

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:

- a. 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;
- b. Some site and leased space areas are open to the public for tours and educational purposes;
- c. 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;
- d. FRA divisions, departments, employees, subcontractors, or collaborators may need photography or video for their work;
- e. Setting up photography and video shoots may pose a safety concern at certain Fermilab sites;
- f. The photographer and/or the intended destination of the recordings can influence what considerations apply (site security, export control, intellectual-property rights, etc.); and
- g. 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, FRA subcontractors, and Fermilab users and affiliates, Fermilab authorized guests, Fermilab business visitors (FRA sponsored or supported personnel), and Fermilab public 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 October 12, 2022.

5. Policy

- a. Personal photography and videography are allowed in all General Access Areas (GAAs) and in certain Property Protection Areas (PPAs) (i.e., areas not designated as GAAs) 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 U.S. federal and Department of Energy (DOE) laws, regulations, orders, and policies defined in the FRA Management and Operations Contract. (GAAs and PPAs are detailed in the Site Security Plan (SSP).) Approved PPAs are listed on the Office of General Counsel (OGC) internal website under [Export Control and Photography Clearance](#). Questions regarding the list should be submitted to exportcontrol@fnal.gov.
- b. In order to prevent reproduction, permanent FRA badges (which does not include visitor badges) are never to be shown in any social media, videos, or live streaming in a way that clearly displays the individual details of the badge.
- c. If a PPA 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 PPA 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.
- d. FRA employees, FRA subcontractors, and Fermilab users and affiliates that have need for visual records of technical systems for their work must keep, distribute, and store those recordings in a manner consistent with this policy, the Policy on Export Control, and related guidance and restrictions; this includes publication and travel restrictions placed upon the project or experiment, as well as its associated technology. The affected FRA employees, FRA

subcontractors, and Fermilab users and affiliates will receive written guidance and/or training explaining the restrictions.

e. FRA employees, FRA subcontractors, and Fermilab users and affiliates working on collaborative projects or experiments must follow this policy and the guidance and restrictions specific to their project or experiment and its associated technology when sharing it with collaborators, traveling, or publishing.

f. FRA sponsored or supported personnel who are members of scientific collaborations must also follow those organizations' rules and bylaws regarding photography and videography, including those pertaining to scientific/technical publications. At Fermilab, [Technical Publications](#) manages the scientific/technical publications review process and the DOE requirements for sharing and publishing scientific and technical information. All FRA sponsored or supported personnel reporting work done using Fermilab facilities must submit scientific/technical publications for review by requesting a report number or contacting Technical Publications (630-840-5693, techpubs@fnal.gov). The photography and videography produced for and included in these publications will be reviewed as part of this process.

g. The FRA Security Chief and the Photography Control Team must review security camera recordings of PPAs prior to release if the Security Chief is uncertain whether or not the recordings are visual records of technical systems.

h. The Office of Communication must coordinate with the Photography Control Team if they plan to make visual records of technical systems in PPAs and have not been previously approved. If the Office of Communication 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.

i. In addition to any required review by the Photography Control Team, the Office of Communication 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 [Communications Policy](#) for more information.

j. Special restrictions apply to photography and videography captured during emergency situations anywhere on site, including in GAAs. See FRA [Communications Policy](#) for more information.

k. Administrative, civil, and criminal penalties exist for violations of export control laws and agreements and may be imposed against FRA and/or individuals. All FRA sponsored or supported personnel must be aware that violations of this policy and related guidance may

impose such penalties. Visitor violations and suspected violations of this policy or related guidance must be reported to the Photography Control Team via exportcontrol@fnal.gov or the Security Department (630-840-3131). Other noncompliance or suspected noncompliance with this and other policies must be reported to the Fermilab Concerns Reporting System.

1. FRA and Export/Import Control Compliance (Ex/Im Compliance) respond promptly to reports of violations of this and other policies. FRA and Ex/Im Compliance take appropriate action when necessary to prevent, correct, or discipline such behavior.

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 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 Ex/Im Compliance, Office of Partnerships and Technology Transfer (OPTT), and Office of Communication, 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.

Personal Photography and Videography: Photographs or video recordings that an individual creates for one's own use and that are not for work-related use by FRA sponsored or supported personnel to carry out or maintain the laboratory's mission, communication, security, education, and historical record.

7. Responsibilities

Fermilab Authorized Guests, Business Visitors, and Public Visitors are responsible for complying with signage and any guidance regarding this policy provided by FRA employees, FRA subcontractors, and Fermilab users and affiliates.

FRA Employees, FRA Subcontractors, and Fermilab Users and Affiliates are responsible for:

- a. Being familiar with PPAs approved for photography and videography;
- b. As needed, seeking approval for specific photography/videography requests prior to any associated tour or event;
- c. Ensure that materials (e.g., laptops, smartphones, blueprints, presentations, etc.) containing export-controlled technology, material under proprietary restrictions, or other controls are not left visually available in GAAs;
- 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 or suspected violations by visitors that occur during a tour or event to the Photography Control Team via exportcontrol@fnal.gov or the [Security Department \(630-840-3414\)](#). Any other violations or suspected violations of this policy must be reported via exportcontrol@fnal.gov or using any method listed at <https://generalcounsel.fnal.gov/how-to-report-concerns-or-violations/>. (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, PPAs for visual recording;
- b. Maintaining the [Export Control and Photography Clearance List](#);
- c. Review reports of violations of this policy, and referring necessary violations 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 Compliance 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 (OPTT) is responsible for:

- a. Reviewing materials and areas for proprietary restrictions and approving PPAs that it determines are acceptable for visual recording; and
- b. Providing a representative to act as a member of the Photography Control Team.

The Photography Control Team is responsible for:

- a. Coordinating and communicating requests with all team participants as necessary (i.e., Ex/Im Compliance, OPTT, and Office of Communication with input from technical representatives when applicable); and
- b. Promptly reviewing and approving/denying requests for photography and/or videography of technical systems and PPAs of Fermilab sites and leased spaces.

Public-Tour Education Facilitators and Guides are responsible for:

- a. Being familiar with this policy and the PPAs approved for photography and videography;
- b. Encouraging photography and videography in GAAs when not disruptive;
- 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 by visitors that occur during a tour to the Photography Control Team via exportcontrol@fnal.gov or the Security Division (630-840-3414). Report any other policy violations or suspected violations via exportcontrol@fnal.gov or using any method listed at <https://generalcounsel.fnal.gov/how-to-report-concerns-or-violations/>. (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 PPAs 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 PPAs approved for photography and videography; and
- b. Performing SSP duties, including corrective actions for ISOCs and patrolling PPAs.

8. Authorities

FRA Prime Contract No. 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 142.3B Chg 1 (LtdChg), Unclassified Foreign Visits and Assignments
DOE O 205.1C Department of Energy Cybersecurity Program
DOE O 241.1B Chg 1 (Admin Chg), Scientific and Technical Information Management
DOE O 470.4B Chg 3 (LtdChg), Safeguards and Security Program
DOE O 471.7, Controlled Unclassified Information
DOE O 481.1-E Chg 1 (LtdChg), Strategic Partnership Projects [Formerly Known as Work for Others (Non-Department of Energy Funded Work)]
DOE O 483.1B DOE Cooperative Research and Development Agreements DOE O 486.1, Reimbursable Work for Department of Homeland Security
DOE O 550.1, Chg 1 (LtdChg), Official Travel
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 (SSP)
Communications Policy
Policy on Access to Fermilab
Policy on Export Control

9. Owner

The General Counsel is the owner of this policy and is responsible for reviewing and updating this policy.

10. Review Cycle

This policy shall be reviewed every three years.

11. Communication Plan

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