

Lakeside Primary School



USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN

Approved by Governors :- February 2014

**Reviewed – January 2017
May 2018**

LAKESIDE PRIMARY SCHOOL POLICY

USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN

Introduction and Aims

There are many occasions on which it is a good thing to make use of photographs and video images that include children. This is perfectly proper and to be encouraged. However, our school will do all it can to ensure that images are used properly, and that, as in all matters, risks are minimised, and our children kept safe and secure, whether at school or elsewhere. The aim of this policy is to establish the right balance between the proper use of technology and the safety of our children at all times.

Under the terms of the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation, all photographs and video images of children and staff alike are classified as personal data. This means that no image can be used for display or for school publicity etc., unless consent is given by or on behalf of the individual concerned.

Lakeside Primary School (hereafter referred to as "The School") agrees to comply with the requirements of the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation and Human Rights Act 1998 when using and/or authorising the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on school premises, particularly where these show pupils,
and
- (ii) such images are used in a manner respectful of the General Data Protection Regulation principles and also of the rights conferred to individuals under these Acts.

CONSENT

The School will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school's educational role. This is because an image of a child is personal data for the purposes of the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and it is a requirement that consent is obtained.

Due to the number of occasions during a pupil's time at school that the School may wish to photograph or video the pupil, the School will seek the consent of parents or legal guardians when the pupil starts at the School. This form will be given to the parents or guardians of all children joining the school in each successive year. This consent will allow the school to take pictures of pupils engaged in educational activities such as sports events, drama productions, field trips, etc., and to use these pictures internally. Where parents or carers do not give their consent, then the children concerned will not have pictures taken of them.

This policy and consent will cover the whole of the pupil's intended time at the School.

The School will at all times consider the need to revisit the consent in the event of a pupil's circumstances changing.

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the

member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this model policy document).

The School will not use photographs or videos of children who are no longer pupils at the school, unless separate specific consent has been obtained to cover the intended use.

Should there be images of children in the School's possession for which consent has never been obtained, the school will not use the images without the specific consent of parents or legal guardians. The attached standard consent form will not be suitable for this purpose.

The School will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.

THE INTERNET

Only appropriate images will be used on the school Internet site, and children will not be identified by their name or address on the school website.

CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN

When considering the use of images of children, the School will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken.
- (ii) All pictures taken will be appropriate, and will show children properly clothed for the activity they are engaged in. Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided. Wearing team tracksuits is considered a good alternative.
- (iii) The school will do all it can to ensure that due sensitivity is shown in the choice and composition of these images.
- (iv) When a photograph or video image of a child is used, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (v) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on the School's website, a photograph/image of the child will not appear with the text.
- (vi) No details of home telephone numbers, e-mail or home addresses are given.
- (vii) Where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the School will seek additional parental/legal guardian permission for the child to be named.

USE OF DIGITAL CAMERAS

There are many ways in which the use of digital images is valuable for children's learning. For example, they may be used in art work or geography or science fieldwork. Images will be made only as appropriate for school-related activities. Children will be taught how to take pictures, but we will discourage them from taking pictures of each other, and they will be supervised by an adult when they have access to a digital camera. All images of children will be deleted when they leave school.

USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY

The School recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the School will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

USE OF IMAGES OF CHILDREN BY THE PRESS

There may be occasions where the press take photographs at school of pupils.

Generally, parents and relatives take pride in "press cuttings" which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result, the School will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The school will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography and comply with General Data Protection Regulation requirements.

The following are examples of the types of scenarios that can occur:

Team Photographs

- (i) When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- (ii) If a parent is not happy to have a child's name printed on a photograph then consideration will be given to publishing the photograph with no names. The Headteacher/Manager will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- (iii) If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph will not be appropriate.

Photo Opportunities

- (i) When an establishment invites a newspaper to celebrate an event, the Headteacher/Manager will make every effort in advance to ensure that the newspaper's requirements can be met.

- (ii) Newspapers are unlikely to accept invitations to take photographs without permission to provide names. The school will give thought to this beforehand – and parental permission/opinion will be the key guidance.
- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group – the school will endeavour to negotiate a ‘first names only’ agreement with the newspaper.
- (v) Should this not be possible the school will be prepared to forego newspaper publicity.

PARENTAL RIGHT TO TAKE PHOTOGRAPHS

The School does not allow parents to take group photographs but does make arrangements for them to take individual photographs of their own children for their own personal use.

The School will make every effort to ensure that people with no connection to the School do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

USE OF A PROFESSIONAL PHOTOGRAPHER

The School will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

- In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation.
- Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.
- Photographers will be asked to sign up to an agreement with the school which will include:
 - Compliance with the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation.
 - That 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.
 - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by the school.
 - The photographer must comply with the steps set out above.
 - The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

NOMINATING A NON-PROFESSIONAL TO BE THE AUTHORISED PHOTOGRAPHER

Should the School nominate another individual, say a parent, staff member or governor, to be the photographer, it will be made clear that the images may not be used for anything other than the purpose indicated by the School. Where digital or similar photography is used, the School will require, wherever possible, the parent, staff member or governor to leave all images or image holding equipment at the school premises and to subsequently process final images on the school site. Such action will protect the parent, staff member or governor from potential allegations of impropriety.

CHARGING FOR PHOTOGRAPHS/VIDEOS

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the school fund and images will be sold at cost price.

MOBILE PHONES

We do not allow children to have mobile phones in classrooms. Adults may bring mobile phones, but must not use them to take pictures of children.

The use of mobile phones which contain cameras with photographic capabilities are not permitted in changing rooms, toilets and other sensitive areas within the school.

MONITORING

This policy will be monitored by the governing body and revised as appropriate, and not less than two years from the date of its adoption. Any incidents of concern relating to this policy will be referred to the Chair of Governors by the Headteacher.

REVIEW OF POLICY

Reviewed – May 2018

This policy will be reviewed by the Full Governing Body on an annual basis.

This policy should be read in conjunction with:-

- Data Protection Policy and Privacy Notices
- E-Safety Policy
- Social Media Policy
- Safeguarding Policy