

The Active Learning Trust

PHOTOGRAPHY POLICY

1. INTRODUCTION

- 1.1 The Active Learning Trust (“Trust”) recognises that photography and filming are useful learning tools within schools and that they are utilised in many ways. This includes record keeping, displays, lessons and student work.
- 1.2 The General Data Protection Regulation 2016 (“GDPR”) stipulates that data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs is sensitive personal data. These attributes can be relayed through photographs and digital images. If an image is deemed to be sensitive data explicit consent to utilise it must be sought.

2. PURPOSE OF THE POLICY

- 2.1 The purpose of the Photography Policy (“Policy”) is to clarify everyone’s responsibilities and security measures to be undertaken in accordance with the Information Commissioner’s Office (“ICO”) guidance [Taking Photographs in Schools](#).
- 2.2 All images taken by the Trust’s schools will be used in a manner respectful of the GDPR. This means that images will be:
 - Fairly and lawfully processed;
 - Processed for limited, specifically stated purposes only;
 - Used in a way that is adequate, relevant and not excessive;
 - Accurate and up to date;
 - Kept on file for no longer than is necessary;
 - Processed in line with an individual’s legal rights;
 - Utilised with consent of subject;
 - Kept securely; and
 - Adequately protected if transferred to other countries.

3. SCOPE

- 3.1 This Policy is intended for anyone who has access to or uses school owned or personal cameras and filming equipment.

4. RESPONSIBILITIES

- 4.1 The Board of Trustees has ultimate responsibility for setting this Policy.
- 4.2 The Headteacher is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within a school. This includes the management, implementation, monitoring and review of this Policy and procedures. The Headteacher is also responsible for informing staff, students and parents of the Policy and procedures and ensuring that staff have the opportunity to discuss and be consulted about the arrangements.
- 4.3 Employees will receive information regarding the safe and appropriate use of images as part of their safeguarding and data protection training and responsibilities.

5. CONSENT

- 5.1 Requests for consent must be intelligible, easily accessible, in plain language and with the purpose for the data processing stated and evident. It will be as simple to withdraw consent as it was to give it. The Trust acknowledges that consent is not indefinite and will form a system of review which allows it to remain current. Consent will be stored in a secure and auditable manner.

6. PROCEDURES

- 6.1 Schools must ensure that written consent/permission from parents/carers:
- will be obtained before images/videos of children are electronically published by a school;
 - will be sought to take and use photographs offsite for professional, marketing and training purposes. This is in addition to parental permission sought for onsite images;
 - will be kept by a school where students' images are used for publicity purposes (such as brochures or publications), until the image is no longer in use; Parental permission will be sought on an agreed basis (such as on admission to a school and then annually);
- 6.2 Students should always be consulted on the use of their image and this consent logged. Students should be re-consulted if they believe any suggested further processing is not reasonable based on initial consent;
- 6.3 Any apps, websites or third party companies used to share, host or access students' images will be risk assessed prior to use and a transfer agreement formulated. A school must ensure that images are held in accordance with the GDPR and suitable child protection requirements (if necessary) are in place;
- 6.4 Careful consideration must 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;

- 6.5 A school must arrange to discuss the use of images with children and young people in an age appropriate way;
- 6.6 Images will not be taken of any child or young person against their wishes. A child or young person's right not to be photographed is to be respected; and
- 6.7 Photography is not permitted in sensitive areas such as changing rooms, toilets, swimming areas etc.

7. RECORDS

7.1 Schools must ensure that:

- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly;
- Images will not be kept for longer than is to be considered necessary. All photographs must be permanently wiped from memory cards, computer hard drives and portable drives or other relevant devices once the images will no longer be of use;
- All images will remain on site at all times, unless prior explicit consent has been given by the Headteacher and the parent or carer of any child or young person captured in any photograph. Should permission be given to take images off site, all relevant details are to be recorded, for example who, what, when and why any data will be kept securely (e.g. with appropriate encryption);
- Schools reserve the right to view any images taken and/or to withdraw or modify a member of staff's authorisation to take or make images at any time;
- Photographs will be disposed of should they no longer be required. They will be returned to the parent or carer, 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/carers;
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work must be suitably encrypted and logged in and out by the Headteacher and monitored to ensure it is returned within the expected time scale;
- Images or videos that include children will be selected carefully when used online and will not provide material that could be reused;
- Children's full names will not be used on the website in association with photographs neither will personal addresses, emails, telephone numbers or fax numbers be on video, on the website, in a prospectus or in other printed publications;
- They will only use images of children who are suitably dressed; and

- Children's work will only be published with their permission or their parents' consent.
- Only official school-owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of children for official purposes. Use of personal cameras by staff is prohibited at all times

8. USE OF PHOTOS/VIDEOS BY PARENTS/CARERS

8.1 Schools must ensure that parents/carers:

- are permitted to take photographs or DVD footage of events for private use only within designated areas of a school;
- are not permitted to take photographs in sensitive areas such as changing room, toilets, swimming areas etc;
- who are using photographic equipment must be mindful of others when making and taking images;
- may contact the Headteacher to discuss any concerns regarding the use of images.

8.2 A school can withheld the opportunity for parents/carers to take photographs and make videos on health and safety grounds; and

8.3 The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.

9. USE OF PHOTOS/VIDEOS BY STUDENTS

9.1 A school will 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.);

9.2 The use of non-school provided devices, e.g. mobile phones and children's own digital cameras, will be controlled by the Headteacher;

9.3 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;

9.4 Members of staff will remind them to ask permission before they take any photos;

9.5 Photos taken by students for official use will only be taken with parental consent and pupil consent and will be processed in accordance with the Trust's Data Protection Policy;

- 9.6 Parents/carers will 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 only (not shared online or via any website or social media tool);
- 9.7 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; and
- 9.8 Still and video cameras provided for use by students and the images themselves will not be removed from a school.

10. USE OF IMAGES OF STUDENTS BY THE MEDIA

- 10.1 All photographers and other visitors from the press must be DBS checked.
- 10.2 A transfer agreement will be composed with the media company detailing how data will be handled, secured and utilised to ensure compliance with GDPR;
- 10.3 Parents and pupils will be made fully aware of how their data will be used so that they can give consent with a full awareness of processing and potential further processing;
- 10.4 The identity of any press representative will be verified and access will only be permitted where the event is planned and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances; and
- 10.5 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.

11. USE OF PROFESSIONAL PHOTOGRAPHERS

- 11.1 Professional photographers who are engaged to record any events must be DBS checked and prepared to work according to the terms of a school's requirements;
- 11.2 A transfer agreement will be composed with the media company detailing how data will be handled, secured and utilised; and
- 11.3 Photographers will not have unsupervised access to children and young people. The Headteacher will be responsible for the arrangements.

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

- 12.1 All areas which are covered by CCTV will be well signposted and notifications are displayed so that individuals are advised before entering such vicinity;
- 12.2 Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal;
- 12.3 Regular auditing of any stored images will be undertaken by a member of staff as designated by the Headteacher;
- 12.4 If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency by the Headteacher; and
- 12.5 Any CCTV cameras will be appropriately placed within a school after consultation with the police or other appropriate agencies.

13. USE OF WEBCAMS

- 13.1 Parental consent will be obtained before webcams will be used within a school environment for curriculum or educational purposes;
- 13.2 All areas which are covered by webcams for security or safeguarding purposes will be well signposted and notifications are displayed so that individuals are advised before entering such vicinity; and
- 13.3 Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal.

14. BREACH

- 14.1 In the unlikely event of photographs or images of children being compromised through a data breach deemed to be a risk to the rights and freedoms of data subjects, such must be reported to the Headteacher who in turn will notify the Trust’s Data Protection Officer in accordance with the Trust’s Data Protection Policy. The Trust’s Data Protection Officer will notify the supervisory authority within 72 hours. Affected individuals will also be notified without undue delay.

15. EQUAL OPPORTUNITIES

- 15.1 In making and implementing this document a school will have regard to the Trust’s Equal Opportunities Policies.

16. MONITORING

- 16.1 Headteachers will monitor the implementation of this document and assess its implementation and effectiveness.
- 16.2 An annual ICT security monitoring programme will include a review of the requirements in this Policy to evidence the effectiveness of this Policy. The Trust's Data Protection Officer will liaise with schools to obtain such evidence in order to meet the accountability principle of the General Data Protection Regulation.

17. DISCIPLINARY ACTION

- 17.1 Disciplinary action may be taken against any user suspected of being in breach of this Policy, including an immediate ban from using a school's ICT facilities.
- 17.2 Breaches of this Policy may constitute gross misconduct and as such may lead to staff dismissal. For individuals not directly employed by the Trust, breaches of the Policy may result in withdrawal of facilities and referral made to their employer. For all other adults breach of this Policy may be a breach of the Code of Conduct and may lead to sanctions being applied up to and including their removal from the Governing Bodies.
- 17.3 The Police will be informed where there is a possibility that a criminal offence has been committed.
- 17.4 If an employee is aggrieved or wishes to register or report a complaint they must follow the Whistleblowing Policy and/or Staff Grievance Procedures.

18. REPORTING

- 18.1 The Trust's Data Protection Officer will be responsible for producing reports on the effectiveness of this Policy to the Trust Board as a minimum on an annual basis.

19. REVIEW

- 19.1 This Policy will be reviewed on annual basis.