



Photography Policy

Date of last review: March 2023



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Introduction

At Parbold Douglas Church of England Academy, we use images and videos for a variety of purposes, including supporting learning, social media, advertising, display boards, and the school website. We understand that parents may also wish to take videos or photographs of their children participating in school events for personal use.

Whilst we recognise the great benefits of photography and video to our school community, 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 photographs and videos are taken, stored and retained.

The school has implemented a policy which applies to photography equipment used by staff, pupils and parents to reflect the protective ethos of the school with regard to pupils' safety and parental choice.

In order to ensure that, as far as possible, the use of photography and video is safe at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media.

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

This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Records Management Policy
- Anti-bullying Policy
- Online Safety Policy
- Social Networking Policy
- Technology Acceptable Use Agreement

Roles and responsibilities

The headteacher is responsible for:

- Ensuring consent forms (as part of the home-school agreement) are submitted to parents with regard to all photography (including video) being taken whilst at school.
- Ensuring that all photographs 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 photographs and videos during school events and, if permitted, the parameters relating to this.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.



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The DSL is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of pupils who are LAC.
- Liaising with the DPO (the School Business Manager) to ensure there are no data protection breaches.
- 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:

- Completing a consent form (part of the home-school agreement) when their child joins Parbold Douglas CE Academy.
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

Definitions

“Camera” is used to refer to digital cameras, mobile phones, tablets (including iPads), webcams, and any other equipment or devices which may be used to take photographs.

“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 photograph of their child and their friends at a school event. These photographs and videos are only for personal use by the individual taking the photograph and are not intended to be passed on to unknown sources or shared via public platforms (including social media). The principles of the UK GDPR and the DPA 2018 do not apply to images and videos taken for personal use.

“Official school use” is defined as photography and videos which are used for school purposes, e.g. building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for official school use.

“Media use” is defined as photography and videos which are intended for a wide audience, e.g. print media or photographs of children taken for social media publication (such as publication on the school's Twitter or Facebook pages). The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

Staff may also take photographs and videos of pupils for **“educational purposes”**. These are not intended for official school 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.

Consent

All photographs 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.



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

Parents are responsible for providing consent on their child's behalf, except where the processing is related to preventative or counselling services offered directly to children.

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 videos taken by:

- Members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.
- Parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
- 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 or inactivity. 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 this.

The school ensures that consent mechanisms meet the standards of the UK GDPR and the DPA 2018. 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 photography consent form upon joining the academy, which will determine whether or not they allow their child/themselves to participate in photographs and videos.

The photography consent form will be valid for the full duration of the child's time at Parbold Douglas CE Academy, unless the consent is withdrawn in writing

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 future photography and future processing (e.g. future social media posts or future banner printing).

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 who wish to withdraw 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 pupils who are LAC, PLAC, or 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 pupils who are LAC, PLAC, or adopted would risk their security in any way.



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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 whenever new pupils join the school.

General procedures

Where consent has been obtained, staff members take photographs regularly throughout the school day to capture and celebrate the learning and experiences of the children.

Where photographs 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 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 has been given will be able to participate.

The staff members involved, alongside the headteacher and DPO, will liaise with the DSL if any pupil who is LAC, PLAC, adopted, or for whom there are security concerns is involved.

A school-owned device will be used to take photographs and videos of pupils.

Staff will ensure that all pupils are suitably dressed before taking any photographs 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 photographs or videos of:

- Any pupil who is subject to a court order.
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.
- Staff members who have left the school, without their consent.

Photographs and videos that may cause any distress or embarrassment will not be used.

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

Additional safeguarding procedures

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

The 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.



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Any measures required will be determined between the DSL, DPO, 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:

- Photographs and videos can be taken as per usual school procedures
- Photographs and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media
- No photographs or videos can be taken at any time for any purposes

Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photographs, held securely on the school OneDrive, will be updated accordingly.

Use of cameras

Staff members may be provided with a camera (or any device with a camera) to record and maintain pictorial evidence of the lessons, activities and events related to their pupils. Photographs and videos may only be taken for educational purposes and in “school or educational provision settings” as mentioned above.

Members of staff are responsible for making sure that school-owned cameras are stored securely and are only accessible to school staff.

Cameras are not permitted in toilets or changing areas. If necessary (e.g. photographs of pupils washing their hands), then prior permission needs to be sought from the headteacher. Staff members are required to be supervised while carrying out this activity.

Staff or other adults are not permitted to take photographs of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the school community are required to report inappropriate use of 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 DSL.

The school is not responsible for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the individual who has borrowed the equipment.

Staff will not use personal mobile phones, or any other personal device, to take images and videos of pupils. Personal devices can be used on the school site for photography and video, but not including 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.

Storage and retention

As per the UK GDPR and the DPA 2018, images obtained by the school 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 photographs may be used on the school site for displays and in portfolios. Digital photographs and videos held on the school's OneDrive or on school-owned staff iPads, and are accessible to staff only.



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Photographs and videos are stored in labelled files and pupil names are not associated with images or videos. All digital files have dates and times attached.

Paper documents will be destroyed and electronic copies removed and deleted once the retention period has ended. The DPO will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted. Images of pupils who have left the school may be retained for ongoing use within marketing and promotional materials.

Content featuring former pupils that is already in the public domain (e.g. photographs posted to social media pages or videos uploaded to the school's YouTube channel) will not be removed. However, new content will not be uploaded that features former pupils.

Where a parent or pupil has withdrawn their consent, there will be no further photography or video of their child. 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 (e.g. future social media posts).

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 OneDrive immediately. Hard copies will be removed from the school site by returning them to the parent/pupil or by shredding, as appropriate. If appropriate, historic social media and website posts will be removed.

Official school photographs are held on Arbor (MIS) alongside other personal information and are retained for the length of the pupil's attendance at the school, or longer if necessary.

Members of staff are responsible for ensuring that images are safely stored. They must take reasonable measures to ensure that they do not come into the possession of unauthorised persons.

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 must be appropriately disposed of to ensure that no imprint remains. Memory cards are to be kept secure along with the camera and are the responsibility of the school user.

Appropriate use of images under UK GDPR and the DPA 2018

Photographs are used in school 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 school **must** 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 cannot use legitimate interests as a lawful basis if the processing is in the performance of their tasks as a public authority.



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The school uses 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 school will carry out three different tests. These are:

- A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
- A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
- A balance test – establishing the impact it will have on the data subject by processing the data for said reason.

These three tests make up a 'legitimate interest assessment' (LIA) – the school 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.

Photographs used in identity management

These are likely to be essential for performing the public task of the school, 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.

Photographs used for marketing purposes

Consent is obtained before photographs are used for marketing purposes.

The school recognises that when images are posted on the school website or social media channels, anyone may view the images, and consequently this may result in a greater risk of misuse of images. The school will therefore give specific consideration to the suitability of images for use on these platforms.

Photographs in the school environment relating to education

These photographs may be essential for performing the public task of the school, but once the pupil has left the school this argument is insufficient. If the school wishes to display the image beyond the pupil's time at the school, the school will obtain permission. If permission is not granted, the image will be removed.

When gaining consent, including when initially taking the photograph or when the purpose of the image has changed, the pupil, or where appropriate their parents, will be informed of the retention period pertaining to the use of the image. If the image is still on display after the retention period stated in the privacy notice used to gain consent, the school will be in breach of data protection obligations and may be subject to a fine.

Use of cameras and filming equipment by parents

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

- Remain seated while taking photographs or videos during concerts, performances and other events (or stand in a position that does not impede the view of others).
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photographs and/or videos their own children.



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- 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 (e.g. via WhatsApp groups).
- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

Use of cameras and filming equipment by pupils

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

Pupils are able to use school-owned devices to take photographs or video, but only when directed by a member of school staff as part of a lesson or school-based activity.

Pupils are not permitted to use their own mobile devices on the school site for photographs or videos.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the school's Anti-bullying Policy is always taken seriously and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

Sharing of images

All images taken by members of staff or volunteers at school or during school activities remain the property of the school and images must not be shared with anyone outside the school or held for private use.

Images of pupils will only be shared in adherence with the consent provided by parents.

Unless specific prior consent has been obtained, members of staff and volunteers will not post school images on personal pages of social networking sites or other websites.

Use of a professional photographer

If the school decides to use a professional photographer for official school photographs 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 sticker, 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 photographs.
- Not allow unsupervised access to pupils or one-to-one photography 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 photographs for any other purpose.
- Ensure that the photographer will comply with the requirements set out in the UK GDPR and the DPA 2018.



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- 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.

Policy evaluation and review

This policy will be reviewed on an annual basis by the headteacher, the DSL and the DPO. Any changes to this policy will be communicated to relevant stakeholders.

Date of last review: March 2023

Date of next review: March 2024

