

Use of Photographs & electronic Images Data protection policy

The Spire Federation

East Wold & North Cockerington CE Primary Schools



Last reviewed on:	20.9.21
Next review due by:	20.9.24

THE USE OF PHOTOGRAPHS AND ELECTRONIC IMAGES

Reference Points

- NSPCC via www.nspcc.org.uk or 0808 800 5000
- **Information Commissioner** www.ico.gov.uk
- See also LCC guidance 'Data Protection Matters – DPA Model Policy'

Contact Points

Safeguarding Children Officer	01522 554668
Legal Services Lincolnshire	01522 552039

Introduction

Schools need and welcome positive publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs in school publicity materials can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements.

However, photographs must be used in a responsible way. Schools need to respect young people's and parents' rights of privacy and be aware of potential child protection issues.

Many organisations provide advice on the use of images, especially on the Internet, and most would agree on a few principles to follow to ensure responsible use. However, some organisations (and some local authorities) believe that the only way to be sure of protecting children is to ban the use of photographs in all school publicity materials.

Lincolnshire County Council's view is that schools need to balance potential risks against the advantages of promoting the school in a colourful and attractive way. Risk can be minimised by following the advice and in securing parental consent for the use of photographs/videos.

Safeguarding Children Issues

Risks may occur when individual pupils can be identified in images. Providing the name and image of a pupil in a publication or on a website allows the possibility of people outside the school identifying and then contacting pupils directly. This is of particular concern where a family has fled domestic violence or a child is subject to child protection procedures, and may also be an issue where a child has been adopted or subject to other court orders.

The NSPCC warns that this information could also make a child vulnerable to abuse by those wishing to groom children and that images can be used or adapted for inappropriate use.

In line with central government and the NSPCC recommendations the use of inappropriate images should be reported to our Designated Safeguarding Officer, Children's Social Care and / or the Police.

The Headteacher should decide whether the publication of a photograph/video might pose a risk to a child.

Data Protection Act and School Events

In recent years, The Information Commissioner's Office (ICO) has published various guidance notes on how the Data Protection Act applies to taking photographs in schools.¹ These guidance notes have all relied upon the domestic purposes exemption at section 36 of the Data Protection Act 1998 (DPA). In the 2014 guidance note, the ICO stated 'Photographs taken purely for personal use are exempt from the Data Protection Act'. This means that as far as the ICO guidance is concerned the DPA does not prohibit parents, friends and family members from taking photographs of their child and friends participating in school activities for the family album and they can film events at school to watch at home.

However, where photographs/videos may be posted online, the legal position is far more complex than the ICO guidance appears to suggest. The Article 29 Data Protection Working Party has concluded that, under certain circumstances, the activity of an individual processing information online for personal or recreational purposes cannot be considered as a 'purely personal or household activity'² and thus the exemption would not apply. Such circumstances would include:

- Users with high numbers of friends/contacts, including some not personally known to the user
- Where access to the user's profile is open to all within the social networking site, or data is accessible via search engines
- Where the individual makes an informed decision to share information beyond selected friends.

In addition, the European Court of Justice ruled that Article 3(2) (on which section 36 relies) does not apply to 'the processing of personal data consisting in publication on the internet so that those data are made accessible to an indefinite number of people'.²

This suggests that section 36 cannot be seen to automatically apply to parents posting online images taken in school. Where section 36 does not apply, then parents must seek consent of the other children's parents before posting their images online, or limit the number of individuals who can access the images, or not post online at all.

¹ <https://ico.org.uk/for-the-public/photography/>

The Spire Federation

Use of Photographs and Images Policy

Roles

The Senior Management Team is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the setting/school. This includes the management, implementation and monitoring.

The Governors are responsible for approving and reviewing this policy.

Parental Consent

- Written permission from parents or carers will be obtained before images/videos of children are published.
- Written consent from parents will be kept by the setting where children's images are used for publicity purposes (such as brochures or publications), until the image is no longer in use.
- Parental permission will be sought on admission to The Spire Federation schools.
- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

The photograph consent form (Appendix 1) should be completed on commencement at school and will last whilst the child remains at school.

Staff/Adult Consent

Consent from staff and any other adults who may appear in the photograph or video will also be sought.

Principles of using photographs

- Parental consent must be secured before any image can be used.
- If a photograph is used, avoid naming the child.
- Only use images of children in suitable dress to reduce the risk of inappropriate use. This is a judgement for the Headteacher to make but some activities – swimming, gymnastics and athletics – clearly present a greater risk of potential misuse. With these activities, the content of the photograph should focus on the activity, not on a particular child, and should avoid full face and body shots.
- Never use an image of a child who is subject to a Court Order.
- Establish whether the images will be retained for further use.

- Make sure images are stored securely and used only by those authorised to do so.
- Do not re-use photographs of children (or teachers) after they have left the school.

School Management of Photographs/Videos

- Images or videos that include children will be selected carefully when used online and no names will be used.
- We will not include any personal addresses, emails, telephone numbers, fax numbers on video, on the website, in a prospectus or in other printed publications.
- Only school owned equipment (e.g. digital or video cameras) will be used by staff to capture images of children for official purposes.
- Parental permission must be sought before children are engaged in using Skype and before videos are shared of children and children's work across the federation and with other schools with which we collaborate.
- Use of personal cameras by staff is prohibited at all times.
- The Headteacher reserves the right to view any images taken and/or to withdraw or modify a member of staffs' authorisation to take or make images at any time.
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably encrypted and will be logged in and out by the Administrator and monitored to ensure it is returned within the expected time scale.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- All 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.
- Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use. The school/setting will ensure that images are held in accordance with the Data Protection Act and suitable child protection requirements (if necessary) are in place.
- The school/setting will discuss the use of images with children and young people in an age appropriate way.
- 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.
- Photography is not permitted in sensitive areas such as toilets, swimming areas etc.
- Images will not be kept for longer than is to be considered necessary. The Senior Administrator will ensure that all photographs are permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use. Paper copy photographs will be shredded after use.

Use of Photos/Videos by Parents/Carers

- Parents/carers are permitted to take photographs or DVD footage of events for private use only.
- Parents/Carers are only permitted to take photographs or make recording within designated areas.
- Photography/filming will be limited to a specific time and place, such as after a performance.
- Images are not to be shared online.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the Headteacher/Assistant Headteacher on health and safety grounds.
- The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
- Parents may contact the school Senior Administrator to discuss any concerns regarding the use of images.

Use of Photos/Videos by Children

- We discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as obtaining consent and the places children cannot take the camera (e.g. unsupervised areas, toilets etc).
- The use of personal devices e.g. mobile phones, children's own digital cameras, is not permitted in school.
- 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 role model positive behaviour to the children by encouraging them to ask permission before they take any photos.
- Still and video cameras provided for use by children and the images themselves will not be removed from East Wold/North Cockerington schools.

Use of Images of Children by the Media

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.

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.

We will obtain written confirmation from the newspaper as to where they will publish the images. Staff will ensure that only pupils with appropriate consent are photographed or named. Under no circumstances whatsoever will any possible contact details be released.

Every effort will be made to ensure the press abide by any specific guidelines. 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.

Use of Professional Photographers /Film Makers

Professional Photographers/Film Makers must:

- Follow a clear brief about what is considered appropriate in terms of content and behaviour.
- We will issue the photographer with identification which must be worn at all times.
- We will let children and parents know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs.
- There will be no unsupervised access to children or one-to-one photo sessions at events.
- We will not approve/allow photo sessions outside the event or at a young person's home.
- Professional photographers who are engaged to record any events will be prepared to work according to the terms of the federation's e-Safety policy.
- Photographers will sign an agreement which ensures compliance with the Data Protection Act and that images will only be used for a specific purpose, subject to parental consent.
- If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the event organiser who should record them in the same manner as any other child protection concern.
- If schools or parents have concerns regarding the use of filmed images by TV companies, they should contact the Office of Communications (Ofcom).

Outside Agencies working in school

Where outside agencies/companies have led activities with pupils and wish to take and use photographs of children to promote their own organisation, parental permission should be obtained, along with information for parents explaining the purpose, security of storage and the length of time for which the images would be retained.

Use of Webcams

- Parental consent will be obtained before webcams will be used within the setting environment for curriculum or educational purposes.
- All areas which are covered by webcams for security or safeguarding purposes will be well signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal.

Policy Review

This policy will be reviewed every three years.

Appendix 1

Dear Parent,

Use of Photographs and Images

At East Wold and North Cockerington CE schools, we think it is important to use photographs of our pupils enjoying the varied activities of school life to promote the positive aspects of the work that we do.

We use photographs in our internal publicity materials such as school brochures and booklets, on our corridor and classroom displays, for staff training and assessment purposes and on our web site. From time to time, articles and photographs of special events will appear in newspapers.

To do all we can to ensure all photographs of our pupils are used correctly, we undertake to:

- Obtain your permission to use photographs of children, including newspaper publication;
- Observe the County Council's guidelines on the use of photographs;
- Only use photographs for the purposes stated above;
- Store all electronic images securely and destroy them when your child leaves the school.
- Ask that you follow our policy when you take photographs of your child at school events.

I assure you that we have a responsible approach to the use of photographs and do hope that you are able to support us in publicising the many positive aspects of the work that we do.

I would be grateful therefore, if you complete the attached form detailing your consent to photographs.

Yours faithfully

Ms B Dhami
Executive Headteacher

USE OF PHOTOGRAPH AND ELECTRONIC IMAGES PARENTAL CONSENT FORM

Child's Name: _____

Parents Name: _____

Use of image (Consent would include photographs on the school site and whilst on trips and visits)	Consent (Please Tick)	Consent NOT given (Please tick)
Photographs/Videos – for use of school website		
Sharing my child's data with a school appointed external photography company who are GDPR compliant		
Using images/videos of my child for the newsletter which will be shared on the school website		
Using images/videos of my child for school marketing materials		
Using images/videos of my child for the newsletter which will be emailed to parents and staff		
Using images/videos of my child on the schools social media pages (Facebook)		
Video/images for class use only		

- All images will be stored securely in line with the schools' policy.
- When your child leaves The Spire Federation all photographs will be deleted.

Parents Signature:

Date: _____

Please return to the school office.
Thank you