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Brad Little, Governor
Jess Byrne, Director

DEQ POLICY STATEMENT DRAFT PS24-01 CREATIVE ASSETS POLICY

Purpose

To establish an Idaho Department of Environmental Quality (DEQ) policy on the appropriate use and display of graphical, decorative, explanatory, or illustrative works. These works include, but are not limited to, descriptive or illustrative text, images, drawings, charts, tables, photographs, audio files, videos, and materials generated using artificial intelligence (AI) systems that are featured in internal or external DEQ publications.

Background

DEQ develops a variety of publication materials that feature graphical and/or illustrative works. Because the internet makes it easy for individuals to download and reproduce graphics and other illustrative works, DEQ is establishing a policy to define which images may be used in agency publications to adhere to existing copyright laws.

Statement of Policy

Creative assets are defined as decorative, explanatory, illustrative, or audio/visual works, including text, images, drawings, charts, tables, photographs, videos, audio files, and AI-generated imagery, that are featured in DEQ publications, websites, print materials, online content, and/or third-party content.

Any creative assets that could be subject to copyright laws that are posted on or used in DEQ publications must be owned by the author and/or the author must have written permission, in the form of an email, letter, or license record, to use or alter the asset. Assets created using artificial intelligence must include appropriate disclosure and attribution (i.e., "This image was developed with the aid of generative artificial intelligence.").

For web-based assets, navigate to the website where the asset was found and contact the site author to request permission. For images that appear in Google's search return, navigate to Google's "Visit" button to determine the originating website and request permission. If permission cannot be obtained, use of the image is likely inappropriate. If ownership is unclear, contact DEQ's Graphic Design Specialist or Attorney General's Office.

There may be situations where permission is not needed. Contact DEQ's Graphic Design Specialist or Attorney General's Office to make a determination. Potential exceptions may include the following:

- Viral images: In some cases, an image will appear on multiple social media pages or other websites without credit or permission. In such cases, reusing the image may be acceptable despite having no identifiable author to contact.
- Public domain: Some images may be in the public domain for a variety of reasons (e.g., copyright expiration). Additionally, works created by government employees as part of their job are often not copyrightable and are usually considered public domain (e.g., NASA images). Exceptions may apply.
- Fair use: Fair use is a legal doctrine that permits the unlicensed use of copyright-protected works in certain circumstances. Examples include news reporting, classroom lessons, and certain types of research.

Responsibility

DEQ's Communications and Outreach Manager is responsible for maintaining this policy.

Implementation

This policy is effective immediately and will remain in effect for 5 years unless amended, replaced, or rescinded prior to expiration.

Dated this _____ day of _____, 2024

Jess Byrne
Director, Idaho Department of Environmental Quality