

Photographic Policy

Person Responsible:	**Mr D Hobson (DPO)**
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Background

We believe that taking photographs and films of our pupils is a valuable way of recording their school life, as well as celebrating the achievements of both individuals and groups. Whilst we recognise the benefits of photography and videos to our school community we also recognise that these can have significant risks for those involved. Under the legal obligations of UK General Data Protection (UKGDPR), the school knows that we have specific responsibilities in terms of how photos and videos are taken, stored and retained.

This policy covers the recording, use, storage and deletion of still and video images at the school. It should be read in conjunction with the school's data protection, online safety, cctv, data breach, record keeping and retention and acceptable use policies. Any examples used in this policy are not exhaustive and the school is able to make decisions on a case by case basis.

Legally this area is covered by the following:

Data Protection Act 2018: The image of a child is personal data covered by the act unless taken by parents/carers for purely personal use. This means that a school must comply with the Data Protection Act 2018 (UK GDPR). Schools are permitted to take, use and store and display images when this forms part of the public task of educating children or in the schools legitimate interests, disposing of them after the child has left. School will need to seek consent for other uses of images such as websites social media or newspapers.

Whilst the schools lawful basis for internal educational use of images is 'Public Task' consent will be relied upon for specified external uses such as websites, social media and publicity materials. Consent may be withdrawn at any time, but withdrawal cannot affect material already lawfully published.

Education Act 2002: Obligations to safeguard the welfare of pupils. This may have an impact on children whose location cannot be revealed for safeguarding reasons.

Article 8 European Convention on Human Rights: Privacy issues/breach of the child's right to respect for private life. For example, a parent/carer may object to their child's image being taken or shared.

Article 10 European Convention on Human Rights: The parent/carer's right to freedom of expression. For example, a parent/carer may wish to record the Nativity play.

Safeguarding

Safeguarding of young people should always take precedence when considering when photographs and videos are appropriate. In particular, schools need to consider if they have young people who:

- are looked after, particularly if the parents of the young person are not allowed access
- are adopted
- are in protected accommodation
- have a parent or family member who is not permitted access.

The School recognises the value of using photographs and videos to celebrate pupils' achievements, support learning, and share information about school life. However, parents and carers should be aware that any image shared online may be copied, downloaded or redistributed by others without the School's knowledge or consent.

Advances in Artificial Intelligence (AI) technology mean that images can also be manipulated or altered in ways that are unintended and beyond the School's control once they have been published. While the School takes reasonable steps to minimise these risks through robust safeguarding procedures, careful image selection, secure publication practices and regular review of online content, no online platform can guarantee absolute protection from misuse.

By providing consent, you acknowledge these risks and understand the measures the School takes to safeguard pupil images.

Consent

Consent is not required when the use of images is purely for educational purposes, for instance for assessment of learning. This is covered as part of the “Public Task” of the school.

Consent will be required when images are used beyond the school, for instance on the school website or external media.

School understands that where consent is required for processing then the consent must be a positive indication. It cannot be inferred from silence.

Parents/carers will be asked to complete the schools consent form prior to their child commencing on roll at the school.

A record of all consent details will be kept securely by school. Should permission be withdrawn by parents/carers/pupil at any time, then all relevant images from that date forward will be removed and disposed of and the record will be updated accordingly.

All staff with a need to know individual pupil photo consent will be updated on any changes as and when necessary. Staff are responsible for checking consent status prior to any photography activities.

Images will not be taken of any child or young person against their wishes. A child or young person's right not to be photographed is to be respected.

School visitors may only take photographs with the specific permission of a member of the Senior Management Team when consent has been correctly obtained.

Photos are stored on the schools Information System for the purpose of pupil identification and safeguarding. Consent will not be sought for this purpose as use of images for these purposes is required in the legitimate interests of the school. Where the school operates CCTV the above also applies, and operation will be in line with the CCTV policy.

Taking, Storing and Retention of Images and Videos

As images and videos are personal data, this should be processed in accordance with the school's data protection policy.

Only official school owned equipment (e.g. work provided digital or video cameras, ipads etc) will be used by staff to capture images of children for official purposes. Use of personal cameras or phones by staff is prohibited at all times. Images must not be uploaded from school devices to personal cloud storage, personal email accounts, messaging applications or social media platforms.

Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.

Images will be stored securely, for example, by using password protection, restricting the number of people who have access to the files, and ensuring adequate firewall and anti-virus software are in place. If possible, this will be encrypted (e.g. iPad with passcode).

Images will be securely deleted from non-encrypted devices on a regular basis (e.g. transferred from a digital camera to the network on a weekly basis).
Images will not be kept for longer than is to be considered necessary and, in any event, not exceeding a maximum of three years after the child has left the school. A designated member of staff (IT or Data Protection lead) will ensure that systems exist so that all photographs are permanently wiped when no longer needed.

The school's management team reserve the right to view any images taken. Members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.

Use of Images/Videos by Children

The school will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.).

All staff will be made aware of the acceptable use rules regarding children's use of cameras and will ensure that children are appropriately supervised when taking images for official or curriculum use.

Members of staff will act as role models of positive behaviour to the children by encouraging them to ask permission before they take any photos.

Photos taken by children for official use will only be taken with parental/carer/pupil consent and will be processed in accordance with the Data Protection Act 2018.

Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be processed.

School Trips

Volunteers helping on school trips must be made aware of any rules restricting the use of personal devices to take photographs.

The school will decide if children are allowed to use their own cameras, phones, tablets and other connected devices, during a school trip on an individual event basis.

Personally owned tablets, phones and other connected devices are not permitted to be used on school trips due to difficulties supervising the suitability of images shared over the internet.

Appropriate Events and Locations

There are some risks involved when taking photographs of some sporting occasions when children are not fully dressed. These apply to both the child, whose image may be misused, as well as the adult who could be accused of taking inappropriate images. The general advice is that children should not be photographed unless appropriately dressed.

It is not permissible to record images when children are changing.

In general it is advisable not to record images of children in swimming costumes, but under specific circumstances the school may decide it is appropriate, for instance:

- moderation for PE or Swimming Teacher Assessment
- celebration of a child showing significant progress with swimming.

The Amateur Swimming Association (ASA) guidance on photography states that all photographs must observe generally accepted standards of decency, in particular:

- action shots should be a celebration of the sporting activity and not a sexualised image in a sporting context
- action shots should not be taken or retained where the photograph reveals a torn or displaced swimming costume
- poolside shots of children should normally be above the waist only in a swimming costume, though full length tracksuit shots are approved
- photographs should not be taken from behind swimming blocks at the start of a race or exhibit young swimmers climbing out of the swimming pool.

Use online meetings and video conferencing.

Parental/carer/pupil consent will be obtained before online platforms such as Microsoft Teams, Zoom, Google Meet and other approved educational platforms will be used for curriculum or educational purposes.

Recordings will only be made with the consent of all parties taking part.

School Website/School Managed Social Media

Permission will be obtained from parents/carers/pupils before a child's image is uploaded to the school website or social media platform.

Children's full names will not be used on the website or social media in association with photographs.

The school will not include any personal addresses, emails, telephone numbers, on videos, on the website, in a prospectus or in other printed publications.

Children's work will only be published with their permission or their parent's/carer's consent.

Parental/Carer Photography

Many parents/carers will want to record some of the special moments in their child's school life and the law does not prohibit this. However, it is possible that they will also capture images of children other than their own, with a possible impact on their privacy.

This is a problematic area with contributory factors:

Freedom – some parents/carers will want to take pictures of their child at an event, and some will not

Privacy – it is possible that any image captured may have other children in it

Safeguarding – there is a potential that images may be misused. (There can be particular concern regarding looked after children.)

Parental photography is prohibited unless specific permission is given by the school for designated events or a designates section of an event. It may be permissible at some events to take photos at the end of the performance/event of your own children. School will advise parents/carers at the commencement of each event whether this will be possible.

Press Photography

Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met. A written agreement will be sought between parents/carers and the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) can be published along with images and videos.

The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.

The photographer will be issued with visitor identification, which must be worn at all times.

Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability, however, can be claimed for situations beyond reasonable control, and where the school is to be considered to have acted in good faith.

School Photographs

Professional photographers who are engaged to record any events will be prepared to work according to the terms of the school's e-Safety policy.

Photographers will be issued with visitor identification, which must be worn at all times.

Photographers will sign an agreement which ensures compliance with the Data Protection Act and that those images will only be used for a specific purpose, subject to parental/carer consent.

Photographers will not have unsupervised access to children and young people.

Photographs by Members of the Public

When children are taken out of the school grounds, for instance, on a visit it is possible that they could be photographed by members of the public. If the child's privacy is of paramount importance, the risk of this should be discussed with parents/carers and appropriate steps taken (see Looked After Children section below).

Looked After Children

Photographs of looked after children should usually only be taken with the agreement of the person who holds parental responsibility. However, in some circumstances, consent could be obtained from the child's social worker, foster carer or a relative. Please see the school/relevant teacher who is part of the child's care team if you are unsure about who can give consent.

The school/relevant teacher will be part of a looked after child's care team and attend meetings and looked after reviews; they should know any potential risks regarding any adults or if the placement is protected.

Looked after children should expect to have as normal an experience as they can and they should not be singled out because they are in care.

If a child's identity or privacy needs to be protected, this should be discussed with the parent/carer and appropriate steps could be agreed. This could include:

restricting parental photography for all at events
subtly removing the child before photographs are taken
siting the child with the teacher to allow the teacher to take active steps to redupce the possibility of the child being photographed

sensitive withdrawal of the child from the event with an explanation to the child.

The above can also be applied for children subject to court orders, children under child protection plans, families in refuges and children at risk of honour-based abuse, forced marriage or domestic abuse.

Appendix 1

Taking, storing and using images of children policy DECLARATION for External photographers

I,

_____

_____

(full name)

Of,

_____

_____

(organisation name and address)

confirm that I have read and understood the schools Photographic and Video Policy.

By signing this declaration, I confirm that neither myself nor any other employee of my organisation will print, copy or share any images or videos taken at the request of the school with any other individual or organisation by any means, including through the use of social media or for our own marketing or promotional purposes.

We agree to comply with UK GDPR during our activities including secure storage of images, reporting any data breaches to the school immediately, and secure disposal of images once contractual obligations are complete.

I also confirm that, once we have fulfilled our contract with the school, neither myself or any other employee of my organisation will retain any images or videos which have been taken at the request of the School.

Signed _____

Print name _____