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Project Photographs and Videos: Using Them to Reduce—Not Increase—Professional Liability Risk

Few tools are more valuable to architects, engineers, and other design/construction participants than project photographs and videos. A well-timed photograph can document existing site conditions, verify construction progress, preserve evidence of concealed work, or support a payment application. Video recordings can provide valuable context that still photographs sometimes cannot capture. These materials can also serve important educational purposes within a firm.

Unfortunately, photographs and videos can also create unintended professional liability exposure when they are taken without a clear purpose, poorly documented, or used inappropriately. In litigation, every image may become evidence. A photograph intended merely as a progress update may later be scrutinized by attorneys, expert witnesses, insurers, and juries.

For that reason, design professionals should treat project photography as an important component of sound risk management, not merely as a convenient project record.

The practical question is not whether project images should be used, but how they should be created, stored, described, and shared. The following guidelines help design professionals gain the benefits of project documentation while reducing the chance that photographs or videos will be misunderstood, misused, or treated as evidence of responsibilities the design professional did not assume.

Understand the Purpose of Every Photograph

Before taking a photograph or recording a video, ask a simple question: 'Why am I creating this record?' Images should document existing conditions, construction progress, site observations, concealed work, unusual field conditions, or completed projects—not simply fill a phone's photo library. Ask a similar question when downloading images to project files: 'Why am I saving this?' Because smartphones make it easy to capture and transfer dozens of images without reviewing them, project files can quickly become crowded with photographs that add little value and may later create confusion and liability. We don't take photographs just because we can. We take them with a purpose in mind.

Many firms take hundreds of photographs on every project, yet few establish uniform procedures for selecting, labeling, storing, and explaining those images. Consistency matters. The same practices that make photographs useful for project management also make them more persuasive during claims. Managers should periodically review project files, train staff on documentation

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expectations, and remind employees that smartphone photographs are business records when they relate to project work. A modest investment in documentation discipline often pays substantial dividends when questions arise months or years later.

A common claim scenario illustrates why this discipline matters. A project manager photographed reinforcing steel that appeared to be improperly installed before concrete was placed but never documented the observation in a field report or determined whether the condition had been corrected. Years later, after the slab developed significant cracking, the photographs became central evidence in litigation. The plaintiff argued that the design professional had actual knowledge of the condition because it had been photographed, yet the project file contained no explanation of what was observed or what action, if any, was taken. The lesson is straightforward: whenever a photograph captures a potentially significant condition, the written project record should explain why the image was taken and the follow-up that occurred.

Document Facts—Not Opinions

Photographs should record observable conditions rather than legal conclusions or opinions. Captions such as 'South elevation masonry observed on July 12, 2026' are generally preferable to statements such as 'Contractor installed defective masonry.' Let the investigation determine responsibility.

Capture Context

A close-up photograph rarely tells the entire story. Begin with wide-angle photographs that establish the overall location before documenting specific conditions. Record the date, direction of view, photographer, and a brief explanation of why the image was taken. A photograph without context invites others—including attorneys and experts—to create their own interpretation years later.

Context also extends beyond what is visible in the image. Digital photographs routinely contain metadata identifying when and where they were taken. In one dispute, an engineer testified that he had not visited the project during a critical period. The timestamps and GPS data embedded in photographs taken with his smartphone established otherwise, undermining his credibility. Likewise, seemingly insignificant background details may later become important. A photograph intended to document a completed lobby, for example, may inadvertently capture early water staining or other conditions that experts later argue should have prompted additional investigation.

Avoid Directing Construction Activities

Images should not suggest that the design professional is directing construction means and methods. Photographs showing architects or engineers instructing workers or directing field operations may later be cited as evidence that construction responsibilities were assumed.

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Photographs can also create unnecessary exposure when they depict obvious safety hazards without corresponding documentation. Consider a photograph showing workers in an unprotected trench or working near an unguarded edge. Even if the design professional had no responsibility for construction safety, a claimant may later argue that the firm recognized the unsafe condition because it photographed it but failed to communicate appropriate concerns. Whenever significant safety-related conditions are observed, firms should follow their contractual obligations and document any appropriate communications while avoiding actions that imply control over the contractor's means and methods.

Be Careful with Social Media

Before posting project photographs or videos online, confirm that the owner has approved publication, the contract permits publicity, confidential information is protected, and the images do not reveal apparent safety violations or unfinished work that could be misunderstood.

Preserve the Original Images

Maintain original digital photographs whenever possible. Original files often contain metadata such as the date, time, and GPS location, which can become valuable evidence during claims or litigation. If edited copies are created for marketing purposes, retain the originals.

The same principles apply to drone photography. High-resolution aerial images frequently reveal conditions that were not the primary subject of the inspection. For example, routine progress photographs may later show ponding water on a roof months before leaks are reported. Plaintiffs may argue that these images demonstrate the design professional knew, or should have known, of a developing problem. Accordingly, drone images should be reviewed and documented with the same care as any other project record.

Respect Privacy and Confidentiality

Project images may include individuals, proprietary equipment, security systems, or confidential client operations. Verify that sharing photographs does not violate contractual confidentiality obligations or applicable privacy requirements.

Develop Consistent File Management Practices

Use standardized naming conventions that include the project name, date, location, photographer, and brief description. Well-organized files are easier to locate during claims, disputes, or warranty investigations. Do not simply dump project images into project files without examining them. It may be appropriate to delete photographs for ordinary housekeeping reasons, but the analysis changes once a potential dispute or claim arises. At that point, deleting photographs can easily be portrayed as an effort to destroy unfavorable evidence.

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Photographs Should Supplement—Not Replace—Written Documentation

Photographs rarely tell the complete story. Site reports, meeting minutes, correspondence, and field observation reports should explain what was observed, why it mattered, and what recommendations, if any, were made. Before relying on a photograph alone, ask yourself whether someone unfamiliar with the project would understand exactly what it depicts and why it was taken. If not, additional written documentation is warranted.

Practical Risk Management Guidelines

- Photograph objectively.
- Record facts rather than opinions.
- Preserve original files.
- Include context.
- Label images consistently.
- Respect confidentiality.
- Obtain owner approval before public distribution when appropriate.
- Integrate photographs with written documentation.
- Avoid suggesting responsibility for construction means, methods, or safety.

Think Like a Future Witness

Before taking or sharing a project photograph, assume you may someday be asked to explain it during a claim, deposition, arbitration, or trial. Ask yourself: Would someone unfamiliar with this project understand exactly what this image shows and why I took it? If the answer is no, add context or written documentation.

Using Project Images for Internal Education

Project photographs and videos can be valuable training tools when carefully selected. Remove confidential or proprietary information whenever practical, comply with contractual confidentiality obligations, and avoid using images associated with active claims or litigation unless reviewed by legal counsel or your professional liability insurer. Training should emphasize sound documentation practices and professional judgment rather than assigning blame.

Conclusion

Every project photograph tells a story. If that story is incomplete, lacks context, or conflicts with the written project record, others may supply their own interpretation. By taking photographs deliberately, documenting them objectively, preserving original files, and integrating images with written documentation, design professionals can transform photographs from potential liabilities into valuable risk management tools.