



# Photography Policy

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## **Statement of intent**

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

Whilst we recognise the benefits of photography and videos to our school communities, we also understand that these can have significant risks for those involved. Under the legal obligations of the UK GDPR and the Data Protection Act (DPA) 2018, the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The Trust has implemented a Mobile Device Policy on the safe use of cameras and recording equipment by staff, pupils and parents to reflect the protective ethos with regard to pupils' safety.

To ensure that, as far as possible, the use of photography and video is safe at all times, this Photography Policy should be followed. This policy is applicable to all forms of visual media, including film, print and online.

## **1. Legal Framework**

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

- The Data Protection Act 2018.
- The UK General Data Protection Regulation (UK GDPR) The Freedom of Information Act 2000.
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
- DfE (2022) 'Keeping children safe in education 2023'.

This policy operates in conjunction with the following Trust policies:

- Data Protection Policy
- Records Management Policy
- Social Media Policy
- Mobile Device Policy
- Communications Policy

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy

## **2. Roles and responsibilities**

Headteachers within the Trust are responsible for:

- Submitting consent forms to parents, carers and pupils, where appropriate, when a child joins school, with regard to photos and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the UK GDPR and the DPA 2018.
- Deciding whether parents are permitted to take photos and videos during school events.
- Communicating this policy to all staff members and the wider school community, such as parents.

The DSL within a school is responsible for:

- Liaising with social workers to gain consent for the use of photos and videos of pupils who are LAC.
- Informing the Headteacher 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 and pupils are responsible for:

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- Completing a consent form when their child joins the school.
- Informing the school in writing if they wish to withdraw or make any changes to their consent.
- Acting in accordance with this policy.

### **3. Definitions**

“**Camera**” is used to refer to mobile phones, tablets, webcams, portable gaming devices, and any other equipment or devices which may be used to take photos.

“**Personal use**” of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g., a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources.

“**Official Trust or school use**” is defined as photography and videos which are used for Trust or school purposes, e.g., display boards, prospectuses, websites, social media pages. These images are likely to be stored electronically. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for official use.

“**Media use**” is defined as photography and videos which are intended for a wide audience, e.g., photos of children taken for a local newspaper. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

Staff may also take photos and videos of pupils for “**educational purposes**”. These are not intended for official use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

### **4. Consent**

All photos and video content are classified as personal data under the UK GDPR and the DPA 2018; images or video content may be used for publicity or other purposes only once informed consent has been provided, and it has not been withdrawn.

Staff, pupils and parents will be encouraged to read the Data Protection Policy for more information on the school’s approach to data protection.

Parents will be required to provide consent on their child’s behalf, except where the processing is related to preventative or counselling services offered directly to children.

Parents and pupils will be aware that their child/they may be photographed at school, and they have the right to withdraw consent for:

- Photos or videos taken by members of staff for Trust or school-based publicity and promotional purposes or for use on the Trust or school websites or social media pages.
- Photos or video taken by members of the press who are on school premises by invitation in order to celebrate individual, group or school successes.

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Schools within the Trust will recognise 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 Trust will ensure that consent mechanisms meet the standards of the UK GDPR and the DPA 2018.

Parents and pupils, as applicable, will be asked to complete the consent form when their child joins the school, which will determine whether they allow their child/themselves to participate in photos and videos.

The photography consent form will be valid for the entire time the child attends the school, 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 photos and videos will not be taken or published of the pupil without consent.

All parents and pupils will be entitled to withdraw or change their consent at any time. Parents or pupils who wish to withdraw their consent must notify the school in writing.

If any parent or pupil withdraws or changes their consent, or the school's 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 pupils who are LAC, PLAC, or adopted, the school's 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 pupils who are LAC, PLAC, or 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 school's DSL believe that taking photos 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 and will be circulated to all staff members. This list will be updated regularly.

### **5. General procedures**

Photos and videos of pupils will be carefully planned before any activity.

Where photos and videos will involve pupils who are LAC, PLAC, or adopted, or pupils for whom there are security concerns, the Headteacher will liaise with the school's DSL to determine the steps involved.

The list of all pupils who have not consented to being photographed or recorded will be checked prior to the activity. Only pupils for whom consent have been given will be able to participate.

The staff members involved, alongside the Headteacher, will liaise with the school's DSL if any pupil who is LAC, PLAC, adopted, or for whom there are security concerns.

A school-owned digital camera or mobile/tablet device will be used to take photos and videos of pupils.

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Staff will ensure that all pupils are suitably dressed before taking any photos or videos.

Where possible, staff will avoid identifying pupils by name or any other identifiable data. If names are required, only first names will be used.

The school will not use photos and videos that may cause any distress or embarrassment.

Any concern relating to inappropriate or intrusive photography or publication of content will be reported to the school's DSL.

### **6. Additional safeguarding procedures**

The Trust will consider certain circumstances that may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The school's DSL will, in known cases of pupils who are LAC, PLAC or adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.

Any measures required will be determined between the school's DSL, social worker, and carer and/or adoptive parent with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:

- Photos and videos can be taken as per usual school procedures.
- No photos or videos can be taken at any time for any purposes.

Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photos, held in the school office, will be updated accordingly.

### **7. Use of digital devices**

Staff members may be provided with a Trust-owned device to record and maintain pictorial evidence of lessons, behaviour, activities and events related to pupils. Photos and videos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above (personal cameras, personal mobile phone cameras or other personal recording equipment is prohibited from being used for educational purposes).

Members of staff will not be allowed to bring in personal cameras without prior permission. If personal cameras are allowed to be brought in due to a specialist requirement or defective equipment, the memory card should be shown to be empty, and images downloaded to the school's server.

Staff or other adults will not be permitted to take photos of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and school communities will be required to report inappropriate use of digital cameras and images to the Headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the school's DSL.

The Trust will not take responsibility for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the individual who has borrowed the equipment.

## **8. Storage and retention**

As per the UK GDPR and the DPA 2018, images obtained by the Trust and its schools will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the school's Records Management Policy.

Hard copies of photos and video recordings will not be used other than for their original purpose, unless permission is sought from the Headteacher, and parents of the pupils involved, and the school's DSL has been consulted.

Digital photos and videos are held securely on the Trust server and are accessible to staff only. Photos and videos are stored in labelled files, annotated with the date, and are only identifiable by year group or class number – no names are associated with images and videos.

Paper documents will be shredded, and electronic memories scrubbed clean or destroyed once the retention period has ended.

Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the Trust server 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 school's DSL will inform the Headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the Trust server immediately. Hard copies will be removed by shredding, as appropriate.

Official school photos will be held alongside other personal information and retained for the length of the pupil's attendance at school, or longer, if necessary, e.g., due to a police investigation.

Members of staff will maintain responsibility for ensuring that images are safely stored, particularly on memory sticks and hard drives. They will take reasonable measures to ensure that they do not come into the possession of unauthorised persons.

Schools 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 Trust 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 must be appropriately disposed of to ensure that no imprint remains.

## **9. Appropriate use of images under UK GDPR and the DPA 2018**

Photos will be used in schools for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.

As a public body, the Trust will consider whether the processing is taking place in the performance of its duties as a public authority. Where this is the case, the legal basis for processing will be recorded as 'public task', not 'legitimate interests' – public authorities



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cannot use legitimate interests as a lawful basis if the processing is in the performance of their tasks as a public authority.

The Trust will use privacy notices with declarations attached to inform staff, pupils and parents about how their personal data may be collected and as one method of gaining consent.

To judge whether legitimate interest can be used as the basis for processing data, the Trust will carry out reasonable checks.

These three tests make up a 'legitimate interest assessment' (LIA) – the Trust will carry out an LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the UK GDPR and the DPA 2018.

### **Photos used in identity management**

These are likely to be essential for performing the public task of schools, but they will be deleted once the child is no longer in attendance – as they are no longer needed for the purpose for which they were held.

### **Photos used for marketing purposes**

Photos will not be used for marketing purposes unless the Trust has specific informed consent for the images and the images are only used in line with the consent provided.

### **Photos in the school environment relating to education**

Photos displayed within the school environment will only be used when consent has been provided.

## **10. Use of cameras and filming equipment by parents**

Parents or family members will be welcome to take photos of (and where appropriate, film) their own children taking part in school events, subject to the following guidelines, which the schools expect all parents to follow. Parents will:

- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photos and/or videos their own children.
- Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites, or openly shared in other ways.
- Refrain from taking further photos and/or videos if and when requested to do so by staff.

## **11. Use of cameras and filming equipment by pupils**

All pupils will be encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of the pastoral staff.

The use of cameras, or filming equipment, including on mobile phones, will not be allowed in toilets or changing areas, nor should photography or filming equipment be used by pupils in a manner that may offend, or cause upset.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the Behaviour Policy, Mobile Devices Policy, and Social Media Policy will always be taken seriously and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

## **12. Sharing of images**

All images taken by members of staff or volunteers at schools or during school activities remain the property of the Trust and are not for private use.

No digital image will be uploaded onto any internet/intranet system without prior consent being obtained, members of staff and volunteers will not upload school images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

## **13. Use of a professional photographer**

If schools decide to use a professional photographer for official school photos and school events, the Headteacher will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with an identification badge or card, which must be worn at all times.
- Let pupils and parents know that a photographer will be in attendance at an event and ensure they have previously provided consent to both the taking and publication of videos and/or photos.
- Not allow unsupervised access to pupils or one-to-one photo sessions at events.
- Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photos for any other purpose.
- Ensure that the photographer will comply with the requirements set out in the UK GDPR and the DPA 2018.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school.

## **14. Monitoring and review**

This policy will be reviewed on an annual basis by the DPO. The next scheduled review date for this policy is November 2024.

Any changes to this policy will be communicated to all staff, parents and, where appropriate, pupils.