

The Grange Primary School

Policy for Photographs and Videoing/Filming on the School premises as well as the Safe Use of Children's Photographs.

This policy is written taking into account the practical advice to schools on how to obtain, use and handle images of people, appropriately and lawfully in accordance with *The Data Protection Act 1998*.

This policy applies to the collection and use of images of any person who can be identified, whether they are a pupil, teacher, other employee, governor, visitor or parent.

For the purposes of this policy, an **image** is a still or moving picture of a person or object which can be identified.

Complying with the Data Protection Act

The *Data Protection Act 1998* protects information which is about living and identifiable individuals - this is known as **personal data**.

The *Data Protection Act* (DPA) provides a framework which balances the legitimate needs of organisations to collect and use personal data, against the right of individuals to respect the privacy of their personal details.

The DPA has a set of eight common-sense principles, which help organisations understand how to use personal data properly.

When the school or anyone on its premises captures an image, whether it is by camera, CCTV, video, web camera or mobile phone, and that person can be identified via the image, then the image is likely to be considered personal data. This means that the image must be processed in line with the data protection principles. Processing means anything that is done to the image for example recording it, using it or sharing it.

More information about the data protection principles can be found on the Information Commissioner's Office website at www.ico.gov.uk

Introduction

Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and the local community identify and celebrate the school's achievements.

However, photographs must be used in a responsible way. Schools need to respect childrens', parents' and staff's rights of privacy and be aware of potential child protection and other issues, including those of a malicious nature.

At The Grange Primary School every reasonable effort will be made to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs.

This policy applies to the use of photographs in school publicity materials, on its website and in the press and ***the expectations of the community on our premises.***

This policy reflects the consensus of opinion of the staff and governing body of The Grange Primary School. Its implementation is the responsibility of all staff. Parents and visitors will be made aware of this policy via the website.

Child and Staff Protection

There may be a risk when individual pupils or staff can be identified in photographs or via property without consent. For that reason the governing body of The Grange Primary School have developed this policy to make every effort to minimise risk.

In the event of the inappropriate use of children's and staff photographs and property, the Headteacher will inform the local Child Protection Officer and Social Services and / or the Police.

Data Protection Act 1998

Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. Therefore, using such images for school publicity purposes requires the consent of either the individual concerned or in the case of pupils, their legal guardians.

In addition to the Data Protection Act 1998, The Grange Primary School also adds to this statement, ***pupils and staff property under the classification of 'personal'***. The Grange Primary School will not display images of pupils or staff (or their property) on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

Where photographs are taken at an event attended by large crowds, this is regarded as a public area so it is not necessary to get permission of everyone in a crowd shot. The Data Protection Act does not apply to photographs or films taken for personal use by family and friends. ***However, if a parent/guardian wishes to take a photograph of their child, this has to be of their child only.*** If there are other children they would like to include in a photograph, the permission of the other child/children's parent/guardian must be sort and the school informed prior to the photograph being taken.

Appropriate Use of Images in School Publicity Materials

The staff and governors of The Grange Primary School will:

- ensure that images are stored securely and used only by those authorised to do so;
- ensure that electronic images are stored on a secure network to which members of the public have no access;
- not use an image of any child or staff who is subject to a court order;
- secure parental consent for the use of children's photographs;
- ensure that children are appropriately dressed – a minimum of a vest/shirt and shorts.

School Website

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff and governors of The Grange Primary School are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. The governors will seek the consent of parents regarding the use of images on the Internet. Children's names will not be included in photographs of children published on the school website.

The Press

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children. Pupils must not be approached or photographed while at school without the permission of the school authorities.

There is no breach of the Data Protection Act 1998 in passing on a child's name to a journalist as long as parental consent has been secured.

The Grange Primary School will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian have provided their consent.

Filming Events

It is usual for parents to wish to take photographs and videos of children at school events such as the annual Nativity Play and Sports Day. At The Grange Primary School, due to the context of our school, taking photograph and videos/filming during school events such as the annual Nativity Play and Sports Day IS NOT ALLOWED. ***However, if a parent/guardian wishes to take a photograph (NOT VIDEO OR FILMING) of their child, this has to be of their child only.*** If there are other children they would like to include in a photograph, the permission of the other child/children's parent/guardian must be sort and the school informed prior to the photograph being taken. Any objections to this policy should be addressed to the Headteacher or Head of School. The school is however allowed to take photographs or film such events for publicity, information (eg in it's prospectus/brochure) and celebratory purposes. Again, any child without consent will not be included or will be blurred out so as not to be identifiable.

On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event and will be given the option to opt out.

In some circumstances it may be necessary for the school to take photographs or videos of incidents that may be used as evidence in cases involving behaviour, e.g damage to school property, injury to an adult caused by a pupil or injury caused by a pupil to another pupil. These will be kept within the pupil's individual folder.

Where a commercial photographer is used, the school will follow the NSPCC guidelines which are as follows:

- Schools should provide a clear brief about what is considered appropriate in terms of content and behaviour;
- Schools should issue the photographer with identification which must be worn at all times;
- Schools should let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs;
- Schools should not allow unsupervised access to children or one-to-one photo sessions at home;
- Schools should not approve / allow photo sessions outside the event or at a child's home.

If children, parents or staff have any concerns about inappropriate or intrusive photography, they should report them to the Headteacher, Head of School or Pastoral Manager who would report them in the same manner as any other child protection concern.

If schools or parents have concerns regarding the use of filmed images by television companies they should contact the Office of Communication (Ofcom). Any objections to this policy should be addressed to the Headteacher.

Camera Phones in Schools

Concerns have been expressed about the risks posed directly and indirectly to children and staff through the use of camera phones on school premises.

In order to minimise risk at The Grange Primary School:

- Staff – refer to the Mobile Phone Policy
- Children – refer to the Mobile Phone Policy
- Visitors will be advised of the ban on the use of camera phones in school and, wherever possible, will be accompanied by a member of staff during the duration of the visit, this school has signage relating to the prohibition of photographs and videoing.

Parental Consent

The governors of The Grange Primary School will seek the consent of parents / guardians regarding the use of photographs and videos/films of children. The consent will include agreement on:

- How and where the photographs will be used and the period of consent.
- The consent form in Appendix A refers to the areas covered in this policy.

Data subjects' rights

Individuals have several rights under the **Data Protection Act** in relation to how their information is processed.

These rights include the right to:

- request a copy of the personal data (including images) held about them; this is known as a Subject Access Request (Section 7 of the DPA)
 - prevent their personal data being used in a way which causes them unwarranted damage or distress (Section 10 of the DPA)
 - prevent their personal data being used for direct marketing purposes (Section 11 of the DPA)
 - compensation if they have suffered damage as a result of their personal data not being processed in accordance with the DPA (Section 13 of the DPA)
- have inaccurate or misleading information held about them corrected or destroyed (Section 14 of the DPA).

If a school decides the photographs are required for historical purposes, for example in the case of class or year group photographs, these can be retained indefinitely.

Monitoring and Review

Our policy and practices are regularly reviewed by staff and Governors.

This policy is to be read in conjunction with the school's Safeguarding and Child Protection, Use of ICT/Computing and E-Safety, Mobile Phone, CCTV, Behaviour and Discipline policies.



APPENDIX A: CONSENT FORM for use of photographic images or film footage

To: Name of the child's

Parent(s) or Guardian:

Name of child:

School:

Occasionally, we may take photographs of the children at our school. These images may be used in our school prospectus, in other printed publications that we produce, on our school website, or on project display boards in school. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

Occasionally our school may be visited by the media who will take photographs or film footage of a high profile event, or to celebrate a particular achievement. Pupils will often appear in these images, which may appear in local or national newspapers or on televised new programmes. (See over/Conditions of Use for more information on use of images by the media).

In order that we can protect your child's interests, and to comply with the Data Protection Act 1998, please read the Conditions of Use on this form before answering questions 1-4 below and signing and dating this form. Please return the completed form (one for each child) to school as soon as possible.

The Grange Primary School

FULL NAME OF PUPIL:

I agree to my pupil having their photograph taken at school and it being used for displays or in the school brochure { }

I agree to my child's photograph and name being published by the press or used on the school website { }

I agree to my child using the Internet at school { }

I agree to my child taking part in Blogging at school { }

I agree to my child taking part in Video Conferencing at school { }

Please tick the boxes as appropriate.

Please note conditions of use on the back of this form.

I have read and understand the conditions of use attached to this form.

Parent's or Guardian's signature:.....

Name (block capitals please):.....

Date:

CONDITIONS OF USE

1. This form is valid for the period of time your child attends this school. Your consent will automatically expire after this time.
2. The school will not use the personal details or full names (which means first name and surname) of any child or adult in a photographic image, on video, on our website, in the school prospectus or in any of our other printed publications; if it does, it will do so with your consent.
3. The school will not include personal e-mail or postal addresses or telephone or fax numbers on video, on our website, in our school prospectus or in other printed publications.
4. If we use photographs of individual pupils, we will not use the full name of that child in any accompanying text or caption; if it does, it will do so with your consent.
5. If we use the full name of a pupil in text, we will not use a photograph of that child to accompany the article.
6. We may include pictures of pupils and staff that have been drawn by pupils. We may use group or class photographs or footage with very general labels, such as 'a science lesson'.
7. We will only use images of pupils who are suitable dressed.
8. Parents should note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.

Notes on Use of Images by the Media

If you give permission for a child's image to be used by the media then you should be aware that:

The media will want to use any printed or broadcast media pictures that they take alongside the relevant story;

It is likely that they will wish to publish the child's name, age and the school name in the caption for the picture (possible exceptions to this are large group or team photographs); It is possible that the newspaper will re-publish the story on their website, or distribute it more widely to other newspapers or media organisations.