethical decision making when selecting photographs and developing captions? The literature specific to photovoice only minimally includes this important information.

Photovoice is a community-based participatory action research method (Harley, 2012; Wang & Redwood-Jones, 2001) where people identify, represent, and engage their community using photography and critical reflection (Harley, 2012). Traditionally, people use photographs and stories to highlight salient personal, shared, and structural issues within their communities for the ultimate goal of producing greater awareness and empathy (i.e., critical consciousness) in the community and among policy makers leading to support for systems changes (Strack et al., 2010; Wang & Redwood-Jones, 2001). Those eager to learn more about photovoice would easily find literature describing characteristics and details of the method.

For the purposes of this article, we are dividing the linear photovoice process into two segments: Phase 1 is the design, recruitment, training, and initial data collection period, in which photographers gather images informed by the common consent and written release protocols. Phase 2 includes sharing the images and their meanings with the team (i.e., other photographers and practitioners), selecting images for broader use, developing captions, curating the collection, and designing and implementing the public event. Standard institutional review board protocols cover most of what is encountered in Phase 1; this article seeks to introduce equally important but often overlooked considerations in Phase 2.

When conducting a photovoice project, it is important to be aware of the specific circumstances involving both lawful and ethical decision making that may surface during the process. While legal issues are based on written law, ethical issues are based on human rights and wrongs. Legal standards that inform subsequent legal issues are written by government officials, while ethical standards that inform subsequent ethical issues are written by societal norms.

Photo Release

Well-established research protocols and institutional review board approval processes guide the practitioner's recruitment and engagement of participants and communicate written photo release requirements (see Supplemental Material) for the photographer taking and sharing any images during the project. They fall short in guiding participants in the complex and highly interactive phases of photo selection, caption development, curation, and public exhibition. The safety and legality of this process ultimately lies with the practitioner knowing the legal considerations and potential legal risks that could arise during the intensive, participant-focused part of any photovoice project, which is both a practical and ethical responsibility.

Photovoice Decision Tree

The remainder of this article discusses each of the components of the decision tree that should be considered when there is an identifiable person or place in the photograph or named in the caption: privacy of person, privacy of place, illegal acts and obscenity, defamation, representation of truth versus malice, and opinion versus assertion of fact. The photovoice decision tree is drawn from and informed by legal literature and information, as well as ethical

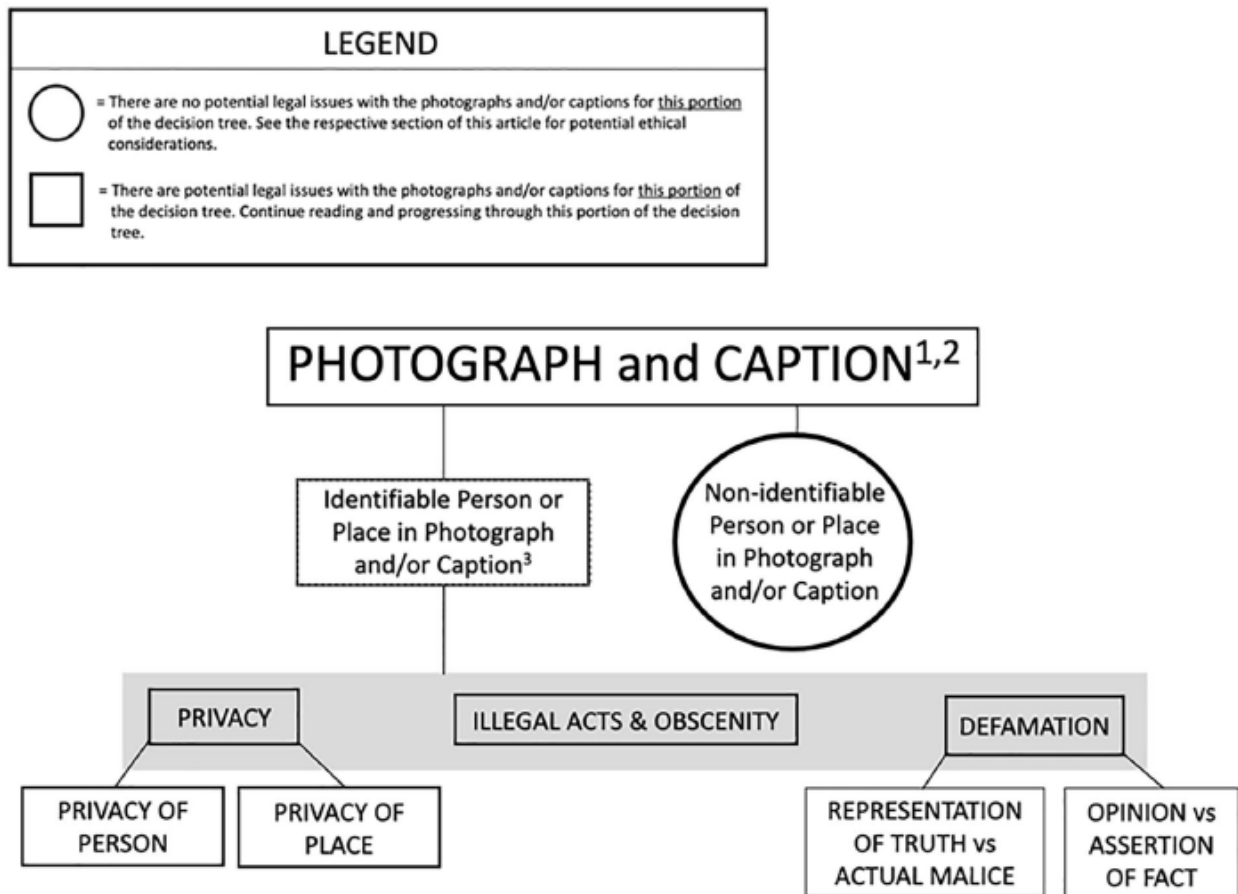
considerations presented within photovoice literature, as cited in this article. Definitions and explanations of legal terminology and concepts are provided in Table 1.

Table 1. Definitions and Explanations of Legal Terminology and Concepts

Phrase	Definitions
Copyright	“A form of protection provided by the laws of the United States for ‘original works of authorship,’” which includes pictorial and graphic creations (U.S. Copyright, 2021). Within the scope of this definition, “‘copyright’ literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work” (U.S. Copyright, 2021). Copyright ownership can be shared in a written agreement.
Public domain	“The status of any creative work, invention, or device that is not protected by copyright law [where these] items are available for use without permission” (Legal Information Institute, 2021). In most cases, “works enter the public domain after . . . copyright . . . rights have expired or been abandoned” (Legal Information Institute, 2021).
Actual malice	Anyone who knowingly publishes false and defamatory content or publishes false and defamatory content with reckless disregard for the truth or falsity of that content (DuBoff & Tugman, 2020) is engaged in actual malice, which may create criminal culpability or civil liability for defamation.
Malicious intent	Malicious intent raises serious ethical problems but does not necessarily create legal exposure for defamation associated with actual malice (DuBoff & Tugman, 2020). A person can spread hateful opinions that have obvious malicious intent, but these are not legally actionable (<i>Snyder v. Phelps</i> , 2011).
Public official	“A government employee having or appearing to the public to have substantial responsibility for or control over the conduct of governmental affairs,” or who has a “compelling interest in debate on public issues [or is] in a position to resolve those issues” (<i>Rosenblatt v. Baer</i> , 1966), such as a law enforcement officer, magistrate, or judge, or a state or federal politician.
Public figure	Persons of widespread public interest or fame who “invite attention and comment” and who have “assumed roles of special prominence in the affairs of society” or hold “positions of persuasive power and influence” (<i>Gertz v. Welch</i> , 1974), such as celebrities or sports heroes.
“Limited purpose” public figure	A private person with fame and notoriety in a community, such as a key figure in a preexisting controversy who has voluntarily become involved with the intent to influence the outcome (DuBoff & Tugman, 2020), such as a parent who makes a speech during a gun safety protest. Can also be a private person who has gained public prominence in a particular, limited field but whose celebrity has not reached an all-encompassing level (<i>Gertz v. Welch</i> , 1974; <i>Hutchinson v. Proxmire</i> , 1979), such as college athletes or locally known artists.
Invasion of a person’s right to privacy	Occurs when “intimate details of the life of one who has never manifested a desire to have publicity are exposed to the public, or where photographs of a person in an embarrassing pose are surreptitiously taken and published” or upon “the wrongful intrusion into one’s private activities, in such manner as to outrage or cause mental suffering, shame or humiliation to a person of ordinary sensibilities” (<i>Daily Times Democrat v. Graham</i> , 1964).
False light	“One of the four categories of ‘privacy torts’ [that] generally protect people from offensive and false facts stated about them to the public” (Digital Media Law Project, 2021). A false light claim generally requires that: (1) the defendant published the information widely (not just to a single person, as in defamation); (2) the publication identifies the plaintiff; (3) it places the plaintiff in a “false light” that would be highly offensive to a reasonable person; and (4) the defendant was at fault in publishing the information (Digital Media Law Project, 2021).

As shown in Figure 1, the main components (i.e., privacy, illegal acts and obscenity, and defamation) are interrelated and connected; therefore, there is not a specific starting place in the decision tree where one of these three main components should be considered before or after others. Progression through this decision tree can start with any of these three main components as long as all three main components and subsequent components are considered. Decisions must be made that can create legal exposure related to privacy or defamation claims or prevent ethical

dilemmas, especially if photographs depict illegal or obscene acts. These decisions require clarity about factors such as representation of truth versus actual malice, and opinion versus assertion of fact. Photovoice participants and practitioners should work together to ensure representation of actual truth in photographs and captions while avoiding false and defamatory content. Also, public officials and public figures frequently find themselves the subjects in photographs, but private citizens and public officials/figures are treated differently under the law regarding privacy.



1. Progression through this decision tree can start with any of the three main components that are highlighted by the grey shaded box as long as these three main components and subsequent connected components are considered. This decision tree summarizes potential legal issues associated only with the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. Although this decision tree summarizes potential legal issues, it is not intended to constitute legal advice.

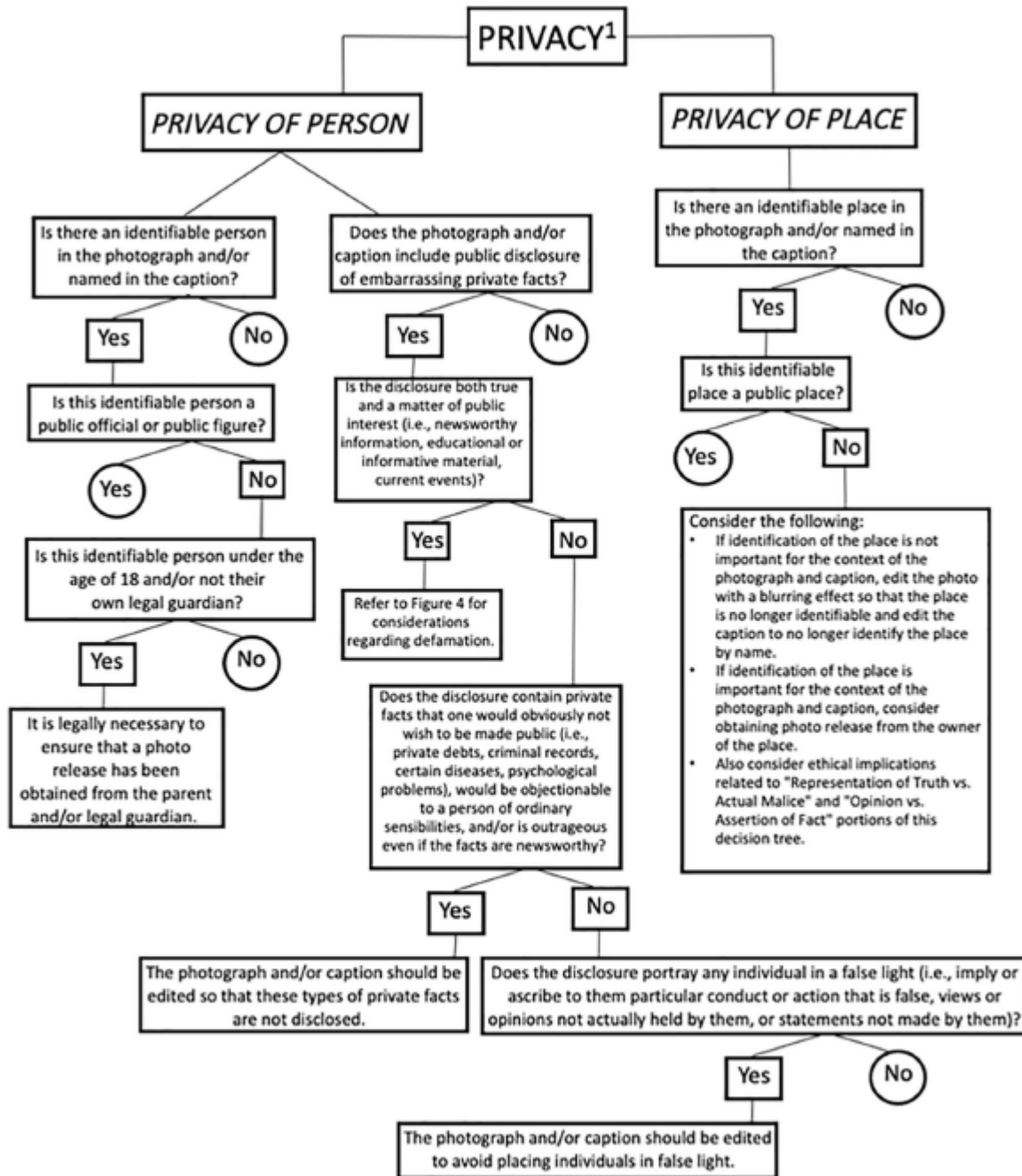
2. Careful consideration should be given to situations where a photograph is captured that includes an image, logo, object, etc. that is copyrighted. If the photograph is subsequently published without permission, it raises copyright concerns for the publisher. Although the legal exposure in this situation is likely to be minimal given the non-commercial, non-competitive, research use of the photograph, it is wise for researchers/facilitators to understand the fair use analysis that applies to such use of a photograph that includes an image, logo, object, etc. that is copyrighted.

3. Before progressing through the various components of this decision tree, it must be established that every component of this decision tree is based on the assumption that a comprehensive photo release process was completed with all photovoice participants and collected from any individual who was captured within a photograph. Please see the "Photo Release" section of this article for a description of what a comprehensive photo release process entails. A photo release is required for any subject that is in a place where they have a reasonable expectation of privacy, whether the subject is a public official, public figure, or private citizen.

Figure 1. Overview of Decision Tree With Legend

With all the legal concerns of photography, it is important to remember that just because a photograph and the accompanying information or caption may be legal, it is not necessarily

ethical. The practical use of a photovoice decision tree can guide practitioners and participants through the process of making lawful and ethical decisions during the photograph selection and caption development portion of any photovoice project. Because the terms defined in this section have specific legal meanings, it is important to recognize the distinctions as each component of the decision tree is discussed in the following sections.



1. This and every component of the decision tree summarizes potential legal issues associated only with the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. Although this and every component of the decision tree summarizes potential legal issues, it is not intended to constitute legal advice. Before progressing through this and every component of the decision tree, it must be established that all components are based on the assumption that a comprehensive photo release process was completed with all photovoice participants and collected from any individual who was captured within a photograph. Please see the "Photo Release" section of this article for a description of what a comprehensive photo release process entails.

Figure 2. Privacy Component of Decision Tree

Privacy

Privacy, the first component of the decision tree, branches out more specifically to privacy of person and privacy of place (see Figure 2). Inadvertent legal exposure can arise for both privacy and defamation issues. The first legal consideration is whether there is an identifiable person or place in the photograph or named in the caption. If so, there are potential legal issues that need to be considered throughout the decision tree, but if not, there may still be ethical issues that need to be considered. Note that a person whose face is hidden can still be identified if they have a unique tattoo, and a building with unusual architectural features can be identified even if the name above the entrance is not shown (DuBoff & Tugman, 2020).

Privacy of Person

If there is an identifiable person in the photograph and/or named in the caption, first consider whether this person is a public official/figure as described in Table 1. If so, there are valid defenses against potential legal concerns (DuBoff & Tugman, 2020). If the identifiable individual in the photograph or named in the caption is not a public official/figure, consider whether they are older than 18 years and/or their own legal guardian. If so, there are other legal and ethical aspects within other components of the decision tree that must be considered. However, if the identifiable individual is younger than 18 years and/or not their own legal guardian, it is legally necessary to obtain a photo release from their parent and/or legal guardian.

Although there are fewer legal concerns if the identifiable person is a public official/figure, there are potential ethical considerations. When thinking ethically, consider whether the photograph and/or caption discloses embarrassing private facts or places any individual, including a public official/figure, in a false light (commonly understood as publicly sharing misleading, highly offensive, or embarrassing information; Wang & Redwood-Jones, 2001). If the photograph and/or caption includes public disclosure of private facts, as described in Figure 2 and Table 1, and if the disclosure is both true and a matter of public significance, there are First Amendment protections against potential legal issues (*Florida Star v. B.J.F.*, 1989). However, there may be additional considerations regarding defamation (described later). To avoid legal and ethical issues, the photograph and/or caption should be edited to avoid disclosing these types of private facts.

Defamation and false light are similar, but false light injuries extend beyond damage to a person's reputation to include personal embarrassment, humiliation, estrangement of loved ones, and so on. When considering false light, the crucial question is whether the false portrayal would be highly offensive to a reasonable person in the position of the person so portrayed (DuBoff & Tugman, 2020). Examples would be writing about a hate group and including the name of a person who is not a member of the group, or writing about convicted felons and including the photograph or name of an innocent person (DuBoff & Tugman, 2020). Actual malice is not relevant to most privacy claims, with the exception of false light invasion of privacy. That is because truth is a defense to false light invasion of privacy but not a defense to most privacy claims. Portrayal in a false light that is not reputationally harmful can still harm a person's privacy by subjecting them to unwanted attention (P. B. Fuller, personal communication, March

8, 2021). Although photographs are generally considered representations of objective truths, photographs and captions should avoid placing individuals in false light.

Privacy of Place

Much like the previous considerations for privacy of person, there are specific legal and ethical considerations with regard to privacy of place (see Figure 2). Privacy of place includes the element of right to privacy, which not only includes private residences but also places of public use provided by public interests or private owners, such as hotel rooms, public restrooms, fitting rooms, dressing rooms, or locker rooms (DuBoff & Tugman, 2020). Note that taking a photograph in a public place can still violate a person's right to privacy. For example, a photograph taken at the county fair fun house of a woman whose skirt had blown upward was deemed wrongful intrusion by the courts (*Daily Times Democrat v. Graham*, 1964). This case also provides another example of how a person can be identified by elements in a photograph, even when their face is hidden; although the woman's back was toward the camera, her sons were in the photograph, making her recognizable to people who knew the family. This is where a photo release provides protection, whether the photo is taken in a public or private place.

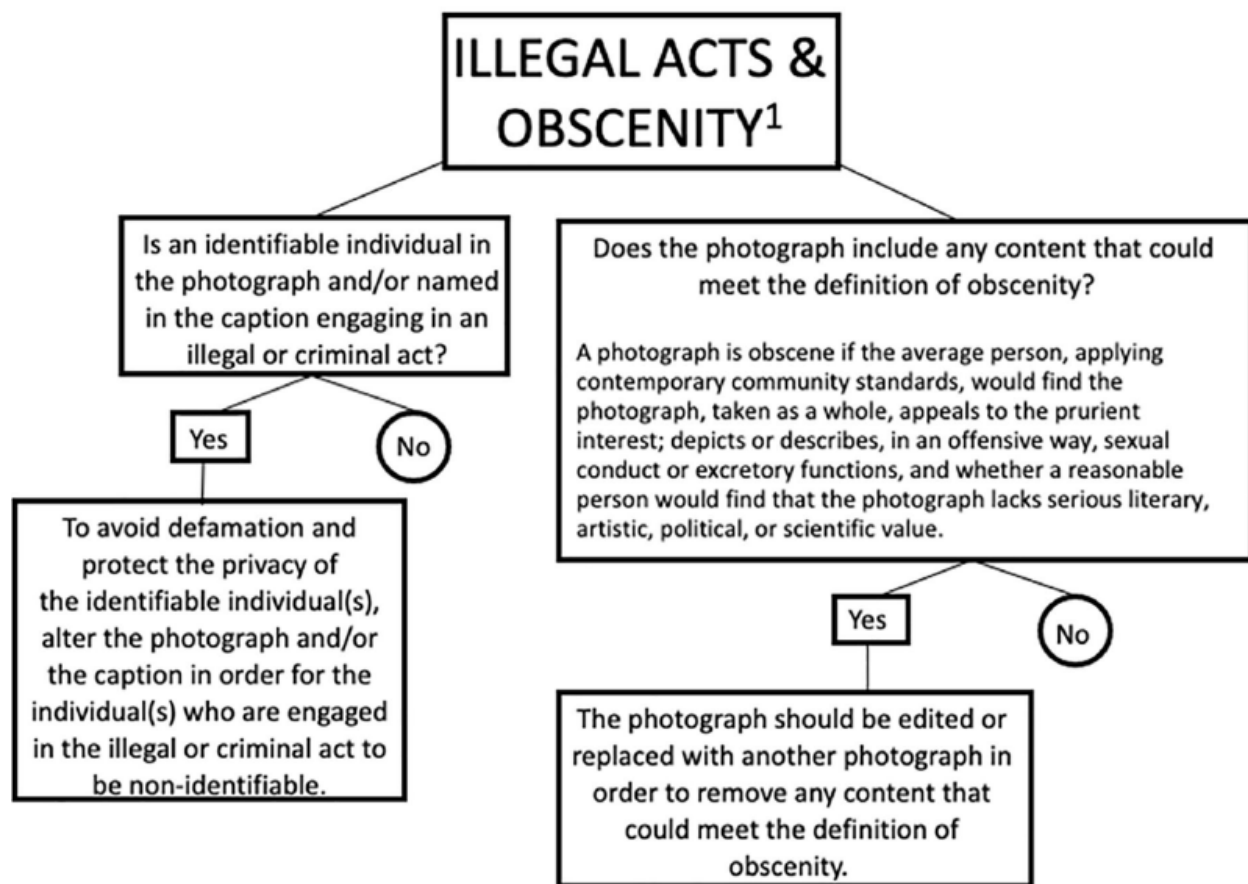
There are potential legal issues if there is an identifiable place in a photograph and/or named in a caption. If so, consider whether the identifiable place is public (i.e., a government- or publicly owned/operated place) or private (i.e., a privately owned place of public accommodation, such as a business; P. B. Fuller, personal communication, March 8, 2021). Public use occurs in both instances, but private owners have the right to prohibit access to or photographs of their businesses, whether shopping centers or housing developments, just as do private owners of residences.

If the identifiable place is a public place, there are valid defenses against potential legal concerns (DuBoff & Tugman, 2020). Although there are fewer legal concerns if the identifiable place is considered a public place, when thinking ethically, as with photographs of individuals, consider whether the photograph and/or caption discloses embarrassing facts or portrays any named place, including a public place, in a false light (Wang & Redwood-Jones, 2001). If the identifiable place is a nonpublic place, consider de-identifying the place or obtaining a photo release, as further described in Figure 2. Ethical considerations from Figure 4 should also be reviewed.

Illegal Acts and Obscenity

Illegal acts and obscenity are the next component of the decision tree (see Figure 3). Photographs taken of persons engaging in illegal or criminal acts are permissible under the legal defense of being protected from defamation by the truth of the matter asserted (DuBoff & Tugman, 2020). However, note that the First Amendment does not protect witnesses to criminal contact from having their testimony compelled in a criminal trial (*Branzburg v. Hayes*, 1972). In addition, there are legal issues centered on privacy of identifiable individuals engaging in illegal or criminal acts and ethical concerns with this type of photograph and/or caption (DuBoff & Tugman, 2020; Joanou, 2009). Whenever possible, individuals engaged in illegal or criminal acts should be de-identified in photographs and captions (also see Figures 2 and 4). Photovoice practitioners and participants should consider the ethical standards of holding the safety of

participants above the power of an image (Wang & Redwood-Jones, 2001), respecting the dignity of subjects engaging in illicit activities (Teti et al., 2012), and maintaining confidentiality of subjects (Murray & Nash, 2017).

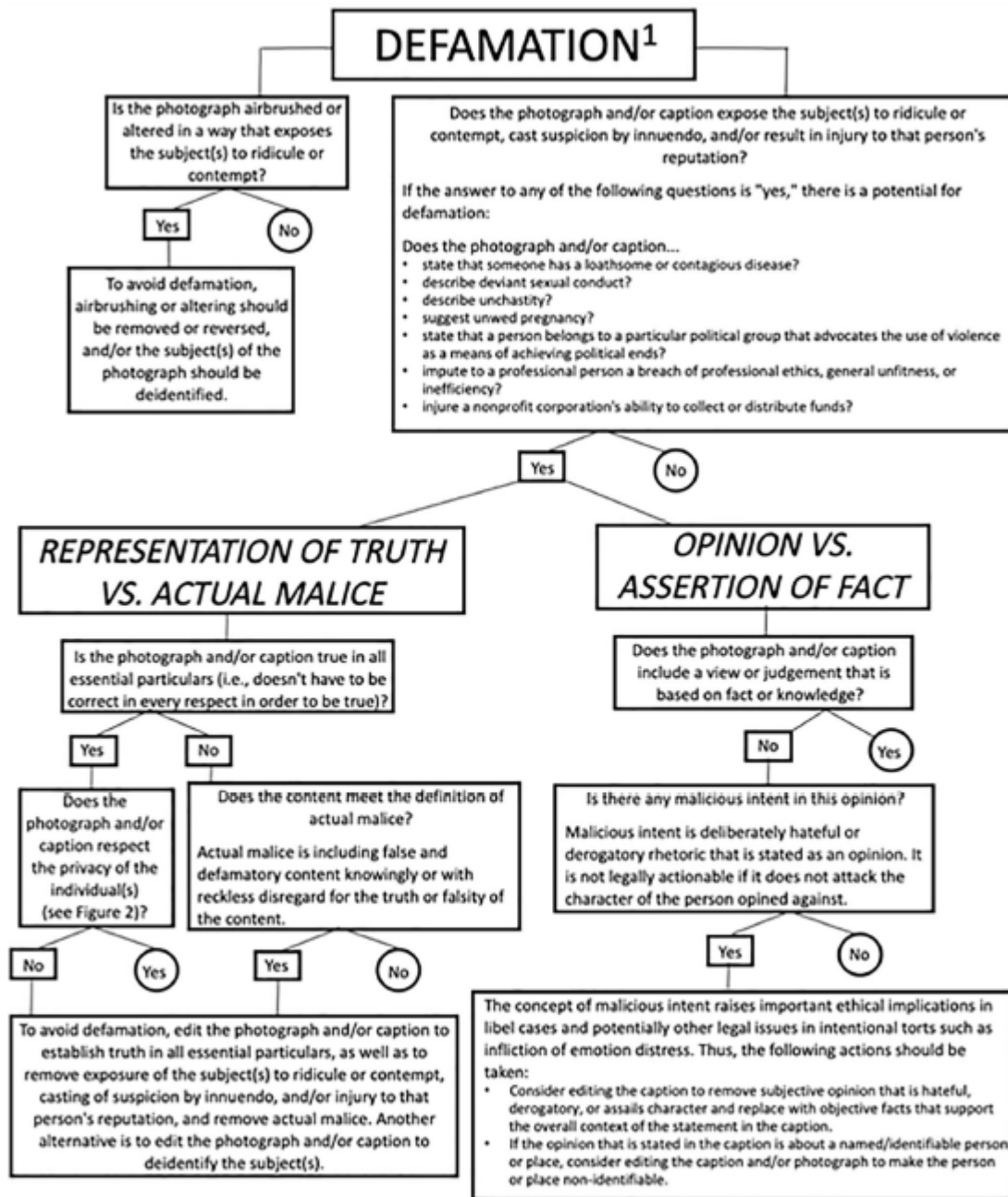


1. This and every component of the decision tree summarizes potential legal issues associated only with the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. Although this and every component of the decision tree summarizes potential legal issues, it is not intended to constitute legal advice. Before progressing through this and every component of the decision tree, it must be established that all components are based on the assumption that a comprehensive photo release process was completed with all photovoice participants and collected from any individual who was captured within a photograph. Please see the "Photo Release" section of this article for a description of what a comprehensive photo release process entails.

Figure 3. Illegal Acts and Obscenity Component of Decision Tree

The potential for legal issues is great if a photograph includes any content that could meet the definition of obscenity as described in Figure 3, because obscene works are not protected under the First Amendment (DuBoff & Tugman, 2020). Generally, courts have interpreted this language to encompass gratuitous depictions of sexual acts and hardcore pornography created for the purpose of inciting lustful sexual thoughts (*Miller v. California*, 1973; *Pope v. Illinois*, 1987). Because they have serious scientific value, it is unlikely that photographs created in a photovoice project would meet the legal definition of obscenity. However, participants in photovoice projects on topics dealing with sex should be mindful of the legal exposure created (P. B. Fuller, personal communication, March 8, 2021). To mitigate risk, remove any content that could meet the legal definition of obscenity. There are also important ethical considerations if the photograph includes such content. Photovoice practitioners and participants should consider

upholding the ethical standards of dignity of subjects (Teti et al., 2012), accurate and truthful representation of subjects (Holtby et al., 2015), and avoiding disclosure of embarrassing facts about individuals (Wang & Redwood-Jones, 2001).



1. When progressing through this component of the decision tree, the connected components of "Representation of Truth" and "Opinion vs. Malice" must also be included in all considerations related to defamation. This and every component of the decision tree summarizes potential legal issues associated only with the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. Although this and every component of the decision tree summarizes potential legal issues, it is not intended to constitute legal advice. Before progressing through this and every component of the decision tree, it must be established that all components are based on the assumption that a comprehensive photo release process was completed with all photovoice participants and collected from any individual who was captured within a photograph. Please see the "Photo

Figure 4. Defamation Component of Decision Tree

Defamation

Defamation is the next component of the decision tree (see Figure 4). Potential defamation issues arise if a photograph has been airbrushed or altered in a way that exposes the subject(s) to ridicule or contempt, such as putting a Nazi armband on a Jewish person in a photograph (DuBoff & Tugman, 2020). To avoid this aspect of defamation, reverse or remove the airbrushing or alteration, or de-identify the subject(s). More commonly, potential legal issues regarding defamation arise if a photograph and/or caption is a false assertion of fact that exposes the subject(s) to ridicule or contempt, casts suspicion by innuendo, and/or results in injury to that person's reputation, as described in Figure 4. Known as "libel per se," these are seven particular red flag areas where successful libel claims are more easily brought. However, there are also categories of "libel per quod," which require a court to determine if defamation has occurred. If there are no further legal issues or ethical considerations for these or subsequent components of Figure 4, privacy considerations should be reviewed (see Figure 2).

Representation of Truth Versus Actual Malice

The next component of the decision tree is representation of truth versus actual malice, which branches off from and directly relates to defamation (see Figure 4). Representation of truth serves as a full defense to defamation. The first consideration for potential legal issues is whether a photograph and/or caption is true in all essential particulars (i.e., it does not have to be correct in every respect in order to be true; DuBoff & Tugman, 2020). If so, consider whether the photograph and/or caption respects the privacy of the individual(s), as described in Figure 2. If not, to avoid defamation, one or both should be edited as described in Figure 4.

If the photograph and/or caption is not true in all essential particulars, is this because of actual malice? Actual malice, as defined in Table 1, is a deliberate *misrepresentation* of truth and creates potential criminal culpability or civil liability for defamation (DuBoff & Tugman, 2020). Actual malice is a core element of the standard of fault that applies to public official/figure plaintiffs in defamation lawsuits (P. B. Fuller, personal communication, March 8, 2021), but these plaintiffs bear a much heavier burden of proof regarding the standard of fault than a private individual. This is particularly true for public officials, because free discussion and debate about public issues may involve criticism of public officials, which is protected by the First and Fourteenth Amendments (*New York Times v. Sullivan*, 1964). Unless a public official/figure can prove a photographer engaged in actual malice, photographers are almost completely protected from liability for defamation.

For example, if the caption to a photograph stated that the subject was a thief, there would be no risk of defamation if the person had been convicted of embezzlement. The caption is simply stating a fact. If a conviction has not occurred, then the caption must make clear that the subject is alleged to be a thief and ideally, state who made the allegations (e.g., the individual has been charged with this crime, or their boss said they think the individual stole money from the company). Actual malice occurs when the caption writer knows that the subject is not a thief but states that they are, or when the caption writer does not bother to verify that the named person in the photograph is the same named person that was convicted of the crime. To avoid defamation with regard to private individuals, the photograph and/or caption should be edited to remove the falsity, as described in Figure 4.

Opinion Versus Assertion of Fact

The last specific consideration of the decision tree is opinion versus assertion of fact, which also branches off from and directly relates to defamation (see Figure 4). Opinion is, by definition, not a false assertion of fact, and therefore serves as a firm defense to defamation. An opinion can have malicious intent and still be fully protected (e.g., a political activist talk show or a gossip column in a magazine). An opinion is legally permissible and is a valid defense to defamation as long as it does not attack the character of the person opined against (DuBoff & Tugman, 2020). If the caption includes an opinion that assails character, to avoid potential legal issues associated with defamation, edit the caption as described in Figure 4.

Extending the previous example, malicious intent would occur if a coworker was interviewed about the person in the photograph and stated that they had never felt the individual could be trusted or they had always thought the individual was just trying to make a fast buck. The coworker's opinions are based on their experiences, but they are not attacking the individual's character. Assertion of fact would be if the boss was interviewed and said that that an investigation had shown that some invoices the individual had paid were from a company that did not exist and that the check that paid those invoices had been deposited in the individual's personal account.

For all components pertaining to legal issues of defamation, there are also important ethical considerations. Photovoice practitioners and participants should consider the ethical standards of avoiding disclosure of embarrassing facts about individuals (Wang & Redwood-Jones, 2001), not disclosing HIV status without consent (Teti et al., 2012), and ensuring accurate and truthful representation of subjects (Holtby et al., 2015). Ethical considerations from Figure 2 should also be reviewed.

Discussion

The main purpose of this article has been to provide a useful tool for photovoice practitioners: the decision tree. We have discussed several ethical issues that directly align with and are informed by legal issues related to privacy of person, privacy of place, portraying a person in a false light, illegal or obscene acts, and various aspects of defamation that have practical implications for ethically conducting photovoice. These ethical issues can never be resolved at a global level, because practitioners, participants, and communities in each photovoice project are unique. In addition, all sections of the decision tree are potentially applicable because ethical issues are complex. In addition to these implications for practice, several unresolved issues/challenges have implications for future research.

Because photovoice is a form of community-based participatory research, those engaged in photovoice projects should continue to recognize and be sensitive to the inherent imbalance of power that exists between participants and practitioners (Harley, 2012), which also has ethical implications for research and practice. Photovoice practitioners should monitor the group's efforts in ways that do not exacerbate ongoing harm, but rather enhance the lives of participants and their communities (Holtby et al., 2015), uphold and maintain sensitivity to cultural

differences and cultural norms (Devakumar et al., 2013; Hannes & Parylo, 2014; Joanou, 2009; Prins, 2010), and promote community and individual health equity.

As practitioners are facilitating the engagement of participant photographers throughout the photovoice process, the capturing of a copyrighted image and the subsequent publishing of that copyrighted image without permission should be avoided to not raise a copyright concern for any of the participant photographers and practitioners involved in the photovoice project (P. B. Fuller, personal communication, March 8, 2021). Additionally, photo release should clearly specify (1) who holds copyright on photographs and if copyright is jointly owned or in the public domain, (2) whether or not participant photographs can be included if practitioners later publish a paper about the project in a journal that requires assignment of copyright to the publisher, and (3) whether or not the participant photographer(s) or the subject(s) of the photograph(s) and caption(s) receive compensation.

These are just some of the ethical considerations of photovoice projects which have been identified through the experiences of the authors and other researchers. Although complex, the laws about privacy, illegal acts, obscenity, and defamation are very clear and well-documented. As with all research that gathers and shares information about and from subjects and communities, each effort should attend to the required challenges that are influenced by a specific context. Although they are beyond the scope of this article, they have implications for practice and research that are no less important than the concerns discussed in the decision tree.

Implications for Photovoice Practitioners and Participants

This article presents a photovoice decision tree that can guide practitioners and participants to make lawful and ethical decisions during the portions of the photovoice process that involve photograph selection, caption development, and public display of photographs and captions. It is vital for practitioners to consider the potential legal risks or exposure that can result from Phase 2 of any photovoice project and be proactive in efforts to mitigate these potential risks and exposures from the start of the photovoice project. For example,

- During participant orientation and training, practitioners should carefully review details from the informed consent and photo release forms (see Supplemental Material), and provide examples of photographs that do and do not comply with the legal and ethical standards discussed in this article.
- During group sharing of the initial photographs and development of captions, practitioners should work with the participants to carefully review every photograph and developed caption to ensure compliance with these legal and ethical standards. Additionally, every photograph should be checked to ensure that there is a signed photo release for every identifiable subject or owner of identifiable locations.
- During exhibit planning, practitioners should work with the participants to conduct a final review of all published photographs and captions to ensure compliance with these legal and ethical standards, as well as to avoid the potential for the exhibit to bring forth legal exposure and/or to be shut down.

Although researchers have published information regarding decision making in the realm of community-engaged research (Mikesell et al., 2013; Stollefson et al., 2015), this article adds to the photovoice literature for researchers, practitioners, and facilitators by presenting valuable information about lawful and ethical decision making for photographs and captions.

Authors' Note:

We are grateful to P. B. Fuller, an expert in media law and First Amendment law, who serves as the Director of the North Carolina Open Government Coalition and as an assistant professor of journalism in Elon University's School of Communication, for his thorough and illuminating review of the manuscript, as well as substantial improvements that more effectively align content with legalities.

Supplemental Material

Supplemental material for this article is available at <https://journals.sagepub.com/home/hpp>.

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