

# Photography and Video at School Policy



ELSTOW  
SCHOOL

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At Elstow School we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school website. We understand that parent/carers 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 UK GDPR and the Data Protection Act (DPA) 2018, the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

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

## **Legal Framework**

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act (DPA) 2018
- The UK General Data Protection Regulation (UK GDPR) The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- DfE Keeping children safe in education

This policy operates in conjunction with the following school policies:

- Data Protection
- Anti-Bullying
- Child Protection and Safeguarding

## **Roles and Responsibilities**

The school is responsible for:

- Submitting consent forms to parent/carers, with regard to photos and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the UK GDPR and the DPA 2018.
- Deciding whether parent/carers are permitted to take photos and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parent/carers.

The Principal is responsible for:

- Liaising with the Chief Finance and Operations Officer to ensure there are no data protection breaches.

The Designated Safeguarding Lead (DSL) is responsible for:

- Liaising with social workers to gain consent for the use of photos and videos of pupils who are Looked After Children (LAC).
- Informing the Principal 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.

Parent/carers and pupils are responsible for:

- Completing a photography and video consent form.

- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

## Definitions

**Camera** is used to refer to mobile phones, tablets, webcams, portable gaming devices, and any other equipment or devices which may be used to take photos.

**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/carer 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 UK GDPR and the DPA 2018 do not apply to images and videos taken for personal use.

**Official school use** is defined as photography and videos which are used for school purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for official school use.

**Media use** is defined as photography and videos which are intended for a wide audience, e.g. photos of children taken for a local newspaper. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

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 UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

## Consent

All photos and video content are classified as personal data under the UK GDPR and DPA 2018; images or video content may be used for publicity or other purposes only once informed consent has been provided, and it has not been withdrawn.

Parent/carers will be required to provide consent on their child's behalf, except where the processing is related to preventative or counselling services offered directly to children.

Parent/carers and pupils will be aware that their child/they may be photographed at school and they have the right to withdraw consent for:

- Photos or videos taken by members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.
- Photos or videos taken by parent/carers and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
- Photos or videos taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Where consent is given, a record will be kept documenting how and when consent was given and last updated.

The school will ensure that consent mechanisms meet the standards of the UK GDPR and the DPA 2018. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

Parent/carers and pupils, as applicable, will be asked to complete the consent form as part of the admissions process, which will determine whether or not they allow their child/themselves to participate in photos and videos.

The consent form will be valid until the pupil leaves school, unless the pupil's circumstances change in any way. Additional consent forms will be required if the pupil's circumstances change.

If there is a disagreement over consent, or if a parent/carer does not respond to a consent request, it will be treated as if consent has not been given and photos and videos will not be taken or published of the pupil without consent.

All parent/carers and pupils will be entitled to withdraw or change their consent at any time. Parent/carers who wish to withdraw their consent must notify the school in writing.

If any parent/carer 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.

For any pupils who are LAC, previously LAC (PLAC), or adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parent to establish where consent should be sought. Consideration will be given as to whether identification of pupils who are LAC, PLAC, or adopted would risk their security in any way.

Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photos and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of pupils for whom consent was not given to use their images and videos in promotional or marketing materials, including on the internet, will be created and circulated to all staff members. This list will be updated accordingly.

## **General Procedures**

Photos and videos of pupils will be carefully planned before any activity, such as:

- Where photos and videos will involve pupils who are LAC, PLAC, or adopted, or pupils for whom there are security concerns, the staff members involved will liaise with the DSL to determine the steps involved.
- The list of all pupils who have not consented to the use of their images and videos will be checked.
- A school-owned digital camera will be used to take photos and videos of pupils.
- Staff will ensure that all pupils are suitably dressed before taking any photos or videos.
- Where possible, staff will avoid identifying pupils by name or any other identifiable data. If names are required, only first names will be used.
- The school will not use photos or videos of any pupil who is subject to a court order.

Photographs and videos may remain on school and Trust marketing materials, printed and online, after the child has left the school. The parent/carer may request at any time for them to be removed. Where printed materials have been used, the school and Trust will remove the images on the next print cycle.

Photos and videos that are considered to cause any distress or embarrassment will be removed.

Any concern relating to inappropriate or intrusive photography or publication of content will be reported to the Principal and DSL.

## **Safeguarding Procedures**

The school will consider certain circumstances that may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The DSL will, in known cases of pupils who are LAC, PLAC or adopted, liaise with the pupil's social worker, carers or adoptive parent/carers to assess the needs and risks associated with the pupil.

Any measures required will be determined between the DSL, social worker, and carer and/or adoptive parent/carer 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.

Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photos, will be updated accordingly.

### **Use of digital cameras**

Staff members may be provided with a camera to record and maintain pictorial evidence of the lessons, activities and events related to their pupils. Photos and videos may only be taken for educational purposes and in school or educational provision settings.

The use of personal cameras, mobile phone cameras or other recording equipment will be prohibited on school premises at all times.

In the event of school trips, visits and any other off-site activities, such as sporting fixtures, it may be appropriate for staff to use personal devices. If it's necessary for staff to take photos or recordings as part of a school trip/activity on a personal device, permission from the Principal must be sought. If work related photos and recordings are taken on a personal device, then this must be uploaded to the school site and deleted from the personal device as soon as possible. Staff will use their personal mobile phones in an appropriate and professional manner, in line with the staff code of conduct.

The school-owned cameras will be located and stored securely. Members of staff will be responsible for making sure that the camera is locked away after use at the end of the day. Members of staff will not be allowed to take school cameras or memory cards home.

Members of staff will not be allowed to use personal cameras.

Staff or other adults will not be permitted to take photos of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the school community will be required to report inappropriate use of digital cameras and images to the Principal. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.

The school will not take responsibility for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the individual who has borrowed the equipment.

### **Other school owned devices**

Staff will only be permitted to take photos and videos of pupils using the school's digital cameras; however, they may use other school-owned devices, such as mobile phones and tablets, where

consent has been sought from the Principal prior to the activity. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

Where school-owned devices other than digital cameras are used, images and videos will be provided to the school at the earliest opportunity and then removed from the devices.

Photos and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.

### **Storage and Retention**

As per the UK GDPR and the DPA 2018, images and videos obtained by the school will not be kept for longer than necessary. Images and videos may remain on marketing materials until they have been updated. Once updated, the images and videos will be deleted.

Hard copies of photos and video recordings held by the school will be stored securely. They will not be used other than for their original purpose, unless permission is sought from the Principal and parent/carers of the pupils involved.

Digital photos and videos held on the school's drive are accessible to staff only; no names are associated with the images and videos.

Paper documents will be shredded and electronic memories scrubbed clean or destroyed when they are no longer required.

Where a parent/carer has withdrawn consent, any related imagery and videos involving their child will be removed from the school drive immediately. When a parent/carer 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.

Where a pupil's security risk has changed, the DSL will inform the Principal 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/carer or by shredding, as appropriate.

Official school photos will be held on SIMS alongside other personal information and retained for the length of the pupil's attendance at the school, or longer, if necessary, e.g. due to a police investigation.

Images taken on school cameras will be downloaded as soon as possible on to a school computer or laptop.

Members of staff will maintain responsibility for ensuring that images are safely stored, particularly on memory sticks and hard drives. They will take reasonable measures to ensure that they do not come into the possession of unauthorised persons.

No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the Principal to do so. 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. 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.

If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered. Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card must be appropriately disposed of to ensure that no imprint remains.

## **Use of cameras and filming equipment by parent/carers**

Parent/carers or family members are welcome to take photos of (and where appropriate, film) their own children taking part in school events, subject to the following guidelines, which the school expects all parent/carers to follow. Parent/carers will:

- Remain seated while taking photos 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 photos and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photos 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 photos and/or videos if and when requested to do so by staff.

## **Use of cameras and filming equipment by pupils**

All pupils will be encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of staff.

The use of cameras, or filming equipment, including on mobile phones, will not be allowed unless permission has been given by a member of staff.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the school's Safeguarding and Anti-Bullying Policies will always be taken seriously and may lead to disciplinary procedures, resulting in suspension or permanent exclusion.

## **Sharing of images**

All images taken by members of staff or volunteers at school or during school activities remain the property of the school and images must not be shared with anyone outside the school or held for private use.

No digital image will be uploaded onto any internet/intranet system, other than the school or Trust, without the express permission of the child's parent/carer. Unless specific prior consent has been obtained, members of staff and volunteers will not post school images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent/carer has asked for a photo of their child to be sent to them.

## **Use of a professional photographer**

If the school decides to use a professional photographer for official school photos and school events, the Principal will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with an identification badge or card, which must be worn at all times.
- Let pupils and parent/carers 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 photos.



- 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 photos for any other purpose.
- Ensure that the photographer will comply with the requirements set out in the UK GDPR and the DPA 2018.
- Ensure that if another individual, 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.

### **Monitoring and review**

This policy will be reviewed every two years by the Head of Governance & Compliance and Principal.

Any changes to this policy will be communicated to all staff, parent/carers and, where appropriate, pupils.

## Appendix A: Photography and video parent/carer consent form

This form explains the reasons why and how Elstow School may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

<b>Name of pupil</b>	
<b>Name of parent/carer</b>	
<b>Year group and class</b>	

### Why do we need your consent?

We request the consent of parent/carers to use images and videos of their child for a variety of different purposes.

Without your consent, the school 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.

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

We use images and videos of pupils as part of school displays to celebrate school life and pupils' achievements; to promote the school and Trust on social media and on the school and Trust's websites; and for other publicity purposes in printed publications, such as newspapers.

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 a parent/carer would like their child's name to be published alongside their image, consent will be obtained prior to this.

We may take images or videos of individual pupils and groups of pupils to use on social media, the school website, in school prospectuses and other printed publications, such as a newsletter.

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

It is common that the school is visited by local media and press who take images or videos of school events such as sports days. Pupils will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

### What are the conditions of use?

- It is the responsibility of parent/carers to inform the school, in writing, if consent needs to be withdrawn or amended.
- The school will not use the personal details or full names of any pupil in an image or video on our website, in our school prospectuses or any other printed publications.
- The school will not include personal emails, postal addresses, or telephone or fax numbers on images or videos on our website, in our school prospectuses or any other printed publications without permission.
- The school may use pictures of pupils and staff that have been drawn by pupils.
- The school may use work created by pupils.
- The school may use group or class images or videos with general labels, e.g. 'sports day'.
- The school will only use images and videos of pupils who are suitably dressed.
- The school may take class images of your child which may be available to purchase annually.

### Providing your consent

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criterion.

The school will **only** publish images and videos of your child for the conditions that you provide consent for.

I provide consent to:	Yes	No
The school and Trust using images and videos of my child in school and Trust marketing materials, including print, prospectus', adverts, website, displays and social media.		
The school and Trust sharing images and videos of my child using the school's online classroom management platform and app.		
The school and Trust to take formal photographs of my child.		
The local media using images and videos of my child to publicise school events and activities, in order to celebrate individual, group or school success.		
The school sharing my child's data with a school-appointed external photography company for official school images. This includes the following: <ul style="list-style-type: none"><li>• Name</li><li>• Class</li></ul>		

### Refreshing your consent

This form is valid until the time your child leaves the school, however, the images and videos may remain on marketing materials until they have been updated.

Consent will be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used.
- Changes to parent/carer's consent, e.g. amending the provisions for which consent has been provided.

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Principal. A new form will be supplied to you to amend your consent accordingly and provide a signature.

### Withdrawing your consent

Parent/carers have the right to withdraw consent at any time. Withdrawing your consent will not affect any images 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 Principal.

### Declaration

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

- Why my consent is required.
- The reasons why Elstow School uses images and videos of my child.
- Other organisations may use images and videos of my child.

- The conditions under which the school uses images and videos of my child.
- That I have provided my consent above as appropriate, and the school will use images and videos of my child in line with my requirements.
- That I will be required to re-provide consent where any circumstances change.
- That I can amend or withdraw my consent at any time and must do so in writing to the Principal.

<b>Name of parent/carer</b>	
<b>Signature</b>	
<b>Date</b>	

If you have any questions regarding this form, please do not hesitate to contact the Business Support Officer at [enquiries@elstowschool.co.uk](mailto:enquiries@elstowschool.co.uk) or 01234 302300.