



Inspiring and Nurturing Lifelong Learners

ELMGROVE PRIMARY SCHOOL AND NURSERY

Photography, video and use of images policy

October 2020

Next review: October 2022

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1 Introduction

Elmgrove Primary School and Nursery (known hereafter as 'Elmgrove') will often use images and videos for a variety of purposes, not limited to our website, education purposes, promotion, classroom displays etc. We also recognise that parents or guardians may also wish to take videos or photographs of their own children participating in school events for their own personal use.

In recognising the benefits of using images, Elmgrove also appreciate the risks that this can bring. Additionally, we are aware of the obligations that the General Data Protection Regulations (GDPR) places upon us, specifically around the use of how photos and videos are taken, used and retained.

We have chosen to implement this Policy to ensure the safe use of cameras and videos by the School, our staff and parents, guardians or close relatives, to ensure compliance with necessary laws and to prevent the misuse of such images. At all times those involved with taking photos and videos should ensure that their actions follow this Policy.

For clarity, this Policy is broken up into three distinct type of image use:-

- Personal Use
- Official Use
- Media Use

2 Personal Use

Parents (including guardians and close relatives) are generally permitted to take photos and videos of their own children taking part in our events (i.e. sports events, concerts etc.). Confirmation that parents are permitted to take photos and videos will be given by the Headteacher/Event Organiser or will be communicated to you in advance of the event. At any point in time, the School reserves the right to withdraw the ability to film or take photographs, at individual events or across the board, should there be any emerging Data Protection, privacy or safeguarding concerns.

The School expects all parents to:-

- Ensure, wherever possible, that filming/photos are restricted to their own child
- Have respect for the performing children and other parents wishing to take images
- Avoid flash photography in indoor settings
- wherever possible, do not take photographs of other pupils without the prior agreement from that pupil's parents
- Ensure that images are for personal use only and should not be shared via social media or uploaded elsewhere
- Ensure that all photos and videos are appropriate and are not upsetting or embarrassing to the pupils in any way

We may on occasion engage professional photographers or film companies to capture images professionally to record events (including plays and concerts). In which case, copies will be made

available for purchase for domestic use only and should not be further disseminated by the internet or on social media. If the school is considering the engagement of such services, parents will be advised in advance of the intention of such recordings.

3 Official Use

3.1 SCOPE

Official use is defined as photography and videos which are used for a variety of uses by Elmgrove, these include use in terms of publicity, internal use such as display boards or for security and identification purposes. As these images lead to (or are likely to lead to) identification of individuals, the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 will apply. This is particularly apparent in the cases of photos and videos of small groups and individuals. It is not anticipated that these rules will apply to crowds (see Section 3.5.2) where individuals cannot be identified. This Policy covers Official Use in respect of pupils, plus others within our setting, such as teachers and other employees. Where identifiable images are to be used for publicity purposes, this is based upon the basis of consent.

3.2 PRINCIPLES OF CONSENT

We recognise that consent must be sought for the use of identifiable images for both pupils and adults. Consent must be freely given, specific, informed, unambiguous and regularly updated. Consent will be sought from adults themselves or the parents, guardians, close relatives etc. (known hereafter as 'parents') of pupils. In seeking consent, the forms at Appendix 1 (for pupils) and Appendix 2 (for adults) should be utilised. The forms will determine whether there is permission for use of photos or videos for specific purposes. Consent is valid for the whole time the child is registered at the school. Should the parent or the adult withdraw their consent or become engaged in a dispute over the consent, we will cease the use of that image and remove it from any places where it has been used. A list of all the names of pupils and adults for whom consent has not been given will be circulated to all staff members. This list will be updated as and when consent is given or withdrawn, or when safeguarding risks emerge.

3.3 USE AND STORAGE OF IMAGES

The School should only utilise images for publicity purposes for which it has consent. Historic images from previous academic years may be used, as long as there is still valid consent from the parent or adult. Other images may be used without consent but these should only be for the purpose of:-

- identifying and monitoring staff for security and health & safety purposes (i.e. production of photo ID badges, CCTV etc.) or
- internal classroom displays for educational purposes.

For more information you may wish to see our CCTV Policy.

In order to avoid allegations, staff must take photos and videos on school owned equipment authorised by the Headteacher. Under no circumstances will staff be permitted to take images on their own devices. As soon as the staff member has finished their photography or recording, they must transfer the images to the School's Image Bank. The Image Bank is accessible only to those staff who need access to it.

If images need to be shared with third parties or taken off-site (i.e. for professional printing), due diligence will be undertaken and safeguards implemented to ensure the security and appropriate processing of the images. Such solutions include, but are not limited to:-

- Data Processor agreements with any 3rd parties working on our behalf
- Encrypted transfers, such as secure email, encrypted USB sticks etc.
- Mandated deletion after the images have been processed

3.4 IMAGE DELETION AND REVIEWS

Where there is no valid consent or alternative legal basis, images should be deleted from the Image Bank and from any places in which they appear. In the event of dispute regarding the existence or the validity of consent, we will take a pragmatic view and assume that consent is not present and arrange for deletion.

All images will be reviewed on an annual basis. Where their purpose has elapsed, they will be deleted. In the event that a pupil or an adult has left our school, as a default images will be deleted after 12 months.

3.5 GENERAL PRINCIPLES

3.5.1 *Looked after children*

For any pupils which are looked after children, or are adopted, the School's Designated Safeguarding Lead will liaise with the pupil's Social Worker, foster carers or adoptive parents to establish whether consent should be sought. Appropriate consideration to the risks of identification and to security should be undertaken before accepting such consent.

3.5.2 *Images of crowds*

Where an image does not focus upon a sole individual or a group of individuals, it is unlikely that this will constitute personal data as the individuals cannot be identified. Accordingly, Data Protection legislation does not apply. There is no obligation upon the School to establish a legal basis for processing non-identifiable images and consent will not be necessary.

However, even in relation to crowds, it is the School's approach that individuals are notified that images may be taken. This can be either with an announcement at the beginning of the event, in the preliminary publicity or via the placement of posters that images may be captured by the School.

3.5.3 *Safeguarding*

The School's Designated Safeguarding Lead, with the support of the deputies, will be responsible for identifying pupils which are subject to child protection concerns. We will not use images which would put pupils at further risk.

3.5.4 *Accompanying text*

Under no circumstances will the school use a pupil or an adult's full name to accompany an image. On occasions the school may choose to use a name and the classes that they are current in/working with (i.e. Mrs Smith, Teacher of Year 6 or Alison, pupil Year 3). Image files will be appropriately named and tagged so they do not contain additional information such as full names which could be picked up by screen readers or looking at the source code of websites.

3.5.5 *Respecting the pupil's wishes*

Even when parents have given their consent, we will still check with the pupil to ensure that they are happy to be photographed or filmed before we do. If the pupil is uncomfortable or distressed by the situation no images will be captured.

3.5.6 *Suitability of images*

No images should be taken of pupils which are deemed to be inappropriate. Pupils engaging in non-public activities such as toileting, changing clothes as part of a play, or which show body parts or flesh which is not usually visible in public settings (i.e. wearing swimwear) should not have their images taken. As a general rule, pupils should be fully clothed and if not, non-identifiable and out-of-focus group shots from a far distance away the activity (i.e. Sports Day) should be taken instead.

3.5.7 *Use of professional photographers and film makers*

In the event that professional photographers or film makers are used, they are permitted to use their own equipment, but the School will have a Data Processor Agreement in place with them to regulate the appropriate recording, use, storage and security of such images. They will also be expected to comply with the requirements of this Policy and will be subject to a DBS check. This Policy does not impact upon Annual School Photograph services.

3.5.8 *Pupils taking images*

In order to support learning, there will often be occasions whereby pupils are required to take their own images. Prior to such activity, pupils will be taught how to take photographs and video appropriately. They will also be advised to respect the wishes of other pupils. Throughout such activity pupils will be closely supervised to ensure appropriate usage. Pupils will only use school supplied equipment and not personal equipment for this purpose. The School reserves the right to use such images captured by pupils for internal classroom display purposes, but it may also use such images for publicity purposes where valid consent is present.

3.5.9 *Webcams*

Webcams are not currently used to support the education of pupils. If this should change, consent will be sought.

4 Media Use

The School will notify parents prior to any images or video being taken by the media and, where possible, this will be done in advance. Where permission has previously been refused by the parent, the School will make every effort to ensure that the pupil is not photographed or filmed by the media. In order to support these images, the media may request the names of the pupils to accompany these. Names and associated information such as ages or classes will only be shared where consent for images for media use has been specifically given.

Appendix 1: Consent form covering pupils which is found in the admissions document

Full Name of Pupil:	
Date of Birth	
Name of Parent/Guardian:	

Elmgrove Primary School and Nursery requires your consent to use images and videos of your child for a variety of different purposes. In the absence of consent, we cannot not use images and videos which identify your child. We use images and videos of pupils to publicise and celebrate the school. Often this will be via our website, on Social Media or via the local media. Where we use images of individual pupils, the full name of the pupil will not be disclosed. We may also use images of work created by our pupils.

This consent form is valid until your child leaves the school. It is the responsibility of parents to inform us if your consent has been withdrawn, or the terms of your consent has been amended. It is advised that you read the School's Use of Images Policy and Video Conferencing Policy throughout. We will only use photos or videos which identify your child for the purposes you have consented.

I consent to the following (<i>please tick</i>):	Yes	No
Using images of my child on the School's website		
Using videos of my child on the School's website		
Using images of my child on social media (i.e. YouTube, Twitter, Facebook, Instagram etc.)		
Using videos of my child on social media (i.e. YouTube, Twitter, Facebook, Instagram etc.)		
Providing images of my child to the local media to publicise School events		
Providing videos of my child to the local media to publicise School events		
Using images of my child for marketing material, such as brochures, prospectuses, event calendars etc.		
Using images and video of my child for educational purposes in the school e.g assemblies, display boards, as part of projects		
My child can use video conferencing platforms for educational purposes		
Using images of my child on video conferencing platforms e.g photographs during presentations		
Using videos of my child on video conferencing platforms e.g as part of a video during presentations		

In relation to parents/guardians:

Me or my representative's image can be used in school.		
Me or my representative's image can be used on the school website		
Me or my representative's image can be used on social media platforms		
Me or my image can be used on video conferencing facilities		

Following consultation with parents, The Governing Body has decided that photographs and video recordings may be taken by parents at school events such as concerts and sports days. If you have any concerns about this, please see the Headteacher.

I am aware that other parents may photo/video their child and during this time, my child, myself or my representative (e.g grandparent, friend) may also be recorded.

Should you wish to withdraw your consent or amend the preferences outline above, please speak to the school office. You have the right to withdraw or amend your consent at any time.

Signed:

Name of parent:

Signature:

Date:

If you have any questions about this form or the Use of Images Policy and Video Conferencing Policy, please contact the Deputy Head

Appendix 2: Consent form for staff

Name of Individual:	
Role:	

Elmgrove Primary School and Nursery requires your consent to use images and videos of you for a variety of different purposes. In the absence of consent, we cannot not use images and videos which identify you. We use images and videos to publicise and celebrate the School. Often this will be via our website, on Social Media or via the local media. Where we use images of individuals, full names will not be disclosed.

This consent form is valid until you leave the school. It is your responsibility to inform us if you wish to withdraw or change the terms of your consent. It is advised that you read the School's Use of Images Policy and the Video Conferencing Policy throughout. We will only use photos or videos for the purposes you have consented.

I consent to the following (<i>please tick</i>):	Yes	No
Using my image on the School's website		
Using videos of me on the School's website		
Using images of me on social media (i.e. YouTube, Twitter, Facebook, Instagram etc.)		
Using videos of me on social media (i.e. YouTube, Twitter, Facebook, Instagram etc.)		
Providing images of me to the local media to publicise School events		
Providing videos of me to the local media to publicise School events		
Using images of me for marketing material, such as brochures, prospectuses, event calendars etc.		
Using images of me on video conferencing platforms e.g photographs during presentations		
Using videos of me on video conferencing platforms e.g as part of a video during presentations		

Should you wish to withdraw your consent or amend the preferences outline above, please speak to Cherise Cronk, School Business Manager. You have the right to withdraw or amend your consent at any time.

Signed:

Name:

Signature:

Date:

If you have any questions about this form or the Use of Images Policy or the Video Conferencing Policy, please contact the Deputy Head.