

Use of Photography/ Images Policy #2

The *Use of Photography/ Images Policy* was reviewed during the Spring Term 2016.
This document is the result of that review.

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| REVIEW DATE: | March 2020 |
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| SIGNED: | |
| TO BE READ IN CONJUNCTION WITH: | <i>Aims of the School Code of Conduct Child Protection Policy Safeguarding Policy LA Guidelines on the Use of Photography in Schools Data Protection Policy Privacy Notice</i> |

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Use of Photography/ Images Policy #2

Introduction

This policy has been produced to assist staff in implementing procedures regarding safe photography and video recording of school activities. Changes to data protection legislation (General Data Protection Regulation, from 25 May 2018) shall be monitored and implemented in order to remain compliant with all requirements.

Technology is making it increasingly easier for pictures and images to be used inappropriately as printed material or on the web. The Data Protection Act and Human Rights Act set out the rights and responsibilities in respect of keeping personal data on individuals. The principles of data protection are set out in the School's Data Protection Policy, but in summary everyone has the right to know that information is held on them and the reason for holding that data. They also have the right to refuse permission for that data to be published. The term 'data' includes photographic images.

The Data Protection Act is unlikely to apply in many cases when photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. It is suggested that a common sense approach should be adopted when the Act does not apply.

Two areas are exempt from the Data Protection Act:

- ◆ **Journalism, literature and art** - Publication by any person of any journalistic, literary or artistic material is exempt and the Data Protection Act allows newspapers and broadcasters to publish photographs to publicise activities.
- ◆ **Research, history and statistics** – 'research purposes' includes statistical or historical purposes. Personal data processed only for research purposes may be kept indefinitely.

Article 8 of the Human Rights Act confers the right to private family life and correspondence. This also states that a public authority, such as a school, must not interfere with this right except in specific and limited circumstances. An image can interfere with this right, particularly if it is intrusive or displays something that the subject prefers to keep private.

General

The term 'images' encompasses photographs - both digital and film - and video. If any establishment produces a publication, exhibition board, website or video for distribution and features an image of a recognisable individual, you need the permission of the individual in the picture. The Data Protection Act states you must take reasonable steps to get their permission. To get the permission of everyone in a large crowd would be unreasonable – this really applies to featured individuals. The easiest way to do this is to get the necessary permissions before the photograph is taken. You can give anyone who wishes to step 'out of frame' the opportunity to do so. We have included sample permission forms in this document.

It is important that those being asked for their consent understand what you intend to use the images for once they are taken. It must be made clear if the picture will be used to illustrate a general theme and so may appear in a variety of different publications, or if it is just to illustrate a specific event or pastime. Photographs of pupils taken for identity cards or passes are stored electronically with other personal data and the terms of the Data Protection Act would apply.

If our school does not seek the necessary permission from parents for pictures taken then it leaves the school vulnerable to prosecution under the Data Protection Act; should the publication of any image by the school cause distress or offence. The responsibility under the Data Protection Act for seeking permissions and keeping accurate records lies with the school. Photos taken for official school use may be covered by the Data Protection Act and pupils and students should be advised why they are being taken. Photos taken purely for personal use are exempt.

Stratford-sub-Castle Primary School publishes an information leaflet for parents/carers outlining the school's position which is sent to parents as part of the 'Starter Pack' in the September of every year (see appendix). It is also on the school web-site.

The 'Starter Pack' also contains a form for parents to sign to indicate that any images they take of school activities will not be used inappropriately. This ensures that all parents are aware of their responsibilities in this matter. When image capturing by parents is allowed, a warning is given emphasising the danger of placing such images on personal websites.

Videotaping school productions / sports day

Schools are free to develop and implement their own policies regarding the use of cameras and videos by parents at school events. There will be occasions during the school year when parents will wish to take photographs or make a video recording of their child/children taking part in a school activity.

Stratford-sub-Castle Primary School allows parents, friends or family members to take photos or videos of their children taking part in sports day or school activities. These images are for personal use and therefore the Data Protection Act does not apply. An announcement is made / letter home sent out reminding parents of their responsibilities.

In the event that other parents do not wish their children to be photographed or recorded at all. The school may state in advance whether the capturing of images is to be permitted at an event or activity and then parents can decide in advance whether they wish to allow their child to participate in light of the fact that photography or video recording will take place.

School trips

The Data Protection Act cannot govern the use of images taken in public places, for example if photos of children are included in shots taken by other visitors on a school trip to a museum.

School publicity

Schools are free to decide on their own policies relating to the use of such images or release of associated information for their own publicity purposes.

At Stratford-sub-Castle Primary School images are not displayed of pupils or staff on websites, in publications, or in a public place, such as areas where visitors to the school have access, without gaining specific consent of the individual concerned or the parent/legal guardian.

Where the School requests consent, the request will be prominent, concise and easy to understand. The request will include:

- the School's name;
- the name of any third party controllers who will rely on the consent;
- why the School wants the data;
- what the School will do with it; and
- explain that individuals can withdraw consent at any time.

The School's consent request will not use pre-ticked boxes, opt-out boxes or other default settings.

The School will keep records to evidence consent (who consented, when, how, and what they were told) and make it easy for people to withdraw consent at any time they choose.

Consents will be kept under review and refreshed if anything changes.

Storage

Schools may retain copies of images, but they should let the person being photographed know whether or not the image will be kept for further use and ensure that the images are securely stored and used only by those authorised to do so. There is an expiry date of two-years on the use of images.

These guidelines relate **only** to images taken by or commissioned **by the school themselves for publication**. The school is **not** liable for images taken by parents or others at school events, as it is those who own and publish the images that are subject to the Data Protection Act.

Child Protection / Safeguarding

This is a separate consideration and does not come under the Data Protection Act. When taking pictures of children for publication, it is important schools make sure the resulting images cannot be construed as being provocative in any way and they should ensure that the subjects are suitably dressed.

At Stratford-sub-Castle Primary School children's names are not usually used in conjunction with their images. Permission for the school to allow images and names of the child/children to be given to the media is sought on a case by case basis. Consent for names to be used for class photos is sought at the start of their school life. If a parent does not consent to the full name being used then first names only are to be used by the school. The first name of a child is used in publically available electronic or printed communications, for example press and magazine articles and websites unless a parent expressly asks for their full name to be used.

See the Safeguarding Policy and Appendix for details regarding Parental Code of Conduct regarding the capture of images. .

The media

Schools and parents do need to understand, however, that some newspapers will not use any photograph of a child that is only accompanied by a first name. The media are not subject to the Data Protection Act or the LA guidelines and the school cannot prohibit the media from taking pictures or using the names of any child.

At Stratford-sub-castle Primary School we work with the local media to balance positive promotion of school activities with the need to protect children. If parents do not sign the consent form, their child cannot be included in any promotions of school activities, including through the media.

Pupils should not be approached or photographed at school without the permission of the school authorities. With regard to images used by TV companies, the Office of Communications (Ofcom) programme code states that programme makers must have due regard to children's welfare at all times and that interviewing children requires that the consent of a parent or guardian, as well as the child, be sought beforehand. Schools or parents should contact Ofcom (www.ofcom.org.uk) if they have any concerns regarding the use of filmed images by TV companies.

The Independent Press Standards Organisation (IPSO) provides an 'Editors Code of Practice' which it expects its magazine and newspaper editors to adhere to. IPSO will also accept and investigate complaints from members of the public (www.ipso.co.uk).

Where issues concern the use of images within advertising (online, print or television), the Advertising Standards Authority (ASA) can accept and investigate complaints. The ASA also produce a 'Advertising and Children - Guide for Parents' and have a dedicated section providing parental advice (www.asa.org.uk).

As a public service broadcaster, the BBC is also required to investigate complaints concerning its output and issues such as bias and inaccuracies (www.bbc.co.uk/complaints).

At Stratford-sub-Castle Primary School we seek independent legal advice if we have concerns or specific enquiries.

Data protection principles

Appendix 1

General consent form

Dear Parent/Guardian

During their time at Stratford-sub-Castle Primary School, the school would like to take and use photographs and the names of your child/children to publicise and promote the school and its activities These would include images of them taking part in school activities, such as school fêtes or fairs, musical events, school plays and nature trails, as well as class photos, school sports days, PE classes and cross country runs. Group photographs taken may also be stored in the school archives.

In accordance with our Data Protection obligations, the consent of the parent or guardian must be obtained before any photographs or images can be published or stored. By signing this form you are giving your consent to the school to use images or photographs taken by the school, or an authorised agent of the school, to promote or publicise school activities and to store them in the school archives. These images or photographs may or may not be used by the local or national media. The school cannot, however, prohibit the media from taking pictures of any child involved in school activities.

You may withdraw your consent at any time in writing to the school. While certain images of your child or children, for example group photographs, or photographs retained for school archives, cannot always be deleted, we do assure you that all reasonable

care will be taken to retain photographs and images only for the period of time that your child remains at the school. The exception is school/group photographs retained in the school archives.

The school is **only responsible for photographs taken by the school or an authorised agent of the school** and cannot be responsible for photographs taken by other third parties, such as parents. The media are not subject to the Data Protection Act or these guidelines and the school cannot prohibit the media from taking pictures or using the names of any child.

Please confirm your consent by putting your initials in the appropriate boxes overleaf and signing and returning this form to the school by **(insert date)**

If you do not sign this consent form your child cannot be included in any promotion of school activities, including those issued to the media.

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Use of Photography/ Images Form

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| I CONSENT: to the school taking and publishing photographs and/or images of my child/children for the purpose of promoting or publicising school activities and events during my child/children's time at the school and for those photographs to be issued for use by the media. | Initial |
| I CONSENT: to the school using the first name and surname of my child/children in group photographs or photographs promoting school activities, including through the media. (We need this for class photos!) This is the only time we do this. | Initial |
| I CONSENT ONLY: to the school using the first name of my child/children in group photographs or photographs promoting school activities, including through the media. | Initial |
| I CONSENT: to the school using photographs or images of my child/children on the school website and I understand that these images will available on the World Wide Web. We NEVER use names. | Initial |
| Parent/guardian's signature | |
| Date | |

I understand that I can withdraw my consent at any time in writing.

Appendix 2

Consent form for a particular activity

Dear Parent/Guardian,

To promote the school we wish to use photographs or images and names of your child/children taking part in (insert name of specific activity)

Before any photographs or images can be published, the consent of the parent or guardian must be obtained. By signing this form you are giving your consent to the school to use images or photographs taken by the school, or an authorised agent of the school, which will be used to promote or publicise school activities and/or to store them in the school archives. These images or photographs may or may not be used by the local or national media.

All photographs and images will be retained only for the period of time that your child remains at the school. The school is **responsible only for photographs taken by the school or an authorised agent of the school** and cannot be held responsible for photographs taken by other third parties, including parents. The media are not subject to the Data Protection Act or these guidelines and the school cannot prohibit the media from taking pictures or using the names of any child.

Please confirm your consent by putting your initials in the appropriate boxes and signing and returning this form to the school by **(insert date)**

If you do not sign this consent form your child cannot be included in any promotion of this activity, including being issued to the media.

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|---|---------------------|
| I CONSENT to the school taking and publishing photographs and/or images of my child/children for the purpose of promoting or publicising this activity and for those photographs to be issued for use by the media | Initial here |
| I CONSENT to the school using the first name and surname of my child/children in group photographs or photographs promoting this activity, including through the media. | Initial here |
| I CONSENT to the school using photographs or images of my child/children on the school website and I understand that these images will be available on the World Wide Web. | Initial here |
| Parent/Guardian's signature | |
| Date | |

Appendix 3

Parental Code of Conduct for Photography / Images

It is recognised that parents may wish to make a personal family record of their child's activities at Stratford-sub-castle Primary School such as sporting events and official functions. This may include digital images, DVDs, videos and photographic prints or slides. Parents are welcome to make such a record, subject to the following conditions:

- parents are permitted to take photographs of their own children. Inclusion of other children should be incidental or restricted to team photographs; otherwise, photographs of other pupils should not be taken without the prior agreement of the child's/children's parents.
- all images are strictly for personal and family use only and must not be placed in the public domain. This includes publication on the internet: for example, on sites such as YouTube and on social networking sites such as Facebook unless in access-restricted areas. Any parent or pupil who is concerned about images that have been uploaded into a public domain should seek the cooperation of the person who uploaded the item, or make use of the website's facility to flag inappropriate content; if this fails to resolve the matter, the School should be informed.
- photographs and recordings during services in Church are not permitted.
- recording of concerts by parents is not allowed without the express permission of the Headteacher.
- the rights of individuals must be respected and child protection ensured at all times.
- parents must be mindful of the need to use their cameras and recording devices with consideration and courtesy for others.
- flash photography can disturb others in the audience or cause distress for those with medical conditions, and should therefore not be used.
- commercial copyright issues may prevent the school from permitting the filming or recording of certain events such as plays and concerts. If that is the case, the audience will be informed that there must be no infringement of copyright.

The school:

- seeks parental consent for photographs to be taken or published (for example, on our website or in newspapers or publications)
- only uses school equipment
- only takes photos and videos of children to celebrate achievement
- uses only the child's first name with an image
- ensures that children are appropriately dressed
- encourages children to tell us if they are worried about any photographs that are taken of them.

Consent is sought from parents to take photographs of their children to use on the school website, in publications, or for display purposes via a letter/form sent out at the beginning of their time at the school. **See our use of Photography/ Images Policy, Child Protection Policy, Data Protection Policy and E-Safety Policy for more information.**

