

## **Policy on Photography and Videography of Technical Systems**

### **1. Purpose**

Fermi Research Alliance, LLC (FRA) manages Fermi National Accelerator Laboratory (Fermilab), a research facility for which most of the scientific results are shared broadly within the scientific community and are made publicly available. However, reasons to prohibit or restrict access still apply in some cases. This policy addresses visual records (e.g., photography, videography, etc.) of technical systems on-site at Fermilab (Batavia, IL) and spaces leased by FRA on behalf of the Department of Energy (DOE). It incorporates considerations from site security, foreign visits and assignments, export control, proprietary agreements, and DOE requirements.

### **2. Scope**

This policy applies to all planned and unplanned visual recordings (i.e., photography and videography) of technical systems at Fermilab and leased spaces. Consider the following when following this policy:

- Photography and video of a technical nature may be export controlled, infringe on the property rights of third parties, and pose an issue regarding industrial espionage;
- Some site and leased space areas are open to the public for tours and educational purposes;
- Prior to tours or other public access, an area should be free of visually accessible materials (e.g., open laptops, blueprints, presentations, etc.) that contain export-controlled technology and information under proprietary or other restrictions;
- FRA divisions, departments, employees, subcontractors, or collaborators may need photography or video for their work;
- Setting up photography and video shoots may pose a safety concern at certain Fermilab sites;
- The photographer and/or the intended destination of the recordings can influence what considerations apply (site security, export control, intellectual-property rights, etc.); and
- FRA documents its work using photography and videography for purposes of carrying out its mission, communication, security, education, and historical record.

### **3. Applicability**

This policy applies to all FRA employees and subcontractors and users and visitors accessing the Fermilab site and leased spaces.

### **4. Effective Date and Date Reviewed/Updated**

This policy went into effect on October 10, 2016 and its most recent update was effective on September 28, 2020.

### **5. Policy**

a. Personal photography and videography are allowed in all public areas and in certain non-public areas that have been explicitly reviewed and approved for photography by the Photography Control Team. This policy and the associated requirements are in accordance with applicable federal and Department

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of Energy (DOE) laws, regulations, orders, and policies defined in the FRA Management and Operations Contract. (Public and non-public areas are detailed in the Site Security Plan (SSP).) Approved non-public areas are listed on the Office of General Counsel (OGC) internal website under [Export Control and Photography Clearance](#).

- b. If a non-public area is not listed on the OGC internal website, the Photography Control Team must review and approve it prior to any photography or videography. An approved non-public area is approved for general photography and videography ONLY. Removing panels, moving parts, displaying design schematics, etc. to get close-up photos that might reveal proprietary or export-controlled design information is not permitted
- c. FRA employees and subcontractors and Fermilab users that have need for visual records of technical systems for their work must keep, distribute, and store those recordings in a manner consistent with the guidance and restrictions, including publication and travel restrictions, that FRA has placed upon the project or experiment and its associated technology. The affected employees, subcontractors, and users will receive written guidance and/or training explaining the restrictions.
- d. FRA employees and subcontractors and Fermilab users working on collaborative projects or experiments must follow the guidance and restrictions specific to their project or experiment and its associated technology when sharing it with collaborators, traveling, or publishing.
- e. The FRA Security Chief and the Photography Control Team must review security camera recordings of non-public areas prior to release if the Security Chief is uncertain whether or not the recordings are visual records of technical systems.
- f. The Office of Communication (OC) must coordinate with the Photography Control Team if they plan to make visual records of technical systems in areas that are non-public and have not been previously approved. If the OC is uncertain as to whether a record contains technical systems subject to the restrictions outlined in this policy, it must have the Photography Control Team review and approve it prior to release.
- g. In addition to any required review by the Photography Control Team, the OC must approve, in advance, all requests for photography and videography on the Laboratory site for commercial purposes or by members of the news media. See FRA's [Communication Policy](#) for more information.
- h. Special restrictions apply to photography and videography captured during emergency situations anywhere on site, including in public areas. See FRA's [Communication Policy](#) for more information.

## 6. Definitions

Export-Controlled Technology: Information required for the development, design, production, manufacture, integration, or repair of items, material, software or the application of advanced techniques, or services designated on the Commerce Control List (CCL) of the Export Administration Regulations (EAR); the U.S. Munitions List (USML) of the International Traffic in Arms Regulations (ITAR); DOE laws, regulations, policies, and orders; and any other federal laws, regulations, orders, policies, or controls associated with national security or commerce restrictions ("export control laws"). This does not include general, non-proprietary descriptions that do not provide the level of detail necessary for development, design, production, manufacture, integration, or repair or the application of advanced

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techniques or services. Depending on the type of information and the specific export control law, this definition may not include 1) information taught in a catalog course or associated teaching laboratory of an academic institution and 2) fundamental research in science, engineering, or mathematics, which is or which is intended to be published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.

Photography Control Team: This team includes participants from the Export/Import Control Compliance Group (Ex/Im Control Group), Office of Partnerships and Technology Transfer (OPTT), and OC with input from technical representatives as necessary.

Proprietary Restrictions: Proprietary data, data protected by the Privacy Act of 1974 (5 U.S.C. 552a), or other confidential or privileged technical, business, financial, or other information restricted by agreement or law that details any combination of processes, tools, or systems that are property of a business or individual.

Technical Systems: Information that is export-controlled technology or material under proprietary or other restrictions.

Visual Records of Technical Systems: Any photograph, video, or other visual record that contains information that is export-controlled technology or material under proprietary or other restrictions.

## **7. Responsibilities**

Fermilab Visitors are responsible for complying with signage and guidance regarding this policy provided by FRA employees and subcontractors and Fermilab Users, education facilitators, and guides.

FRA Employees and Subcontractors and Fermilab Users are responsible for:

- a. Being familiar with non-public areas approved for photography and videography;
- b. As needed, seeking approval for specific photography/videography requests prior to the associated tour or event;
- c. Ensure that materials (e.g., laptops, blueprints, presentations, etc.) containing export-controlled technology, material under proprietary restrictions, or other controls are not left visually available in public areas;
- d. While hosting or escorting visitors, explaining to them this policy and, when necessary, reminding them to follow it; and
- e. As soon as possible, reporting any policy violations that occur during a tour or event to the Ex/Im Control Group. (A host or visitor escort should not take any steps to enforce this policy beyond verbal reminders, ending tours or events early, or reporting violations.)

The Export/Import Control Compliance Manager, is responsible for:

- a. Reviewing for export-controlled technology and approving, if appropriate, non-public areas for visual recording;
- b. Maintaining the [Export Control and Photography Clearance list](#);

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- c. Review reports of violations of this policy and referring violations, as necessary, to the Security Chief for corrective action; and
- d. Acting as a member of the Photography Control Team or designating a member of the Ex/Im Control Group to fill that role.

The Office of Communication is responsible for:

- a. Approving all media and commercial requests for photography and videography intended for public distribution and is responsible for reviewing and approving, as appropriate, areas for visual recording by the media and businesses;
- b. Providing a representative to act as a member of the Photography Control Team.

The Office of Partnership and Technology Transfer is responsible for:

- a. Reviewing materials and areas for proprietary restrictions and approving, if appropriate, non-public areas for visual recording; and
- b. Providing a representative to act as a member of the Photography Control Team.

Photography Control Team is responsible for promptly reviewing and approving/denying requests for photography and/or videography of technical systems and non-public areas of Fermilab sites and leased spaces and is composed of participants from the Ex/Im Control Group, OPTT, and OC with input from technical representatives as necessary.

Public-Tour Education Facilitators and Guides are responsible for:

- a. Being familiar with this policy and the non-public areas approved for photography and videography;
- b. Encouraging photography and, when not disruptive, videography in public areas;
- c. Explaining the parts of tours where photography and/or videography are not permitted;
- d. Considering whether specific access will transfer sensitive information; and
- e. As soon as possible, reporting any policy violations that occur during a tour to the Ex/Im Control Group. (An education facilitator or guide should not take any steps to enforce this policy beyond verbal reminders, ending tours or events early, or reporting violations.)

The Security Chief is responsible for:

- a. Reviewing security camera recordings of non-public areas prior to release and requesting assistance in this review from the Photography Control Team when necessary; and
- b. Implementing the SSP, which includes the Incident of Security Concern (ISOC) Plan that identifies corrective actions for theft, compromise, or suspected compromise of specific materials, including export-controlled technology.

Site Security is responsible for:

- a. Being familiar with non-public areas approved for photography and videography; and

b. Performing SSP duties, including corrective actions for ISOCs and patrolling non-public areas.

## **8. Authorities**

United States DOE contract DE-AC02-07CH11359 at Clauses I.101C, I.72B, and I.74B2ii

DEAR 970.5225-1 Compliance with Export Control Laws and Regulations

15 C.F.R. 734.3 (b)(1)(v) Patent and Trademark Office applications and modifications

DOE O 142.3A Unclassified Foreign Visits and Assignments

DOE O 205.1B Department of Energy Cyber Security Management Program

DOE O 241.1B Scientific and Technical Information Management

DOE O 470.4B Safeguards and Security Program

DOE O 471.3 Change 1, Identifying and Protecting Official Use Only Information

DOE O 481.1-E Strategic Partnership Projects [formerly known as Work for Others (Non-Department of Energy Funded Work)]

DOE O 482.1 DOE Facilities Technology Partnering Programs (User Facilities)

DOE O 483.1B DOE Cooperative Research and Development Agreements

DOE O 486.1, Reimbursable Work for Department of Homeland Security

DOE O 551.1C Official Foreign Travel

DOE O 580.1A Department of Energy Personal Property Management Program

DOE P 485.1A Foreign Engagements with DOE National Laboratories

Secretary of Energy Memorandum (12/13/2019), Science and Technology Risk Matrix Guidance

Site Security Plan

Policy on Access to Fermilab

Policy on Export Control

## **9. Owner**

The OGC is the owner of this policy and is responsible for reviewing and updating this policy. The OGC must brief the Governance Management System Owner on any updates.

## **10. Review Cycle**

This policy shall be reviewed every three years.

#### **11. Communication Plan**

The OGC is responsible for the communication of this policy. The requirements of this policy shall be communicated through lab-wide online announcements. In addition, FRA employees and subcontractors and Fermilab users will receive periodic Export Control Awareness Training, which includes material on this policy. The OGC is also responsible for providing guidance to guards, education facilitators, and guides so that they may assure compliance with the policy by Fermilab visitors. This policy shall be available online in the Fermilab policy database. The OGC is responsible for the communication of this policy.