



The Holt School

Photography and Videos at School Policy

May 2018

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1	May 2018	New policy – GDPR compliant

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Contents:

Statement of intent

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Parental consent
5. General procedures
6. Additional safeguarding procedures
7. School-owned devices
8. Use of a professional photographer
9. Permissible photography and videos during school events
10. Storage and retention
11. Monitoring and review

Appendix

- a) Consent Form

Statement of intent

At The Holt School, we use imagery and videos for a variety of purposes, including school records, 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.

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 a 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.

1. Legal framework

- 1.1. This policy has due regard to 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
 - The School Standards and Framework Act 1998
 - The Children Act 1989
 - The Children Act 2004
 - The Equality Act 2010
- 1.2. 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'
 - Information Commissioner's Office (2014) 'Taking Photographs in Schools'
- 1.3. This policy also has due regard to the school's policies, including, but not limited to, the following:
 - SEN Policy
 - Behaviour for Learning Policy
 - GDPR Data Protection Policy

2. Definitions

For the purpose of this policy:

- 2.1. **"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 do not apply to images and videos taken for personal use.
- 2.2. **"Official school use"** is defined as photography and videos which are used for school purposes, e.g. for staff passes. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR therefore apply to images and videos taken for official school use.
- 2.3. **"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. As long as the school has agreed to this, and the children and/or their guardians

are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act.

- 2.4. Staff may also take photos 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 and the school archives. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

3. Roles and responsibilities

- 3.1. The Co-Headteachers are responsible for:.

- 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.

- 3.2. The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC pupils.
- Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
- Informing the Co-Headteachers 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.

- 3.3. Parents are responsible for:

- Providing their initial consent via SIMS Parent
- Informing the school via SIMS Parent where there are any changes to their consent.
- Acting in accordance with this policy.

- 3.4. 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, in regards to 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.

4. Parental consent

- 4.1. The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 4.3. Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- 4.4. 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.
- 4.5. Where a child is under the age of 16, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.
- 4.6. If the law provides it, children as young as 13 may be permitted to provide consent to the processing of their data.
- 4.7. All parents will be invited to review their consent on an annual basis which will determine whether or not they allow their child to participate in photographs and videos.
- 4.8. Consent will be valid unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent will be required if the pupil's circumstances change.
- 4.9. If there is a disagreement over consent, or if a parent 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 whose parents have not consented.
- 4.10. All parents are entitled to withdraw or change their consent at any time during the school year.
- 4.11. 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.
- 4.12. 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.

- 4.13. A list of all the names of pupils for whom consent was not given will be included by the Data Manager on the nominal roll whenever produced and will be available to all staff members when needed.
- 4.14. If any parent 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.

5. General procedures

- 5.1. Photographs and videos of pupils will be carefully planned before any activity.
- 5.2. A member of SLT will oversee the planning of any events where photographs and videos will be taken.
- 5.3. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Co-Headteachers will liaise with the DSL to determine the steps involved.
- 5.4. When organising photography and videos of pupils, the Co-Headteachers, 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?
- 5.5. Prior to any photos being taken 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. Pupils will be asked to identify themselves if they are unable to be in a photo as consent has not been given
- 5.6. The staff members involved, alongside the Co-Headteachers and DPO, will liaise with the DSL if any LAC pupil, adopted pupil, or a pupil for whom there are security concerns is involved. (see section 6 of this policy)

- 5.7. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.8. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.9. The school will not use images or footage of any pupil who is subject to a court order.
- 5.10. The school will not use photographs of children or staff members who have left the school, without parental consent.
- 5.11. Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.12. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

6. Additional safeguarding procedures

- 6.1. 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.
- 6.2. The DSL will, in known cases of a pupil who is an LAC or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.
- 6.3. Any measures required will be determined between the DSL, social worker, carers and adoptive parents with a view to minimise 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
 - Photos 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 photos or videos can be taken at any time, for any purposes
- 6.4. Any outcomes will be recorded on SIMS and the list outlining which pupils are not to be involved in any videos or photographs will be updated accordingly.

7. School-owned and staff-owned devices

- 7.1. Staff are encouraged to take photos and videos of pupils using school equipment; however, they may use their own/other equipment where consent has been sought from the Co-Headteachers prior to the activity.
- 7.2. Where staff-owned devices are used, images and videos will be provided to the school at the earliest opportunity, and removed from the staff-owned devices.

- 7.3. 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.
- 7.4. Digital photographs and videos held on the school's drive are accessible to staff only and photographs and videos are clearly labelled.

8. Use of a professional photographer

8.1. If the school decides to use a professional photographer for official school photos and school events, the Co-Headteachers 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 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 GDPR.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for any other anything other than the purpose indicated by the school.

9. Permissible photography and videos during school events

9.1. If the Co-Headteachers permits parents to take photographs or videos during a school event, parents will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photographs or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video.

- 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 photographs and/or videos if and when requested to do so by staff.

10. Storage and retention

- 10.1. **Official School Use** images obtained by the school are held on SIMS alongside other personal information and will not be kept for longer than necessary and will be deleted in accordance with the school's Records Management Policy.
- 10.2. Images taken for '**media use**' or '**educational purposes**' will be deleted after seven years or retained for the schools archives.
- 10.3. Some educational records relating to former pupils of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.
- 10.4. Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and they will not be used other than for their original purpose, unless permission is sought from the Co-Headteachers and parents of the pupils involved and the DPO has been consulted.
- 10.5. The **DPO** will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted.
- 10.6. 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.
- 10.7. Where a pupil's security risk has changed, the DSL will inform the Co-Headteachers 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 to their parents or by shredding, as appropriate.

11. Monitoring and review

- 11.1. This policy will be monitored and reviewed on a biennial basis, or in light of any changes to relevant legislation by the DPO and the Co-Headteachers.
- 11.2. The next scheduled review date for this policy is May 2020.

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