


## Media and Photo Policy

SCHOOL

3

Headteacher

Headteacher	Chair of Governors	Review Dates
		Last Review: July 2021
Lisa Keighley	Philip Cavalier-Lumley	Next Review: July 2024

### 1. Policy

At Blakehill Primary school, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school website. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy has been created with regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

### 2. Purpose

Whilst we recognise the benefits of photography and videos to our school community, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The school has implemented this policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the school with regard to pupils' safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

### **3. Scope**

All children, visitors and staff at Blakehill Primary School.

### **4. Principles**

At Blakehill Primary School we embrace technology and new media products to help our children not only learn effectively but to celebrate and promote our achievements and success.

Blakehill Primary uses various forms of media to promote the school's progress, success, events and activities such as our learning platform, blog, website, podcast, newsletter and internal television screens etc. In order for the school to use these various forms of media, the school has a duty of care towards pupils and consent must be requested and respected.

### **5. Responsibilities**

#### **Governing Body**

The Governing Body has:

- responsibility to ensure that the school complies with this policy
- delegated powers and responsibilities to the Headteacher to ensure that school personnel and pupils are aware of this policy
- delegated powers and responsibilities to the Headteacher to ensure all visitors to the school are aware of and comply with this policy
- responsibility for ensuring policies are made available to parents
- responsibility for the effective implementation, monitoring and evaluation of this policy.

#### **Headteacher**

Submitting consent forms to parents, and pupils where appropriate, at the beginning of the academic year with regards to photographs and videos being taken whilst at school.

- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
- Deciding whether parents are permitted to take photographs and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

#### **Designated Safeguarding Lead (DSL)**

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- Liaising with the data protection officer (DPO) to ensure there are no data protection breaches.
- Informing the Executive Headteacher / Head of School of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

## **Parents**

- Completing the Consent Form.
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy

## **Data Protection Officer**

In accordance with the school's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the school and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the school's compliance with the GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at school
- Conducting internal audits regarding the school's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members in relation to how the GDPR impacts photographs and videos at school.

**Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the Headteacher and the Designated Safeguarding Lead.**

## **6. Procedures**

### **Consent**

- All photographs and video content are classified as personal data under GDPR, images or video content may be used for publicity or other purposes only when the parent has provided informed consent and has not withdrawn their consent.
- Up to the age of 13, and in some cases 16 depending on the child's maturity, parents are responsible for providing consent on their child's behalf.
- Parents and pupils are required to be aware that their child/they may be photographed at school and they have the right to withdraw consent for:
  - Photographs or video taken by members of staff for school-based publicity and promotional purposes (school newsletters/prospectus) or for anonymous use on the school website.
  - Photographs or video taken by parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
  - Photographs or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.

- The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.
- Parents and pupils, as applicable, will be asked to complete the Consent Form on an annual basis, which will determine whether or not they allow their child/themselves to participate in photographs and videos.
- The Consent Form will be valid for the full academic year, unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.
- If there is a disagreement over consent, or if a parent/pupil does not respond to a consent request, it will be treated as if consent has not been given and photographs and videos will not be taken or published of the pupil without consent.
- All parents and pupils are entitled to withdraw or change their consent at any time during the school year.
- Parents or pupils withdrawing their consent must notify the school in writing.
- If any parent or pupil withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.
- For any LAC pupils, or pupils who are adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of an LAC pupil, or pupils who are adopted, would risk their security in any way.
- Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity
- A list of all the names of pupils for whom consent was not given will be created by the DPO and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

**The following procedures must always be adhered:**

- Photographs and videos of pupils will be carefully planned before any activity.
- The DPO will oversee the planning of any events where photographs and videos will be taken.

- Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Executive Headteacher / Head of School will liaise with the DSL to determine the steps involved.
- When organising photography and videos of pupils, the Executive Headteacher / Head of School, as well as any other staff members involved, will consider the following:
  - Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
  - Could the camera angle be amended in any way to avoid pupils being identified?
  - Will pupils be suitably dressed to be photographed and videoed?
  - Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
  - Would it be appropriate to edit the photos or videos in any way (e.g. to remove logos which may identify pupils)?
  - Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.
- The staff members involved, alongside the Headteacher and DPO, will liaise with the DSL if any LAC pupil, adopted pupil, or a pupil for whom there are security concerns is involved.
- School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in section 8 of this policy.
- Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- The school will not use images or footage of any pupil who is subject to a court order.
- The school will not use photographs of children or staff members who have left the school, without parental consent.
- Photos and videos that may cause any distress, upset or embarrassment will not be used.
- Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

### **School-owned devices**

- Staff are encouraged to take photos and videos of pupils using school equipment; however, they may use other equipment, such as school-owned mobile devices, where the DPO has been consulted and consent has been sought from the Headteacher prior to the activity.
- Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity and removed from any other devices.
- Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.
- Photographs and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.
- Digital photographs and videos held on the school's drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos. Files are password protected and only staff members have access to these passwords – these are updated termly to minimise the risk of access by unauthorised individuals.

### **Storing and Retention**

- Images obtained by the school will not be kept for longer than necessary.
- Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in the school office. They will not be used other than for their original purpose, unless permission is sought from the Executive Headteacher / Head of School and parents of the pupils involved and the DPO has been consulted.
- Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.
- The DPO will review stored images and videos on a termly basis to ensure that all unwanted material has been deleted.
- Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately.
- 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 inform the Headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.
- Official school photos are held on SIMS 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.

- Images taken on the camera must be downloaded as soon as possible on to a school computer/laptop, ideally once a week.
- Members of staff are responsible for ensuring that images are safely stored, particularly on memory sticks and hard drives. They must take reasonable measures to ensure that they do not come into the possession of unauthorised persons.
- No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the Headteacher to do so.
- The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met.
- Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.
- If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered.
- Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card has to be appropriately disposed of to ensure that no imprint remains.

## **7. Monitoring and Review**

This policy is reviewed every twelve months to ensure that it stays relevant and reflects the needs of the both staff and children.

## **8. Distribution**

This policy will be available on the school website and from the School Business Manager.

## **9. Contacts**

Please contact a member of the Governing body or the Headteacher if you require support or guidance on this policy.

## **10. Cross Referencing**

This policy also has due regard to the school's policies including, but not limited to, the following:

*Safeguarding Policy*

*GDPR Policy*

*Mobile Devices Policy*

## **14. Appendices**

Appendix A – Media Photography Consent Form

## Media & Photography Consent Form

### Aim

At Blakehill we embrace technology and new media products to help our children not only learn effectively but to celebrate and promote our achievements and success. Blakehill Primary uses various forms of media to promote the school's progress, success, events and activities such as our blog, website, twitter, podcast, newsletter and internal television screens to name just a few.

### Procedure

To ensure that we comply with the Data Protection Act 1998, and the General Data Protection Regulation (GDPR) introduced on 25<sup>th</sup> May 2018, we have a photograph and video policy that requires everyone who is a stakeholder in Blakehill including every child, parent, staff member and volunteer etc to give their consent for using their images and/or video footage for the purpose of promoting the school. However, schools have a duty of care towards pupils, which means that pupils must remain unidentifiable, reducing the risk of inappropriate contact, if the images are used in this way. Therefore we will only use first names with photos unless otherwise permitted.

### **PLEASE COMPLETE THE REPLY SLIP BELOW AND RETURN TO THE SCHOOL OFFICE**

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☐

I **DO NOT** give consent to using my child's image/video on the School's website, social media websites etc.

☐

I **DO** give consent to using my child's image/video on the School's website, social media websites etc.

Child's Name \_\_\_\_\_

Class: \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

Date: \_\_\_\_\_