



PENPOL SCHOOL

Photography and Videos at School Policy

Signed by:

_____ Head Teacher Date: _____

_____ Chair of Governors Date: _____

Photos and Images Policy

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1. Confidential Admissions Form

Scope and definitions

We believe that celebrating the achievement of children in school is an important part of their learning experience and personal development. Taking photographs/videos of pupils for internal display and displaying pupil work enables us to celebrate individual and group successes as a school community.

Images may also be used to showcase work or celebrate success through their use in classroom and corridor displays, publication in newsletters, on the school website, Facebook page and in the public media. Penpol School will comply with the General Data Protection Regulation (GDPR) and will not take or publish images of pupils unless explicit consent has been provided by parents.

The purpose of this policy is to set out general rules about the capture and distribution of images and photographs of children and to give staff and parents guidelines on the subject. It applies to activities on school premises or as part of off-site events or trips.

“Image capture”, “photography” and “videoing” refer to any kind of image capture, still or moving, obtained by any photographic device including still image cameras, video cameras, webcams and photographic enabled mobile telephones, and any other type of image capture device not specified here, whether digital or not, using technology existent at this time or in the future. The storage of such images includes film negative, film positive (e.g. transparencies and slides, movies, etc.), photographic paper, digital media, magnetic tape and any other kind of storage method able to be used for the storage of images, still or moving, available now or in the future.

This policy is part of our strategy for safeguarding children within our care. It complies with *Keeping Children Safe in Education* and should be read in conjunction with our other policies, notably:

- E-safety
- Child Protection & Safeguarding
- Anti-Bullying
- GDPR Data Protection

General principles for staff

Every reasonable effort must be made to minimise risk of inappropriate capture and distribution of photos and images. This includes:

- securing parental consent for the use of images of their children;
- ensuring that children and staff are appropriately dressed;
- ensuring that children's full names are not used alongside images in publically-available material unless consented for;
- not using an image of any child who is subject to a court order;
- storing images securely and accessible only by those authorised to do so;
- storing images securely (whether physical or digital) with appropriate access controls;
- ensuring staff are appropriately informed about this policy.

Safeguarding

There may be a risk to the welfare of children when individual children can be identified in photographs. For that reason, we have developed this policy to make every effort to minimise risk.

Where the capture or distribution of images of children raises a safeguarding concern, the Designated Safeguarding Lead (DSL) must be contacted immediately. Further details on safeguarding procedures are available in our *Safeguarding policy*.

Data Protection Act and GDPR

Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. The General Data Protection Regulation (GDPR) affects the use of photography. This is because an image of a child is personal data for the purpose of the GDPR, and it is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the school's core educational function. (E.g: school web sites, school productions). It is also important to ascertain the views of the child.

In line with the Data Protection Act, everyone responsible for using data has to follow strict rules called 'data protection principles.' They must make sure the information is:

- used fairly and lawfully;
- used for limited, specifically stated purposes;
- used in a way that is adequate, relevant and not excessive;
- accurate;
- kept for no longer than is absolutely necessary;
- handled according to people's data protection rights;
- kept safe and secure;
- not transferred outside the UK without adequate protection.

As it is likely that there will be a number of occasions during a pupil's school life when the school may wish to photograph or video that pupil, consent is sought when the pupil starts at the school, to last for the duration of their stay and beyond for educational purposes.

A confidential admission form, linked to this guidance, is obtained from the child's parent/guardian, and kept on file, covering all cases where images of children could be used or published with permission.

Where 'Children in Care' (CiC) are concerned, we check consent on the corporate parent's behalf with the social worker, and there may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care.

Parents retain the right to withdraw consent at any stage, but they need to do so in writing.

Photography and image capture in school

Images of children may be captured as part of the educational process. Recordings of pupils for school purposes will only ever be taken using official school equipment or by a designated external professional. Staff must not take or transmit any recording of pupils on any personal device. Staff should also be aware that taking photographs of colleagues using personal devices should only happen with the permission of that member of staff.

Images of pupils or staff must not be displayed on websites, in publications or in a public place without specific consent. The definition of a public place includes areas where visitors to the school have access. Where photographs are taken at an event attended by large crowds, this is regarded as a public area so it is not necessary to get permission of everyone in a crowd shot.

The DfE advises the following, as a broad rule of thumb, where consent is unclear:

- If the pupil is named, avoid using their photograph. If the photograph is used, avoid naming the pupil.

We recommend:

- The use of minimum information.

At Penpol School we do not give out the full names of individual pupils unless in special circumstances and consented for.

On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event. The school ensures it has parental

consent before any child can appear in a video. Parents' media permissions must be kept on file (see confidential admission form at the end of this document).

Photography and image capture by parents

As a general rule no parent or visitor is permitted to use a camera (including a mobile phone's camera facility) whilst on school premises. However, the Data Protection Act does not apply to photographs or films taken for personal use by family and friends and it is usual for parents to want to take photographs and videos of children at school events.

Exceptions to this rule are therefore made for some¹ specific events such as plays, recitals, concerts, sporting events, open days or other promotional events. We strongly advise parents against the publication of any such photographs on the internet (e.g. on social media), and we will request parents to remove any such material if we deem it illegal, harmful or inappropriate in any way.

Parents are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use. Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent, the General Data Protection Regulation (GDPR) would be breached.

Where appropriate, our policy regarding this matter should be explained clearly to parents by a member of staff before difficult situations arise.

Photography and image capture by pupils

The use of photographs & digital/video images plays an important part in school activities. Pupils and members of staff may use digital technology to record evidence of activities in lessons in and out of school. These images may then be used in presentations in subsequent lessons. Staff will supervise and maintain control over any photographing or recording that pupils do during on-school or off-site activities.

Publicity

¹ We reserve the right to prohibit the use of cameras for some events if deemed inappropriate by staff.

Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and the local community identify and celebrate the school's achievements. However, photographs must be used in a responsible way. Schools need to respect children's and parents' rights of privacy and be aware of potential child protection issues.

Schools will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. When considering such an activity the school will undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. GDPR Data Sharing and Processing Contracts are in place between Penpol School (Data Controller) and Photographers (Data Processors). Procedures also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

Using Photographs of Children Supplied by a Third Party - Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it.

Before using a photograph supplied by a third party we check that the third party owns the copyright in the photograph and obtain their written permission to use it. The use of a photograph by the school, without the copyright owner's permission could result in an action being taken against us for copyright infringement. Images downloaded from the Internet are also subject to copyright.

Third Parties will generally be under the same obligations as the school to obtain parental consent to the use and distribution of photographs. The school will therefore ask the third party to guarantee that all relevant consents have been given and that they are entitled to provide you with the image.

Storing and monitoring

It is the responsibility of all school staff to support and monitor this policy. Any concerns should be brought to the attention of the Headteacher.

The school takes appropriate technical and organisational security measures to ensure that images of pupils held are kept securely on school systems, and protected from loss or misuse. The school will take reasonable steps to ensure that members of staff only have access to images of pupils held by the school where it is necessary for them to do so.

All staff are given guidance on this policy and on the importance of ensuring that images of pupils are made and used responsibly, only for school purposes, and in accordance with other school policies and the law. Only school devices are to be used by staff taking images of children.

Once pupils and staff have left the school, photos will be kept securely in the school archives and may be used to mark occasions such as a member of staff leaving or to celebrate a school anniversary.

Photos that are currently on display in the school or on the school website / social media accounts at the time that the pupil leaves the school will be used until such time that they are replaced by new photographs or the social media account is deleted. Images obtained by the school will not be kept for longer than necessary.

They will not be used other than for their original purpose, unless permission is sought from the headteacher and parents of the pupils involved.

Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

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 act immediately. If required, any related imagery and videos involving the pupil will be removed from the school's public and published areas. Hard copies will be removed by shredding.

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

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 transcript

This policy will be reviewed on an annual basis by the DPO, Data Controller and the headteacher. Any changes to this policy will be communicated to all staff members, parents/guardians and pupils where appropriate.

The next scheduled review date for this policy is **January 2025**