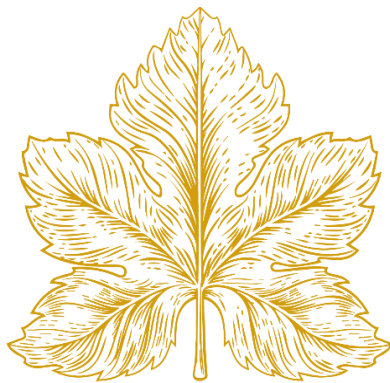


# Photography Policy



# EPWORTH

## EDUCATION TRUST

Written by:	J Buckley
Date reviewed:	27 <sup>th</sup> November 2019
Next Review Date:	Spring 2022
CEO Signature:	

## Contents:

### [Statement of intent](#)

1. [Legal framework](#)
2. [Definitions](#)
3. [Responsibilities](#)
4. [Consent](#)
5. [General procedures](#)
6. [General use of school devices for taking & recording images](#)
7. [Storage and retention](#)
8. [Appropriate use of images under the GDPR and the DPA 2018](#)
9. [Sharing of images](#)
10. [Use of a professional photographer](#)
11. [Permissible photography and videos during school events](#)
12. [Monitoring and review](#)

## **Statement of intent**

At the Epworth Trust and its schools, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school website. 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 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.

The Epworth Trust 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 Data Protection Act 2018
  - The General Data Protection Regulation
  - The Freedom of Information Act 2000
  - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 1.2. This policy has been created with regard to the following guidance:
  - ICO (2018) 'Guide to the General Data Protection Regulation (GDPR)'
- 1.3. This policy also has due regard to the school's policies including, but not limited to, the following:
  - Data Protection Policy
  - Records Management Schedule

## 2. Definitions

- 2.1. For the purposes of this policy:
  - **“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.
  - **“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 Data Protection Act does not apply to photographs or films taken by parents for their own private use of their children. Images and film taken that include other children must not be shared on public forums or put on the internet, otherwise parents are at risk of contravening the Data Protection Act
  - **“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 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. photographs of children taken for a local newspaper, website, marketing purposes and social media. The principles of the 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 GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

### 3. Responsibilities

3.1. The headteacher at each school is responsible for:

- Submitting consent forms to parents, and pupils with regards to photographs and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR and the DPA 2018.
- Deciding whether parents 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.
- Providing the required training to staff members in relation to how the GDPR and the DPA 2018 impacts photographs and videos at school.

3.2. The DSL is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- 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, and pupils where appropriate, are responsible for:

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

3.4. The DPO is responsible for:

- Monitoring the school's compliance with the GDPR and the DPA 2018 in regards to processing photographs and videos.

### 4. Consent

4.1. All photographs and video content are classified as personal data under the GDPR and the 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.

- 4.2. Parents are responsible for providing consent on their child's behalf, except where the processing is related to preventative or counselling services offered directly to children.
- 4.3. **[Secondary schools only]** Where the child is aged 13 or over, and the child understands what they will be consenting to, the school will obtain consent directly from the child; otherwise, consent will be obtained from whoever holds parental responsibility for the child, except where the processing is related to preventative or counselling services offered directly to children.
- 4.4. Parents and pupils are required to be aware that their child/they may be photographed at school and they have the right to withdraw consent for:
- Photographs taken for educational purposes
  - Photographs or video taken by members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.
  - Photographs or video taken by parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
  - Photographs or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.
- 4.5. Consent must be a positive indication eg. must opt in. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.6. Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- 4.7. Parents and pupils, as applicable, will be asked to complete the consent form, which will determine whether or not they allow their child/themselves to participate in photographs and videos.
- 4.8. 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 and photographs and videos will not be taken or published of the pupil without consent. If parents are separated, the consent form will be completed by the parent who the child lives with most.
- All parents and pupils are entitled to withdraw or change their consent at any time during the school year.
  - Parents or pupils withdrawing their consent must notify the school in writing.
- 4.9. A list of all the names of pupils for whom consent was not given will be created by the school office and will be circulated to all staff members. This list will be when new consent forms are provided or consent withdraw.

- 4.10. 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.

## 5. General procedures

- 5.1. Photographs and videos of pupils will be carefully planned before any activity.
- 5.2. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Headteacher will liaise with the DSL to determine the steps involved.
- 5.3. The list of all pupils of whom photographs and videos must not be taken will be checked prior to photographs being taken. Only pupils for whom consent has been given will be able to participate.
- 5.4. **Only school equipment** will be used to take photographs and videos of pupils.
- 5.5. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.6. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.7. The school will not use images or footage of any pupil who is subject to a court order.
- 5.8. The school will not use photographs of:
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.
  - Staff members who have left the school, without their consent.
- 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 DPO.

## 6. General use of school devices for taking and recording images.

- 6.1. Staff must only use school devices – digital cameras, mobile phones and tablets to take photographs/record images.
- 6.2. The use of personal cameras, mobile phone cameras or other recording equipment is prohibited on school premises at all times.
- 6.3. Members of staff are not allowed to bring in personal cameras without prior permission. If personal cameras are allowed to be brought in due to a specialist

requirement or defective equipment, the memory card should be shown to be empty and images downloaded to the school's server.

- 6.4. Photographs and videos on school visits can be carried out only on the school mobile phone.
- 6.5. Cameras/school equipment are not permitted to be taken into the toilet/or swimming pool/changing area. If necessary (e.g. photographs of pupils washing their hands), then prior permission needs to be sought from the headteacher. Staff members are required to be supervised while carrying out this activity.
- 6.6. Staff or other adults are not permitted to take photographs of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed.
- 6.7. Members of staff and the school community are required to report inappropriate use of digital cameras and images to the Headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.
- 6.8. All school equipment used for taking images must be located in a secure area and locked away at the end of the day or be password protected.

## **7. Storage and retention**

- 7.1. Images taken on any school equipment must be downloaded as soon as possible on to the school server into the appropriate "photographs" file -, ideally at least once a week. Once downloaded, the image should be deleted permanently off the school equipment.
- 7.2. Digital photographs and videos held on the school's drive are accessible to staff only. Photographs and videos are stored in labelled files by academic year, annotated with the date/event, and are only identifiable by year group/class number – no names are associated with images and videos. Access to the school drive is password protected.
- 7.3. As per the GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the Epworth Trust retention schedule.
- 7.4. Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and be used for the purpose intended immediately. As soon as they are no longer needed, they will be destroyed.
- 7.5. Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.



- 7.6. The DPO with the IT Provider will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted. Any images found on the server that are not stored in the correct place (under photographs on the server) will be destroyed on a termly basis.
- 7.7. 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 immediately.
- 7.8. 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.
- 7.9. 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.
- 7.10. No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the headteacher to do so.

## **8. Appropriate use of images under the GDPR and the DPA 2018**

- 8.1. 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.

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

These are likely to be essential for performing the public task of the school, but they will be deleted once the child is no longer in attendance – as they are no longer needed for the purpose for which they were held.

### **Photographs used for marketing and social media purposes**

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**

These photographs may be essential for performing the public task of the school, but once the pupil has left the school this argument is insufficient. In Early Years, photographs are taken on a daily basis for assessment purposes and form an important part of the Children's Learning Journeys. These are uploaded to Tapestry with the parent's consent.

- 8.2. When gaining consent, the pupil, or where appropriate their parents, will be informed of the retention period pertaining to the use of the image. If the school

wishes to display the image beyond the pupil's time at the school, we will obtain the pupil's permission. If permission is not granted, the image will be removed

## **9. Sharing of images**

- 9.1. All images taken by members of staff or volunteers at school or on school activities remain the property of the school.
- 9.2. Images must not be shared with anyone outside the school or held for private use.
- 9.3. No digital image will be uploaded onto any internet/intranet system, website or social media without the consent of the child's parent/carer.
- 9.4. 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.

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

- 10.1. 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 the GDPR and the DPA 2018 including security and retention of images.

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.

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

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

- 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.

## **12. Monitoring and review**

- 12.1. This policy will be reviewed on every 3 years by the DPO. The next scheduled review date for this policy is Spring 2022.

Any changes to this policy will be communicated to all staff members and, where appropriate, parents.