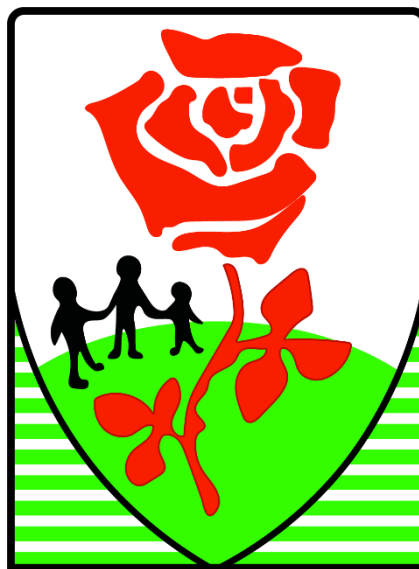


# Rosehill School

## Photography Policy



<b>Policy lead:</b>	<b>Headteacher and Deputy Designated Safeguarding Lead</b>
<b>Date written:</b>	<b>January 2023</b>
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## **Statement of intent**

At Rosehill School, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, training 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 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 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 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
- 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'
- 1.3. This policy also has due regard to the school's policies including, but not limited to, the following:
  - Social Media Policy
  - GDPR Data Incidents and Breaches Policy
  - Child Protection and Safeguarding Policy
  - Pupil Friendly Safeguarding Policy
  - Anti-Bullying Policy
  - E-Safety Policy
  - Staff Code of Conduct
  - Disciplinary Policy
  - Staff and Volunteer Confidentiality agreement
  - Remote Learning Policy
  - Pupils IDevices Policy- Including Pupil Acceptable Use Agreement
  - Staff ICT and IDevices Policy- Including Staff Acceptable Use Agreement

## 2. Definitions

### For the purposes of this policy:

- 2.1. **"Camera"** is used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to be take photographs.
- 2.2. **"Personal use"** of photography and videos is defined to 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.

- 2.3. “**Official school use**” is defined as photography and videos which are used for school purposes, e.g. for identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use.
- 2.4. “**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 apply to images and videos taken for media use.
- 2.5. 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 and assessment. The principles of the GDPR apply to images and videos taken for educational purposes.

### 3. Responsibilities

- 3.1. The Headteacher is responsible for:
  - 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.
- 3.2. The designated safeguarding leads (DSLs) are responsible for:
  - 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 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.
- 3.3. Parents are responsible for:
  - Completing the Consent Form on an annual basis.
  - Informing the school in writing if they wish to make 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.
  - 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 on photographs and videos at school.
- 3.5. Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the Headteacher and the Deputy Designated Safeguarding Lead.

## **4. Consent**

- 4.1. 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 written consent.
- 4.2. 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.
- 4.3. Over the age of 13, except in exceptional cases, pupils may provide consent.
- 4.4. Parents and pupils are required to be aware that their child 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.
- 4.5. The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.6. 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.
- 4.7. 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.

- 4.8. 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.
- 4.9. 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.
- 4.10. Parents or pupils withdrawing their consent must notify the school in writing.
- 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 a 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 has been given will be created by the DPO and will be circulated to all staff members. This list will be updated annually or when new consent forms are provided.

## **5. General procedures**

- 5.1. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Headteacher will liaise with the DSL to determine the steps involved.
- 5.2. When organising photography and videos of pupils, the Headteacher, 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?

- 5.3. 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.
- 5.4. School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in section 7 of this policy.
- 5.5. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.6. The school will not use images or footage of any pupil who is subject to a court order.
- 5.7. The school will not use photographs of children or staff members who have left the school, without parental consent.
- 5.8. Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.9. 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 a 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, DPO and adoptive parents 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
  - 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 communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held in the school office, will be updated accordingly.

## **7. School-owned devices**

- 7.1. Staff are to take photos and videos of pupils using school equipment only.

- 7.2. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.
- 7.3. Photographs and videos taken by staff members on school visits may only 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. 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.

## **8. General use of digital cameras**

- 8.1. Members of staff may be provided with a camera to record and maintain pictorial evidence of lessons, behaviour, activities and events related to their pupils.
- 8.2. Photos may only be taken for educational purposes and in “school or educational provision settings” as mentioned above.
- 8.3. **The use of personal cameras, mobile phone cameras or other recording equipment is prohibited on school premises at all times.**
- 8.4. The school cameras are located in the locked cabinets. Members of staff are responsible for making sure that the cameras are locked away after use in the filing cabinet at the end of the day.
- 8.5. Each camera will be clearly numbered/labelled or identified as belonging to the school/member of staff.
- 8.6. Members of staff are not allowed to bring in personal cameras without prior permission from the Headteacher. 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 immediately after use.
- 8.7. Members of staff are not allowed to take school cameras or memory cards home.
- 8.8. Cameras are not permitted to be taken into the toilet/or swimming pool/changing area. 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.
- 8.9. Members of staff and the school community are 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 DSL.



- 8.10. The school is not responsible for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the borrower/member of staff.

## **9. Storing and retention**

- 9.1. Images obtained by the school will not be kept for longer than necessary.
- 9.2. Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.
- 9.3. 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.
- 9.4. 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.
- 9.5. 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.
- 9.6. Images taken on the camera must be downloaded as soon as possible on to a school computer/laptop, ideally once a week.
- 9.7. 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.
- 9.8. 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.
- 9.9. 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.
- 9.10. 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.

## **10. Appropriate use of images under GDPR**

- 10.1. 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.

### **Photographs used in identity management**

- 10.2. 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 it is no longer needed for the purpose for which it was held.

#### **Photographs used for marketing purposes**

- 10.3. Photographs will not be used for marketing purposes unless the school has specific consent for the images and the images are only used in line with the consent provided.

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

- 10.4. 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, we will obtain the pupil's permission. If permission is not granted, the image will be removed.

### **11. Sharing of images**

- 11.1. All images taken by members of staff or volunteers at school or on school activities remain the property of the school.
- 11.2. Images must not be shared with anyone outside the school or held for private use.
- 11.3. No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent/carer.
- 11.4. 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.
- 11.5. 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.

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

- 12.1. 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 complies with the requirements set out in GDPR.
- **Ensure that there is no confidential information or photographs in the background.**
- 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.

### **13. Permissible photography and videos during school events**

13.1. At Rosehill we permit parents/carers to take photographs or videos during a school event. Any parent/carer taking photos agree to the following conditions of use:

- Comply with the General Data Protection Regulation 2018, by ensuring 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.**
- There are children and young people attending the event who cannot have their photographs shared.
- 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 and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording videos.
- 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.
- **If their child is engaging in home learning, parents/carers must ensure that no live virtual learning sessions are recorded.**

## **14. Monitoring and review**

- 14.1. This policy will be reviewed on an annual basis by the Headteacher and the DPO.
- 14.2. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

## Staff Agreement Form

I will not use personal digital cameras or camera phones for taking and transferring images of pupils or staff without the Headteacher's permission and will not store images at home.

I understand that it is my responsibility to ensure that I have read and understood the school's policy with regard to the use of digital cameras in school and I agree to follow by the above requirements.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Full name \_\_\_\_\_ (printed)

Job title \_\_\_\_\_

### Authorising signature (Headteacher)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Full name \_\_\_\_\_ (printed)

## Photography and video parental consent form

This form explains the reasons why and how Rosehill School may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

Name of pupil:	
Name of parent:	
Year group and class number:	

Why do we need your consent?

We request the consent of parents on an annual basis to use images and videos of their child for a variety of different purposes.

Without your consent, the school will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the school will abide by the conditions you outline in this form.

### Why do we use images and videos of your child?

We use images and videos of pupils as part of school displays to celebrate school life and pupils' achievements; to promote the school on social media and on the school's website; and for other publicity purposes in printed publications, such as newspapers.

Where the school uses images of individual pupils, the name of the pupil **will not** be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil **will not** be used to accompany the text.

If, for example, a pupil has won an award and their parent would like their name to be published alongside their image, **separate consent** will be obtained prior to this.

We may take images or videos of individual pupils and groups of pupils to use on social media, the school website, in school prospectuses and other printed publications, such as a newsletter.

### Who else uses images and videos of your child?

It is common that the school is visited by local media and press who take images or videos of school events such as sports days. Pupils will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

The following organisations may use images and videos of your children:

- **Rosehill School**
- **Local Authority**
- **The Nottingham Evening Post**

Where any organisations other than those above intend to use images or videos of your child, **additional consent** will be sought before any image or video is used.

### What are the conditions of use?

- This consent form is valid for the current 2020/2021 academic year.
- It is the responsibility of parents to inform the school, in writing, if consent needs to be withdrawn or amended.
- The school will not use the personal details or full names of any pupil in an image or video on our website, in our school prospectuses or any other printed publications.
- The school will not include personal emails or postal addresses or telephone numbers on images or videos on our website, in our school prospectuses or any other printed publications.
- The school may use group or class images or videos with general labels, e.g. 'sports day'.
- The school will only use images and videos of pupils who are suitably dressed, i.e. it would not be suitable to display an image of a pupil in swimwear.
- The school will take class/individual images of your child, taken by a professional photographer which are available to purchase annually.

### Providing your consent

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criterion.

The school will **only** publish images and videos of your child for the conditions that you provide consent for.

I provide consent to:	Yes	No
Photographing and videoing my child		
Using images/videos of my child on the school website.		
The local media using images/videos of my child to publicise school events and activities ( <b>only</b> including the organisations outlined above).		
Using images of my child in marketing material, e.g. the school brochure and prospectus.		
Sharing my child's data with a school-appointed external photography company for official school images. This includes the following: <ul style="list-style-type: none"> <li>• Name</li> <li>• Class</li> <li>• Roll number</li> </ul>		

### Refreshing your consent

This form is valid for the entire academic year, XXXX – it will be updated on an annual basis. Parents are required to fill in a new form for their child every academic year.

Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used
- Changes to parental consent, e.g. amending the provisions for which consent has been provided for

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Headteacher. A new form will be supplied to amend your consent accordingly.

### **Withdrawing your consent**

Parents have the right to withdraw their consent at any time. Withdrawing your consent will not affect any images or videos that have been shared prior to withdrawal.

If you would like to withdraw your consent, you must submit your request in writing to the Headteacher.

### **Declaration**

I, \_\_\_\_\_ (name of parent), understand:

- Why my consent is required.
- The reasons why Rosehill School uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the school uses images and videos of my child.
- I have provided my consent above as appropriate, and the school will use images and videos of my child in line with my requirements.
- Consent is refreshed on an annual basis.
- I can amend or withdraw my consent at any time and must do so in writing to the Headteacher.
- By signing this consent, I agree to follow the school's policy for taking photos / videos at school events as per section 13 of the Photography Policy above.

Name of parent: \_\_\_\_\_

Signature: \_\_\_\_\_

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



If you have any questions regarding this form, please do not hesitate to contact the Headteacher via the school office.