



# Photograph and Video Policy

**April 2020**

Approved by Chair \_\_\_\_\_

Review Date \_\_\_\_\_

## Policy Statement

At Villiers Primary School, we use imagery 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 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 regarding pupils' safety. In order to ensure that, as far as possible, the use of photography and video is always used safely, the policy provided below 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 legislation, including, but not limited to, the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010

This policy has been created with regards to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

This policy also has due regard to the school's policies, including, but not limited to, the following:

- SEND Policy
- Behaviour Policy
- GDPR Data Protection Policy

## Definitions for the purpose of this policy:

**"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.

“**Official school use**” is defined as photography and videos which are used for school purposes, e.g. for building passes. 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.

“**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. The principles of the GDPR 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 apply to images and videos taken for educational purposes.

## **Roles and Responsibilities**

The Head Teacher is responsible for:

- Submitting consent forms to parents at the beginning of the academic year 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.
- 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.

The Designated Safeguarding Lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of CLA pupils.
- Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
- Informing the Head Teacher 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.

**Parents** are responsible for:

- Completing the Consent Form on an annual basis.
- Informing the school in writing where there are any changes to their consent.
- Acting in accordance with this policy.

In accordance with the school’s requirements to have a Data Protection Officer (DPO), the DPO is responsible for:

- Informing and advising the school and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the school’s compliance with the GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at school.
- Conducting internal audits, regarding the school’s procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at school.

## **Parental Consent**

- The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 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 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.
- Where a child is under the age of 16, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.
- All parents will be asked to complete the Consent Form on an annual basis, which will determine whether or not they allow their child to participate in photographs and videos.
- The Consent Form will be valid for the full academic year, unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.
- If there is a disagreement over consent, or if a parent 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 whose parents have not consented.
- All parents are entitled to withdraw or change their consent at any time during the school year.
- Parents will be required to confirm on the Consent Form, in writing, that they will notify the school if their child's circumstances change in any way, or if they wish to withdraw their consent.
- For any CLA 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 a CLA pupil, or pupils who are 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 photographs 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 will be created by the DPO and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.
- If any parent 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.

## **General Procedures**

- Photographs and videos of pupils will be carefully planned before any activity.
- The DPO will oversee the planning of any events where photographs and videos will be taken.
- Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Head Teacher will liaise with the DSL to determine the steps involved.

When organising photography and videos of pupils, the Head Teacher, as well as any other staff members involved, 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?
- The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.
- The staff members involved, alongside the Head Teacher and DPO, will liaise with the DSL if any CLA pupil, adopted pupil, or a pupil for whom there are security concerns is involved.
- School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined within this policy.
- Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- The school will not use images or footage of any pupil who is subject to a court order.
- The school will not use photographs of children or staff members who have left the school after two years of leaving without parental consent.
- Photos and videos that may cause any distress, upset or embarrassment will not be used.
- Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

## **Additional Safeguarding Procedures**

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.

The DSL will, in known cases of a pupil who is a CLA 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.

Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimise 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 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.

## **School-Owned Devices**

- Staff are encouraged to take photos and videos of pupils using school equipment; however, they may use other equipment, such as mobile devices, where consent has been sought from the Head Teacher prior to the activity.

- Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity and removed from any other devices.
- The use of personal devices such as cameras, tablets and mobile phones is discouraged but, where necessary, all images must be removed from the device within seven days.
- Photographs 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.
- All digital images and videos should be stored on the school server on the universal drive within seven days. No school or pupil related images should be stored on hard drives or portable devices such as memory sticks for more than seven days.
- Digital photographs and videos held on the school's drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date and are only identifiable by year group/class number – no pupil names are associated with images and videos.

## **Use of a Professional Photographer**

If the school decides to use a professional photographer for official school photos and school events, the Head Teacher 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 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 or videos are not used for any other anything other than the purpose indicated by the school.

## **Permissible Photography and Videos During School Events**

If the Head Teacher 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 or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video.
- 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.

## **Storage and Retention**

- Images obtained by the school will not be kept for longer than necessary.
- Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in the school office. They will not be used other than for their original purpose, unless permission is sought from the Head Teacher and parents of the pupils involved and the DPO has been consulted.

- Some images, including official group school photos held in hard copy, are retained as part of the school's historical archive. Names are not stored with these images.
- Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.
- The DPO will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted.
- Parents must inform the school in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the school drive immediately.
- 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.
- Where a pupil's security risk has changed, the DSL will inform the Head Teacher 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 to their parents or by shredding, as appropriate.
- Some educational records relating to former pupils of the school may be kept for an extended period for legal reasons but also to enable the provision of references or academic transcripts.

## **Monitoring and Review**

This policy will be reviewed on an annual basis by the Head Teacher and the DPO.

The next scheduled review date for this policy is April 2021.

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