



# USE OF IMAGES POLICY

**This policy is reviewed on an annual basis by the Trust Board**

## History of Document

Issue No	Author/Owner	Date Reviewed	Date Approved by Trust Board	Comments
1	DPO	June 2018	12 July 2018	1 <sup>st</sup> formal issue
2	DPO	Nov 2018	13 December 2018	Minor amendment to 4.4
3	DPO	December 2019	12 December 2019	Amendment 5.1,8.1, 9.1
4	DPO	May 2020	14 May 2020	Add 13

## **1. INTRODUCTION**

- 1.1 The Active Learning Trust and its constituent schools (“Trust”) use photos and videos for a variety of purposes, including school records, educational and coaching purposes, school promotion including prospectuses, display boards and a school’s website. This list is not definitive.
- 1.2 Under the legal obligations of the General Data Protection Regulation (“GDPR”), the Active Learning Trust (“Trust”) has specific responsibilities in terms of how images are taken, stored and retained. It expects all images shall be:
  - 1.2.1 processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met;
  - 1.2.2 collected for legitimate purposes and shall not be further processed in a manner incompatible with those purposes;
  - 1.2.3 adequate, relevant, and limited to what is necessary for the purposes(s) for which they are being processed;
  - 1.2.4 accurate and, where necessary, kept up to date;
  - 1.2.5 not be kept for longer than is necessary for that purpose/those purposes;
  - 1.2.6 processed in such a way that ensures appropriate security of the images, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.
- 1.3 GDPR stipulates that data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs is sensitive personal data. The Trust acknowledges that these attributes can be relayed through photos and digital images. If an image is deemed to be sensitive data, a school will seek explicit consent to utilise it.
- 1.4 In making and implementing this Use of Images Policy a school will have regard to the Trust’s Equal Opportunities Policies.

## **2. PURPOSE OF THE POLICY**

- 2.1 This Use of Images Policy (“Policy”) outlines the Trust’s expectations on the safe use of photographic devices such as cameras, phones, tablets, USB memory sticks, DVDs and videos and images held on a school’s website or its social media by staff, students, parents/carers, governors and other visitors to reflect the protective ethos of the Trust with regard to their safety.

- 2.2 This Policy takes into account the Information Commissioner's Office ("ICO") guidance Taking Photos in Schools.

### **3. SCOPE**

- 3.1 This Policy applies to the collection and use of images of any person who can be identified, whether they are a student, member of staff, governor, visitor or parent/carer.
- 3.2 For the purposes of this Policy, an image is a still or moving picture of a person who can be identified from any form of visual media including film, photos, video, DVD, USB memory stick, websites and social media.
- 3.3 This Policy is intended for anyone who has access to or uses school owned or personal photographic and filming equipment including professional photographers.

### **4. RESPONSIBILITY**

- 4.1 The Trust Board has ultimate responsibility for setting this Policy.
- 4.2 Headteachers are responsible for ensuring this Policy is implemented at their own school. Where the term Headteacher is used this incorporates Executive Headteacher roles where these exist and the Chief Executive Officer of the Active Learning Trust when the statement refers to the central Trust.
- 4.3 All staff should ensure that they comply with this Policy.
- 4.4 An Information Governance Working Group reports to the Trust's Senior Leadership Team and considers the use of photos and images within its data protection remit.
- 4.5 The Trust's Data Protection Officer is responsible for providing guidance and advice on the use of photographic devices.

### **5. CONSENT**

- 5.1 Consent must be a written positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 5.2 Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of an individual's wishes.
- 5.3 Consent is to be recorded on a school's management information system. If any parent/carer or member of staff withdraws or changes their consent, or a school's Designated Safeguarding Lead reports any changes to a student's security risk, or there are any other changes to consent, the management information system is to be updated.

- 5.4 The Data Protection Act 2018 gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 12. For this reason, for most students in a secondary school, it will normally be up to the individual child to decide whether or not to be photographed. Where the school considers that the child does not have the capacity to make such a decision the school will act as it considers to be in the best interests of the child and in doing so will take account of any stated parental preference.
- 5.5 All parents/carers and children above 12 years of age and members of staff will be invited to review their consent on an annual basis which will determine whether or not they allow their child/themselves to participate in photos and videos unless they have provided consent for the entire time that their child is at school.
- 5.5 If there is a disagreement over consent, or if a parent or carer does not respond to a consent request, it will be treated as if consent has not been given, and photos and videos will not be taken or published of the student whose parents or carers have not consented.
- 5.6 All parents/carers and children above 12 years of age and members of staff are entitled to withdraw or change their consent at any time during the school year. Where consent is withdrawn, 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.
- 5.7 For any Looked After Children (“LAC”) students, or students who are adopted, a school’s Designated Safeguarding Lead (“DSL”) should liaise with a student’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 student, or students who are adopted, would risk their security in any way.
- 5.8 Consideration will also be given to any students for whom child protection concerns have been raised. Should a school’s DSL believe that taking images and videos of any students would put their security at further risk, greater care will be taken towards protecting their identity.
- 5.9 A school will not normally seek consent for any internal use of images as the processing of such personal data is in accordance with the statutory functions of a school in providing an education to the student and is therefore lawful on the grounds of public interest. However, a school should take into account any parental/members of staff preferences expressed. A student may also exercise their data protection rights in respect of images as set out in a school’s privacy notice for students/pupils and the Trust’s Data Protection Policy. Schools should respond appropriately to any student or parental request to exercise those rights.

- 5.10 Images taken by students for official use will only be taken with parent/carer consent and student consent and will be processed in accordance with the Trust's Data Protection Policy.
- 5.11 Images of children or members of staff who left a school during or at the end of an academic year will not be displayed beyond that academic year end without prior parental/student consent (as appropriate) /staff consent.

## **6. USE OF PHOTOS/VIDEOS BY STUDENTS**

- 6.1 Schools are required to discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.).
- 6.2 The use of non-school provided devices, e.g. mobile phones and children's own digital cameras, will be controlled by a school's Headteacher.
- 6.3 All staff will be made aware of the acceptable use rules regarding students' use of cameras and will ensure that students are appropriately supervised when taking images for official or curriculum use.
- 6.4 Staff will remind students to ask for verbal permission before they take any photos.
- 6.5 Parents/carers should be made aware that students will be taking photos/videos of other students and will be informed how these images will be managed by a school e.g. will be for internal use by a school (not shared online or via any website or social media tool).
- 6.6 Photos taken by students for official use will be carefully controlled by a school and will be checked carefully before sharing online or via digital screens.
- 6.7 Still and video cameras provided for use by students and the images themselves will not be removed from a school.

## **7. IMAGES FOR SCHOOL INTERNAL USE**

- 7.1 A school can take images/photos for its own use. Usually these will be unnamed photos and will generally be for internal school use such as wall displays which can be seen by visitors to a school.
- 7.2 When a photograph is taken, the students will be informed that a photograph is being taken and told what it is for so that they can object if they wish.
- 7.3 If a school wants to use named photos in public areas in its premises, then it must have written consent on record.

## **8. IMAGES FOR SCHOOL WEBSITE / SOCIAL MEDIA**

- 8.1 A school must only use images of children/members of staff on its website or social media such as a school Facebook page/ twitter account and/or school blog with annual written consent unless consent has been provided for the entire time that a child is at school. This consent must be the consent of the child when the child has sufficient understanding to make the decision for themselves (generally age 12 onwards) but a school must take into account any parental preference expressed and so will not ordinarily publish against the wishes of parents. In cases where both parents of the child cannot agree but the child is consenting, a school will make a decision based on the best interests of the child, after careful consideration of the circumstances and after having taken legal advice, where necessary.
- 8.2 Children and staff names will not be used on a school's website, school social media in association with images of the students/ staff unless written consent has been obtained.

## **9. USE OF PROFESSIONAL PHOTOGRAPHERS**

- 9.1 A Headteacher must provide a clear brief for the professional photographer about what is considered appropriate, in terms of both content and behaviour.
- 9.2 The professional photographer must be provided with identification, which must be worn at all times.
- 9.3 Schools will advise the Trust's Data Protection Officer prior to appointing a professional photographer so that a GDPR compliance check can be undertaken detailing how data will be handled, secured and utilised.
- 9.4 Professional photographers will not have unsupervised access to children and young people.

## **10. FAMILY PHOTOS/VIDEO RECORDING AT SCHOOL EVENTS**

- 10.1 It shall be at the discretion of a Headteacher whether photos/video recordings by parents/carers may be taken at a school event. The opportunity for parents/carers to take photos and make videos can be withheld by a Headteacher on health and safety grounds.
- 10.2 Where a Headteacher decides to allow such photography, the family and friends will be asked not to publish any photos showing children other than their own on the Internet.
- 10.3 Parents/carers are only permitted to take or make recording within designated areas of a school. Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.

- 10.4 Parents/carers who are using photographic equipment must be mindful of others when making and taking images.
- 10.5 The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
- 10.6 Parents may contact a school's Headteacher to discuss any concerns regarding the use of images.
- 10.7 Family and friends taking photos for the family album will not be covered by Data Protection legislation.

## **11. MEDIA USE OF PUPIL IMAGES**

- 11.1 A Headteacher will consider the interests of their students when deciding whether to allow external organisations to take photos or to film.
- 11.2 When the media are allowed to be present in school or at school events, this will be on the condition that they observe this Policy.
- 11.3 Where the media are allowed to be present at a particular event, a school will make sure that students and their parents/carers and staff are informed of the media presence and how their personal data will be used so that they can give consent with a full awareness of processing and potential further processing.
- 11.4 If the media entity wants to publish named photos, then they must obtain specific consent from those students with capacity to consent or the parents/carers of those without capacity. A school will require the media entity to check with the school before publication so that the school can check that any objections have been taken into account.
- 11.5 The Trust's Data Protection Officer will undertake a GDPR compliance check on the media company detailing how data will be handled, secured and utilised. The school will update its Information Asset Register.
- 11.6 The identity of any press representative will be verified, and access will only be permitted where the event is planned and where press is to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.
- 11.7 Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control and where a school has taken all reasonable steps in accordance with data and child protection legislation.

## **12. USE OF CLOSED-CIRCUIT TELEVISION (“CCTV”)**

- 12.1 The Trust has a separate CCTV Policy which schools are required to adhere to.

## **13. VIDEO CONFERENCING SOFTWARE FOR ONLINE TEACHING**

- 13.1 School provided systems should already be compliant with the requirements of the GDPR; A Data Protection Impact Assessment must be undertaken of the audio and video conferencing software before it is used by schools for real-time online teaching.
- 13.2 Online tuition should be in-line with the Trust’s Safeguarding Policy and staff should avoid one to one online tuition to help safeguard children and staff.
- 13.3 Staff should report any safeguarding incidents or potential concerns according to the Trust’s Safeguarding Policy.
- 13.4 If live video and audio is being used, there should be careful consideration of the location that everyone uses. It is possible that children may be in their bedrooms and this may not be appropriate. You may choose to use a conferencing service that the teacher can disable users microphone and video cameras.
- 13.5 Consent should be requested from parents/carers and students, where appropriate to their images being shared on such software.
- 13.6 Participants should be clear about the expectations of both student and staff behaviour (e.g. a ‘classroom standard’ of behaviour and language is expected from all participants).
- 13.7 Students should be reminded to keep their passwords private. Two factor authentication should be used, if available.

## **14. GENERAL RULES**

- 14.1 A school will not include any personal addresses, emails, telephone numbers or fax numbers on video, on its website, in a prospectus or in other printed publications.
- 14.2 A school will only use images of children who are suitably dressed.
- 14.3 Any apps, websites or third-party companies used to share, host or access children’s images will be risk assessed and GDPR compliance checked prior to use by the school together with the Trust’s DPO.

- 14.4 Careful consideration is to be given before involving very young or vulnerable children when taking photos or recordings, who may be unable to question why or how activities are taking place.
- 14.5 A Headteacher will arrange to discuss the use of images with children and young people in an age appropriate way.
- 14.6 Images will not be taken of any child or young person/staff member against their wishes. A child or young person's /staff member's right not to be photographed is to be respected.

## **15. RETENTION**

- 15.1 Images will not be kept for longer than is considered necessary. Photos will be returned to the parent/carer, staff member, deleted and wiped or shredded as appropriate. Copies will not be taken of any images without relevant authority and consent from the Headteacher and the parent/carer.
- 15.2 A school will ensure that all photos are permanently wiped from memory cards, computer hard drives and portable drives or other relevant devices once the images are of no longer use.
- 15.3 Images taken for 'media use' or 'historical reasons' will be deleted after seven years or retained for a school's archives. This will be recorded on a school's Information Asset Register.

## **16. BREACH**

- 16.1 In the unlikely event of photos or images of children being compromised through a data breach deemed to be a risk to the rights and freedoms of data subjects, the school must notify the Trust's Data Protection Officer who will notify the Information Commissioner's Office within 72 hours. Affected individuals will also be notified without undue delay.

## **17. MISUSE OF IMAGES**

- 17.1 The misuse of images could constitute a criminal offence.
- 17.2 Any member of staff who breaches this policy may be subject to disciplinary action.

## **18. COMPLAINTS**

- 18.1 Any complaints relating to this Policy or to the CCTV system operated by a school from a member of the public should be made in accordance with the

Trust's Complaints Policy. Any complaints from a member of staff should be made in accordance with the Trust's Staff Grievance Procedure.

## **19. MONITORING AND REVIEW**

- 19.1 This Policy will be monitored and reviewed every year or in light of any changes to relevant legislation.
- 19.2 Any changes to this policy will be communicated to all staff and, where appropriate, parents/carers.