

RIVERSDALE PRIMARY SCHOOL

Photographic & Video Images Policy

Date:

Review Date:

Signed: _____ (Governor)

Signed: _____ (Headteacher)



INTRODUCTION

At Riversdale Primary School, we use images and videos for a variety of purposes, including learning opportunities, records of pupil interaction with learning, prospectuses, display boards, and the school's website/social media channels. 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 **UK General Data Protection Regulations** (2018), the school has specific responsibilities in terms of how photos and videos (which are classed as personal data) 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 ethos of the school with regard to pupil 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.

LEGAL FRAMEWORK

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

- The Data Protection Act 2018
- The UK General Data Protection Regulation (2018)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

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

- ICO (2018) 'Guide to the General Data Protection Regulation (GDPR)'
- ICO Taking Photos in Schools

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

- Data Protection Policy
- Data Disposal Appendix

DEFINITIONS

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 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. 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. photographs 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.

RESPONSIBILITIES

The Headteacher is responsible for:

- Submitting consent forms to parents, and pupils where appropriate, 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 UK 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.

The DSL (at Riversdale this is also the Headteacher) is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- Liaising with the school admin team in conjunction with the DPO to ensure there are no data protection breaches.
- 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.

Parents, and pupils where appropriate, are responsible for:

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

In accordance with the school's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the school and its employees about their obligations to comply with the UK GDPR and the DPA 2018 in relation to photographs and videos at school.
- Monitoring the school's compliance with the GDPR and the DPA 2018 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 UK GDPR and the DPA 2018 impacts photographs and videos at school.
- Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the Headteacher/DSL.

CONSENT

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

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.

Parents and pupils are required to be aware that their child/ren may be photographed at school and they have the right to withdraw consent for:

- Photographs or video taken by members of staff for school-based publicity and promotional purposes (school newsletters/prospectus) 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.

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 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.

Parents and pupils, as applicable, will be asked to complete the Consent Form on enrolment, which will determine whether or not they allow their child/themselves to participate in photographs and videos.

The Consent Form will be valid for the child's enrolment at the school, 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/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.

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.

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.

For any LAC 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 LAC 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 Senior Admin Officer and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

GENERAL PROCEDURES

Photographs and videos of pupils will be carefully planned before any activity.

The Headteacher/DSL will oversee the planning of any events where photographs and videos will be taken. For example, Sports Day or Christmas Productions. This will not be applicable where photographs are taken for records of learning. In this instance class teachers will be expected to use their professional judgement and where there is doubt, discuss this with the Headteacher.

Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the staff will liaise with the Headteacher/DSL to determine the steps involved.

When organising photography and videos of pupils, the headteacher, 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.

A school-owned digital camera will ideally be used to take photographs and videos of pupils. Exceptions to this are outlined in 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 essential, only first names will be used. There must be no other significant information that could be used to identify the child, for example their class name.

The school will not use images or footage of any pupil who is subject to a court order (dependent on court order i.e. if not relating to LAC children and approval has been given by the parent) images may be used.

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.

Pupils will not be permitted to take photographs or videos of themselves or other pupils on personal devices. Child generated photos or video will **ONLY** be done using school-owned devices **AND** be specifically directed as part of a learning experience and is closely monitored by staff.

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 Headteacher/DSL will, in known cases of a pupil who is a LAC 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 Headteacher/DSL, social worker, carers, DPO and adoptive parents 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 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.

GENERAL USE OF DIGITAL CAMERAS

Members of staff may be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils.

Photos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.

The use of personal digital cameras or other recording equipment is NOT permitted as personal devices, including mobile phones are not permitted to be used in any area within the school where children are present.

The school-owned cameras (iPads) are provided at the start of the academic year and must be kept in a secure place. Members of staff are responsible for making sure that the camera is locked away after use in the secure area at the end of the day.

Each camera will be clearly numbered/labelled or identified as belonging to the school/member of staff.

Cameras 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/DSL. Staff members are required to be supervised while carrying out this activity.

Staff or other adults are not permitted to take photographs of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed.

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.

The school is not responsible for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the borrower/member of staff.

OTHER SCHOOL-OWNED DEVICES

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.

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 names are associated with images and videos. Files are password protected and only staff members have access to these passwords – these are updated termly to minimise the risk of access by unauthorised individuals.

STORAGE AND RETENTION

As per the UK 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 school's Data Disposal Appendix.

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 headteacher and parents of the pupils involved and the DPO has been consulted.

Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.

A regular review of stored images and videos will be carried out to ensure that all unwanted material has been deleted.

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.

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 Headteacher DSL will inform the relevant staff 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.

Images taken on a school-owned camera must be downloaded as soon as possible onto a school computer/laptop, ideally once a week.

Members of staff are responsible for ensuring that images are safely stored, particularly on memory sticks and hard drives. They must 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 headteacher 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.

APPROPRIATE USE OF IMAGES UNDER THE UK GDPR AND THE DPA 2018

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.

To judge whether legitimate interest can be used as the basis for processing data, such as using pupils' photographs as part of the school's management information system, the school will carry out three different tests, these are:

- A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
- A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
- A balance test – establishing the impact it will have on the data subject by processing the data for said reason.

These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out a LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the UK GDPR and the DPA 2018.

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 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. 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.

When gaining consent, including when initially taking the photograph or when the purpose of the image has changed, the pupil, or where appropriate their parents, will be informed of the retention period pertaining to the use of the image. If the image is still on display after the retention period stated in the privacy notice used to gain consent, the school will be in breach of data protection obligations and may be subject to a fine.

PRIVACY NOTICES

The school uses privacy notices with declarations attached to inform pupils and their families about how their personal data may be collected and as one method of gaining consent.

SHARING OF IMAGES

All images taken by members of staff or volunteers at school or on school activities remain the property of the school.

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 without the express permission of the child's parent/carer.

Images may under no circumstances be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites.

USE OF A PROFESSIONAL PHOTOGRAPHER

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 attend 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 UK GDPR and the DPA 2018.
- 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.

PERMISSIBLE PHOTOGRAPHY AND VIDEOS DURING SCHOOL EVENTS

If the headteacher 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 and/or videos of 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.

MONITORING AND REVIEW

This policy will be reviewed on an annual basis by the headteacher in conjunction with the Deputy Headteacher responsible for Assessment & Data.

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