

Use of Children's Images Policy

1. Legal framework

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

- The Data Protection Act 2018
- The General Data Protection Regulation
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

2. Definitions

For the purposes of this policy:

“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 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 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. The principles of the 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. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the 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. photographs of children taken for a local newspaper. The principles of the GDPR and the DPA 2018 apply to images and videos taken for media use.

3. Use of Children's Images

All staff at St Paul's C.E. Primary School are aware of concerns about the use of images of children. The Headteacher will exercise discretion in the use of any photographs/images of children which are used for internal publication.

On entry into school, parents are asked for permission for their child's photograph to be used in external and internal publications such as the school prospectus, on social media, in the press and on the website. A list is published and distributed amongst all staff, who are vigilant in ensuring that photographs of children whose parents have not granted permission are not used in such publications under any circumstances. Parents must also declare and adhere to the policy that any filming or photography is for family use and must not be sold or published.

4. School Performances and Sporting Events

At St Paul's C.E. Primary School we have taken a sensible, balanced approach, which allows parents to photograph and film their child providing they follow clear guidelines, which are:

- Any filming is for family use and must not be sold, published on websites such as YouTube and Facebook or in publications under any circumstances.

The Headteacher reserves the right to stop filming at any time if they or a colleague deems it inappropriate or obtrusive. This right is delegated to any member of staff in charge of a group of pupils.

Photographs or video may not be taken at swimming events.

5. Responsibilities

The headteacher is responsible for:

- Ensuring consent forms are supplied to parents at point of enrolment 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 and the DPA 2018.
- 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.

The DSL is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- Liaising with the DPO 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 where appropriate, are responsible for:

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

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.

6. General use of cameras

- Members of staff may be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils.
- Photos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.
- The use of personal cameras, mobile phone cameras or other recording equipment is prohibited on school premises at all times.
- Members of staff are not allowed to take school cameras or memory cards home.

7. Other school-owned devices

Staff are encouraged to take photos and videos of pupils using the school's devices; however, they may use other school-owned devices where consent has been sought from the headteacher prior to the activity.

Where school-owned devices other than digital cameras are used, images and videos will be provided to the school at the earliest opportunity and then removed from the 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

8. Storage and retention

As per the GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary.

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 DPO has been consulted.

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

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.

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.

9. Privacy notices

The school uses privacy notices with declarations attached to inform pupils and their families about how their personal data may be collected and as one method of gaining consent.

10. Sharing of images

All images taken by members of staff or volunteers at school or on school activities remain the property of the school.

Images must not be shared with anyone outside the school or held for private use.

No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent/carer.

Images may under no circumstances be emailed or shared via private e-mail accounts unless a parent has asked for a photo of their child to be sent to them.

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

11. Use of a professional photographer

If the school decides 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 identification, 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 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 photographs for any other purpose.

Ensure that the photographer will comply with the requirements set out in the 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.

12 Monitoring and review

This policy will be reviewed on an annual basis by the headteacher in conjunction with governor body. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.