

## PHOTOGRAPHY POLICY

Date	Review Date	Endorsed by	Approved by	Link Governor
June 2019	As required	Resources Committee	Governing Body	TBC

### Statement of intent

At The Devonshire Hill Nursery & Primary School, we use images and videos for a variety of purposes, including display boards, educational purposes, the school website and marketing. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

Whilst we recognise the benefits of photography and videos to our school community, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The school has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the school with regard to pupils' safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

## 1. Legal framework

- 1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
  - The General Data Protection Regulation (GDPR)
  - The Data Protection Act 2018
  - The Freedom of Information Act 2000
  
- 1.2. This policy also has due regard to the school's policies including, but not limited to, the following:
  - Data Protection Policy
  - Data Breach Policy
  - Data Retention Policy
  - Safeguarding Policy

## 2. Definitions

For the purposes of this policy:

- 2.1. "Camera" is used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to be take photographs.
  
- 2.2. "Personal use" of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.
  
- 2.3. "Official school use" is defined as photography and videos which are used for school purposes, e.g. for building passes and identification of pupils, staff and governors. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use.
  
- 2.4. "Promotional use" is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken the school website, a local newspaper or for use by partner organisations. The principles of the GDPR apply to images and videos taken for media use.
  
- 2.5. Staff may also take photos and videos of pupils for "educational purposes". These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

## 3. Responsibilities

- 3.1. The headteacher is responsible for:

- Consent forms for photographs and videos taken for educational purposes are submitted to parents/carers.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
- Deciding whether parents/carers are permitted to take photographs and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

3.2. The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- Liaising with the School Business Manager or Data Protection Officer (DPO) to ensure there are no data protection breaches.
- Informing the headteacher of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

3.3. Parents/Carers are responsible for:

- Completing the *Parental Consent Form* (Appendix A)
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

3.4. Staff taking images or videos for official school purposes are responsible for:

- Checking the consent for children taking part in an activity or school visit prior to taking photographs and videos.
- Acting in accordance with this policy.

3.5. Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the Headteacher.

#### **4. Consent**

- 4.1. All photographs and video content are classified as personal data under GDPR. Images or video content may be used for publicity or other purposes only when the parent/carer has provided informed consent and has not withdrawn their consent.
- 4.2. Up to the age of 13, and in some cases 16 depending on the child's maturity, parents/carers are responsible for providing consent on their child's behalf.
- 4.3. Parents/Carers are required to be aware that their child may be photographed at school and they have the right to withdraw consent for the use of photographs and videos of their child.
- 4.4. The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

- 4.5. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 4.6. Where consent is given, a record will be kept in the pupil's file and on the school's management information system (MIS).
- 4.7. The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.
- 4.8. Consent given in the Consent Form will be valid until consent is withdrawn.
- 4.9. If there is a disagreement over consent, or if a parent/pupil does not respond to a consent request, it will be treated as if consent has not been given.
- 4.10. All parents/carers are entitled to withdraw or change their consent at any time.
- 4.11. Parents/carers, or former pupils over the age of 13, withdrawing their consent must notify the school in writing.
- 4.12. If any parent or pupil withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.
- 4.13. For any LAC pupils, or pupils who are adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of an LAC pupil, or pupils who are adopted, would risk their security in any way.
- 4.14. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.
- 4.15. A maintenance of a list of pupils for whom consent was not given will be overseen by the School Business Manager (SBM) and will be circulated to relevant members of staff. Any updates will be communicated to relevant staff as soon as practicable.

## **5. General procedures**

- 5.1. Photographs and videos of pupils will be carefully considered before any activity.
- 5.2. Queries and concerns relating to the planning of any events where photographs and videos will be taken will be referred to the SBM in the first instance. Guidance from the SBM/DPO will be sought if required.
- 5.3. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Headteacher as a DSL will determine the steps involved.
- 5.4. When organising photography and videos of pupils, staff members will consider the following:

- Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
  - Could the camera angle be amended in any way to avoid pupils being identified?
  - Will pupils be suitably dressed to be photographed and videoed?
  - Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
  - Would it be appropriate to edit the photos or videos in any way (e.g. to remove logos which may identify pupils)?
  - Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- 5.5. Staff members are responsible for reviewing consent lists for all children taking part in an activity or school visit. Only pupils for whom consent has been given are to be included in photographs and videos taken during the activity or school visit.
- 5.6. School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in section 7 of this policy.
- 5.7. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.8. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.9. Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.10. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the SBM or DPO.

## **6. Additional safeguarding procedures**

- 6.1. The school understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.
- 6.2. The DSL will, in known cases of a pupil who is an LAC or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.
- 6.3. Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:
- Photos and videos can be taken as per usual school procedures
  - Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media

- No photos or videos can be taken at any time for any purposes
- 6.4. Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held in the school office, will be updated accordingly.

## **7. School-owned devices**

- 7.1. Staff are encouraged to take photos and videos of pupils using school equipment for educational purposes, to record and maintain pictorial evidence of lessons, behaviour, activities and events related to their pupils.
- 7.2. Where school-owned devices are used, images and videos will be transferred securely to the school network at the earliest opportunity and deleted from any other devices.
- 7.3. Staff will not use their personal mobile phones, cameras or any other personal device, to take images and videos of pupils unless explicit permission has been given by the headteacher. If permission is granted, images and photos must be transferred to the school network at the earliest opportunity and deleted from personal devices or accounts.
- 7.4. Digital photographs and videos held on the school's network are accessible to staff only.
- 7.5. Members of staff and the school community are required to report inappropriate use of personal or school-owned equipment and images to the headteacher. Immediate action will be taken if it is found that any incidents raise child protection concerns.
- 7.6. The school is not responsible for lost, stolen or damaged equipment. This remains the responsibility and obligation of the member of staff.

## **8. Storing and retention**

- 8.1. Images obtained by the school will not be kept for longer than necessary.
- 8.2. Photos and video recordings held by the school will not be used other than for the purposes consent was given, unless permission is sought from the parents of the pupil(s) involved in consultation with the headteacher and DPO.
- 8.3. Paper documents will be shredded and electronic files deleted once the retention period has ended.
- 8.4. Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive as soon as practicable.
- 8.5. When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.
- 8.6. Where a pupil's security risk has changed, the DSL will inform the headteacher immediately. If required, any related imagery and videos involving the pupil will be

removed from the school drive immediately. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.

- 8.7. The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met.
- 8.8. Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.
- 8.9. Members of staff must remember that, even when images are physically deleted from a device, the device has to be appropriately disposed of to ensure that no imprint remains. Items deleted from a computer will often be placed in a "recycling bin"; these items must be permanently deleted.

## **9. Appropriate use of images under GDPR**

- 9.1. Photographs are used in school for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.
- 9.2. To judge whether legitimate interest can be used as the basis for processing data, such as using pupils' photographs as part of the school's management information system, the school will carry out three different tests, these are:
  - A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
  - A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
  - A balance test – establishing the impact it will have on the data subject by processing the data for said reason.
- 9.3. These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out an LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the GDPR.

### **Photographs used in identity management**

- 9.4. These are likely to be essential for performing the public task of the school, but they will be deleted once no longer needed for the purpose for which it was held.

### **Photographs used for marketing purposes**

- 9.5. Photographs will not be used for marketing purposes unless the school has specific informed consent for the images and the images are only used in line with the consent provided.

### **Photographs in the school environment relating to education**

- 9.6. These photographs may be essential for performing the public task of the school, but once the pupil has left the school this argument may become insufficient. If permission is withdrawn, the image will be removed.
- 9.7. When gaining consent, including when initially taking the photograph, the parent/carer of the pupil will be made aware of the school's privacy notices and data retention policy. The school will endeavour to ensure that images are not displayed after the relevant retention period. In such circumstance that images may continue to be displayed, the school will act promptly to any requests for removal and deletion.

## **10. Privacy notices**

- 10.1. The school uses privacy notices with declarations attached to inform pupils and their families about how their personal data may be collected and as one method of gaining consent.

## **11. Sharing of images**

- 11.1. All images taken by members of staff or volunteers at school or on school activities remain the property of the school.
- 11.2. Images must not be shared with anyone outside the school or held for private use.
- 11.3. No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent/carer.
- 11.4. Images may under no circumstances be emailed or shared via private e-mail accounts unless a parent has asked for a photo of their child to be sent to them.
- 11.5. Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites.

## **12. Use of a professional photographer**

- 12.1. If the school decides to use a professional photographer for official school photos and school events, the headteacher will:
  - Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
  - Issue the photographer with identification, which must be worn at all times.
  - Let pupils and parents know that a photographer will be in attendance at an event and ensure they have previously provided consent to both the taking and publication of videos and/or photographs.
  - Not allow unsupervised access to pupils or one-to-one photo sessions at events.
  - Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photographs for any other purpose.

- Ensure that the photographer will comply with the requirements set out in GDPR.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school.

### **13. Permissible photography and videos during school events**

13.1. If the headteacher permits parents to take photographs or videos during a school event, parents will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photographs and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording videos.
- Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

### **14. Monitoring and review**

- 14.1. This policy will be reviewed by the headteacher and Resource Committee as necessary.
- 14.2. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

## Parental consent form for photographs and videos

NAME OF PUPIL: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

### Why do you we use images and videos of your child?

At Devonshire Hill, we believe that the use of photos and videos are important tools that support school objectives and benefit the whole school community. Photos and videos can contribute to:

- Pupils' confidence by celebrating their achievements
- Parental engagement by providing a snapshot of what children have been learning in school
- Staff morale by showcasing the quality of our educational provision and practice
- The overall success of the school by raising our profile to attract prospective parents, the best teachers and opportunities to generate income.

For these reasons, we encourage parents/carers to provide digital consent for their child/children, although we acknowledge and respect both your and your child's rights under the General Data Protection Regulations.

### Conditions of use

Where the school uses images of individual pupils, the name of the pupil **will not** be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil **will not** be used to accompany the text.

### Why do we need your consent?

Without your consent, the school cannot and will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the school will abide by the conditions you outline in this form.

### Who else uses images and videos of your child?

The school may visit, be visited by and otherwise work with partnership organisations or local media who may take images or videos of school activities and events. These external organisations may want to use images and videos on their own publications and websites. The school will abide by the consent provided on this form.

Where the use of images or videos of your child are not for the purpose for which consent has been provided, **additional consent** must be sought before any image or video is used.

### What are the conditions of use?

- This consent form is valid until the child is no longer a registered pupil at the school or consent is amended or withdrawn.
- It is the responsibility of parents/carers to inform the school, in writing, if consent needs to be withdrawn or amended. A new form must be completed.
- Where the school uses images of individual pupils, the name of the pupil **will not** be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil **will not** be used to accompany the text.
- If, for example, a pupil has won an award and the school would like their name to be published with their image, **separate consent** must be obtained prior.
- The school may use pictures of pupils and teachers that have been drawn by pupils.
- The school may use work created by pupils.
- The school may use group images or videos with general labels, e.g. 'sports day'.

- The school will only use images and videos of pupils who are suitably dressed.
- Official school photos, including class photos which may include your child, will be available for purchase by other parents annually.

### Providing your consent

<b>Consent for taking and using photographs and videos</b>	<b>Please circle either "Yes" or "No"</b>
I provide consent for the following:	
Photographing my child for <u>official school photos</u> by a school-appointed external photography company ( <i>group photos are displayed in school</i> )	Yes / No
Photographing and videoing of my child (for <u>official school use</u> and <u>educational purposes</u> e.g. identification and assessment)	Yes / No
Using <u>photo</u> and <u>video</u> footage of my child <u>within school</u> e.g. <i>displays, classroom use and assemblies.</i>	Yes / No
Using photos of my child on <u>school publications</u> and <u>promotional materials</u> e.g. <i>newsletter and website</i>	Yes / No
Using video footage of my child on the school's website.	Yes / No
Using <u>photos</u> of my child for the school's <u>social media</u> accounts e.g. <i>Twitter</i>	Yes / No
Using <u>video</u> footage of my child for the school's <u>social media</u> accounts.	Yes / No
School partner organisations and local media using <u>photos</u> of my child to publicise school events and activities e.g. <i>Into University, Inspire!</i>	Yes / No
School partner organisations and local media using <u>videos</u> of my child to publicise school events and activities.	Yes / No

### Withdrawing your consent

Parents/cares have the right to withdraw their consent at any time. Withdrawing your consent will not affect any photos or videos that have been shared prior to withdrawal.

If you would like to withdraw your consent, you must submit your request in writing to the headteacher.

### Declaration

I, \_\_\_\_\_ (name of parent), understand:

- The reasons why The Devonshire Hill Nursery & Primary School uses images and videos of my child and why my consent is required.
- The conditions under which the school uses images and videos of my child.
- The school will use images and videos of my child in line with the consent provided.
- Consent is valid until it is amended or withdrawn.
- I can amend or withdraw my consent at any time and must make the request in writing.

**Signature of parent/carer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*If you have any questions regarding this form, please arrange to speak with the School Business Manager via the School Office. For further information, please see the school's Photography Policy.*