



## Photographic and Video Policy

<b>Applicable to:</b>	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
<b>Approval body:</b>	Resources Committee	

### Status:

<b>Statutory policy or document</b>	No
<b>Review frequency</b>	Governing Body to determine
<b>Approval by</b>	Governing Body to determine

### Publication:

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Author	Creation Date	Version	Status
Business Manager (BW)	4 August 2020	0.1	Initial draft based on wording provided by Data Protection Officer (DH)
<b>Changed by</b>	<b>Revision Date</b>		
Business Manager (BW)	15 September 2020	1.0	Final approved version for publication
Business Director (BW)	22 March 2022	1.1	Annual review by Data Protection Officer (DH); no changes
Business Director (BW)	4 April 2022	2.0	Final approved version for publication

## 1 Background

1.1 This policy covers the recording, use, storage and deletion of still and video images within the federation. It should be read in conjunction with the federation's Data Protection, ICT and Internet Acceptable Use, Online Safety and CCTV policies. Any examples used in this policy are not exhaustive and the federation is able to make decisions on a case by case basis.

1.2 Legally this area is covered by the following:

- **Data Protection Act 2018:** The image of a child is personal data covered by the act unless taken by parents/carers for purely personal use. This means that a school must comply with the Data Protection Act 2018 (GDPR). Schools are permitted to take, use and store and display images when this forms part of the public task of educating children, disposing of them after the child has left. Schools will need to seek consent for other uses of images such as websites, social media or newspapers.
- **Education Act 2002:** Obligations to safeguard the welfare of pupils. This may have an impact on children whose location cannot be revealed for safeguarding reasons.
- **Article 8 European Convention on Human Rights:** Privacy issues/breach of the child's right to respect for private life. For example, a parent/carer may object to their child's image being taken or shared.
- **Article 10 European Convention on Human Rights:** The parent/carer's right to freedom of expression. For example, a parent/carer may wish to record a school performance.

## 2 Safeguarding

2.1 Safeguarding of young people should always take precedence when considering when photographs and videos are appropriate. In particular, schools need to consider if they have young people who:

- are looked after, particularly if the parents of the young person are not allowed access
- are adopted
- are in protected accommodation
- have a parent or family member who is not permitted access

## 3 Consent

3.1 Consent is not required when the use of images is purely for educational purposes, for instance for assessment of learning. This is covered as part of the "Public Task" of the school.

3.2 Consent will be required when images are used beyond the school, for instance on the federation's website. It is good practice to ensure that the record of consent is approved as accurate and up to date by the parent/carer on a regular basis.

3.3 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.

3.4 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.

- 3.5 School visitors may only take photographs with the specific permission of a member of the Senior Leadership Team when consent has been correctly obtained.

#### **4 Taking, storing and retention of images and videos**

- 4.1 As images and videos are personal data, this should be processed in accordance with the federation's Data Protection Policy.
- 4.2 Only official school owned equipment (e.g. work-provided iPads, digital or video cameras) will be used by staff to capture images of children for official purposes. Use of personal cameras or phones by staff is prohibited at all times.
- 4.3 Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- 4.4 Images will be stored securely, for example, by using password protection, restricting the number of people who have access to the files, and ensuring adequate firewall and anti-virus software are in place. Where possible, this will be encrypted (e.g. iPad with passcode).
- 4.5 Images will be securely deleted from non-encrypted devices on a regular basis (e.g. transferred from a digital camera to the network each week).
- 4.6 Images will not be kept for longer than is to be considered necessary and, in any event, not exceeding a maximum of three years after the child has left the federation. A designated member of staff (the Data Protection Officer) will ensure that systems exist so that all photographs are permanently wiped when no longer needed.
- 4.7 The federation's Senior Leadership Team reserves the right to view any images taken.
- 4.8 Members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.

#### **5 Use of images and videos by children and young people**

- 5.1 The federation will discuss and agree age appropriate acceptable use rules with children and young people regarding the appropriate use of cameras, such as places young people cannot take the camera (e.g. unsupervised areas, toilets etc.).
- 5.2 All staff will be made aware of the acceptable use rules regarding young people's use of cameras and will ensure that they are appropriately supervised when taking images for official or curriculum use.
- 5.3 Members of staff will act as role models of positive behaviour to young people by encouraging them to ask permission before they take any photos.
- 5.4 Photos taken by young people for official use will only be taken with parent/carer consent and will be processed in accordance with the Data Protection Act 2018.
- 5.5 Parents/carers will be made aware that young people will be taking photos/videos of other young people and will be informed how these images will be processed.

## **6 School trips**

- 6.1 Volunteers helping on school trips must be made aware of any rules restricting the use of personal devices to take photographs.
- 6.2 Personally owned cameras, tablets, phones and other connected devices may be permitted to be used on some school trips. This will be communicated to those taking part prior to and during the visit. There may be restrictions on some photography due to difficulties supervising the suitability of images shared over the internet.

## **7 Appropriate events and locations**

- 7.1 There are some risks involved when taking photographs of some sporting occasions when young people are not fully dressed. These apply to both the young person, whose image may be misused, as well as the adult who could be accused of taking inappropriate images. The general advice is that young people should not be photographed unless appropriately dressed.
- 7.2 It is not permissible to record images when young people are changing.
- 7.3 In general it is advisable not to record images of young people in swimming costumes, but under specific circumstances the federation may decide it is appropriate, for instance:
  - moderation for PE or swimming teacher assessment
  - celebration of a child showing significant progress with swimming
- 7.4 The Amateur Swimming Association (ASA) guidance on photography states that all photographs must observe generally accepted standards of decency, in particular:
  - action shots should be a celebration of the sporting activity
  - action shots should not be taken or retained where the photograph reveals torn or displaced swimwear
  - poolside shots of children should normally be above the waist only in a swimming costume, though full length tracksuit shots are approved
  - photographs should not be taken from behind swimming blocks at the start of a race or exhibit young swimmers climbing out of the swimming pool.

## **8 Use of webcams, Skype etc.**

- 8.1 Parent/carer consent will be obtained before webcams or video conferencing will be used for curriculum or educational purposes.
- 8.2 Recordings will only be made with the consent of all parties taking part.

## **9 Federation website and social media**

- 9.1 Permission will be obtained from parents/carers before a young person's image is uploaded to the federation's website or social media platforms.
- 9.2 Full names of young people will not be used on the website or social media in association with photographs.

- 9.3 The federation will not include any personal addresses, email addresses or telephone numbers on videos, on the website, in a prospectus or in other printed publications.
- 9.4 Young people's work will only be published with their permission or their parent's/carer's consent where appropriate.

## 10 Parent/carer or student photography

10.1 Many parents/carers and young people will want to record some of the special moments in their own or their child's school life and the law does not prohibit this. However, it is possible that parents/carers will also capture images of young people other than their own, and that students may capture images of other young people, with a possible impact on their privacy.

10.2 This is a problematic area with contributory factors:

- **Freedom:** some parents/carers/students will want to take pictures at an event, and some will not
- **Privacy:** it is possible that any image captured may have other young people in it
- **Safeguarding:** there is the potential for images to be misused, and this would be of particular concern with regards to looked after children

10.3 The federation will decide if parent/carer or student photography and video is appropriate on an individual event basis depending on the nature of the activity and any risks posed to individuals taking part.

10.4 The federation will ensure that parents/carers and students are aware of any restrictions on photography, will publicise this prior to the event and bring it to the attention of parents/carers/students at the start of the event.

## 11 Parent/carer or student social media

11.1 Uploading pictures to social media may cause further complications. A parent/carer or student publicly sharing images of either other people's children or other students with no controls on privacy may be a breach of data protection rules. However, sharing images of a parent/carer's own children is not a breach of data protection rules.

11.2 Parents/carers and students will be reminded that the federation does not allow any images or videos to be shared on social media, as it considers it to be a risk to individual student and parent/carers' privacy.

11.3 We will challenge any public publishing of our students' images that comes to our attention if we feel it does not meet our safeguarding obligations.

11.4 Parents/carers must be mindful there may be young people alongside their child who are vulnerable to having their image distributed. If there are, we will let them know of the precautions you need to take.

## 12 Press photography

12.1 Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met. A written agreement will be sought between parents/carers, students and

the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) can be published along with images and videos.

- 12.2 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.
- 12.3 The photographer will be issued with visitor identification, which must be worn at all times.
- 12.4 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 the federation is considered to have acted in good faith.

### **13 School photographs**

- 13.1 Professional photographers who are engaged to record any events will be prepared to work according to the terms of the federation's Online Safety Policy.
- 13.2 Photographers will be issued with visitor identification, which must be worn at all times.
- 13.3 Photographers will sign an agreement which ensures compliance with the Data Protection Act and that those images will only be used for a specific purpose, subject to parent/carer consent.
- 13.4 Photographers will not have unsupervised access to children and young people.

### **14 Photography by members of the public**

- 14.1 When young people are taken off school grounds e.g. on a visit, it is possible that they could be photographed by members of the public.
- 14.2 If the young person's privacy is of paramount importance, the risk of this should be discussed with parents/carers and students and appropriate steps taken.

### **15 Looked after children**

- 15.1 Photographs of looked after children should usually only be taken with the agreement of the person who holds parental responsibility. However, in some circumstances, consent could be obtained from the child's social worker, foster carer or a relative. The Designated Teacher for Looked After Children can provide advice if needed.
- 15.2 Looked after children should expect to have as normal an experience as they can and they should not be singled out because they are in care.
- 15.3 If a child's identity or privacy needs to be protected, this should be discussed with the parent/carer and appropriate steps agreed. This could include:
  - restricting all parent/carer photography at events
  - subtly removing the child before photographs are taken

- sitting the child with the teacher to allow the teacher to take active steps to reduce the possibility of the child being photographed
- sensitive withdrawal of the child from the event with an explanation to the child