



## USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN POLICY

**THIS POLICY APPLIES TO ALL TRUST SCHOOLS**

**Document Management:**

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# USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN

## STATEMENT OF INTENT

The Bishop Hogarth Catholic Education Trust use images and videos for a variety of purposes, including 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 GDPR and the Data Protection Act (DPA) 2018, 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.

## 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

This policy has been created with regard to the following guidance:

- ICO (2018) 'Guide to the General Data Protection Regulation (GDPR)'

This policy also has due regard to the school's policies including, but not limited to, the following:

- Data Protection Policy
- Information Security Policy
- Safeguarding Policy

There will be occasions during the school year where parents/carers and the school will wish to take photographs or make a video recording of their child/children taking part in a school activity.

These activities may include assemblies, school performances, sports days, educational visits, the daily life of school or wider partnership events such as those organised by the Bishop Hogarth Catholic Education Trust, other schools or the local authority.

These images may be used for use in the local media.

In order for the Trust to ensure that as far as possible parents/carers and schools use of photography and video is safe, we will ensure the following guidelines are followed.

- (i) When a pupil is admitted to a school, issue parent/carers with a letter and consent form (**Appendix 1**) giving written permission for photographs to be taken of their child/children while in school or involved in school activities. This policy and consent will cover the whole of the pupil's life at the school.

- (ii) The school will not use photographs or videos of children who are no longer pupils at the school, unless separate specific consent has been obtained to cover the intended use. The school will at all times consider the need to revisit the consent in the event of a pupil's circumstances changing.
- (iii) Photography or filming will only take place with the permission of the Headteacher and under the supervision of a member of staff. When filming or photography is carried out by the news media, pupils will only be named if there is particular reason to do so (e.g. they have won a prize). Only images that show the school and pupils in a positive light will be used by the local media.
- (iv) Photographs may be taken by photographers acting on behalf of the school for use in displays and publicity material.
- (v) Images may be used for the school's own purpose, including the school website (any pictures used in this way will not identify pupils in any way).

The Trust recognises that there may be circumstances, falling outside the normal day to day activities of the school, in which pictures of children are requested. The school recognises that in such circumstances specific consent from the parent/carer will be required before the school can permit photography or filming of children (**Appendix 2**).

## **GUIDELINES AND CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN**

When considering the use of images of children, the school will ensure that:

- (i) where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken;
- (ii) where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided;
- (iii) when a photograph or video image of a child is used, the child's name **will not normally** accompany the photograph/image in a caption or any accompanying text. If the child is named then explicit approval will be obtained from the parent/carer through the completion of the consent form at Appendix 2. (Please also see section entitled "Use of Images of Children by the Press");
- (iv) when a child is named (for whatever, agreed reason), in any text which is published or on the school's website, a photograph/image of the child will not appear with the text. Images accompanied by personal information, such as the name of a child and their hobby, could be used to learn more about a child prior to grooming them for abuse;
- (v) no details of home telephone numbers, e-mail or home addresses are given;
- (vi) photographic sessions outside the school/school event or at a child's home are not permitted;
- (vii) where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the school will seek additional parental/legal guardian permission for the child to be named using the form attached at **Appendix 2**;
- (viii) 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.

Staff are encouraged to take photos and videos of pupils using the school's digital cameras; however, they may use other school-owned devices, such as mobile phones and tablets, 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.

If staff must use their personal mobile phones, or any other personal device to take images and videos of pupils, then the images should be deleted as soon as possible.

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.

## **SHARING OF IMAGES**

All images taken by members of staff 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.

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

## **PARENTAL RIGHT TO TAKE PHOTOGRAPHS**

Parents are not covered by the Data Protection Act 2018 if they are taking photographs or making a video recording for their own private use. The Act does not, therefore, stop parents from taking photographs or making video recordings at school events, such as nativity plays. However, the school reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment.

Parents are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a school event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 2018 would be breached.

If the school itself records the school play etc. so it can sell the recordings to parents, then it will comply with the requirements of the Data Protection Act 2018.

## **USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY**

The Trust recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter.

Before using any image supplied by a third party, the school will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

## **USE OF IMAGES OF CHILDREN BY THE PRESS**

There may be occasions where the press take photographs at school of pupils. The press enjoy special rights under the Data Protection Act 2018, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in "press cuttings" which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. However, some

parents do object to the publication in the press of information about and images of their children. As a result the school will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached **Appendix 1** to this policy document covers this area. **Where a child is named then explicit consent will be secured using the form at Appendix 2.**

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The school will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews and close or sports photography.

## **USE OF PROFESSIONAL PHOTOGRAPHERS**

The school will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

- (i) in the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 2018;
- (ii) photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.

Photographers will be asked to sign up to an agreement with the school which will include:

- (i) compliance with the GDPR and Data Protection Act 2018 (most professional photographers will be aware of these requirements);
- (ii) that 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;
- (iii) a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour;
- (iv) issue the photographer with identification, which must be worn at all times;
- (v) 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;
- (vi) not allow unsupervised access to pupils or one-to-one photo sessions at events.

## **STORAGE AND RETENTION**

As per the GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the school’s Data Protection Policy.

Hard and electronic copies of photos and video recordings held will be dated.

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

Official school photos are held on SIMS alongside other personal information and are retained for the length of the pupil’s attendance until their 25th birthday or longer if necessary.

Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately.

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.

## **CLOSE CIRCUIT TELEVISION (CCTV)**

CCTV may be used in Trust premises for a variety of uses including:

- (i) as a method of controlling access;
- (ii) an aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.;
- (iii) pupil behaviour issues/bullying. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also be used to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff;
- (iv) to monitor site safety and security;
- (v) as an effective deterrent for crime and as a means of crime reduction and discouraging trespass.

The use of CCTV within Trust will be in accordance guidance issued by the Information Commissioner - CCTV Code of Practice:

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

## **STORAGE AND RETENTION**

The Data Protection Act does not prescribe any specific minimum or maximum retention periods which apply to all CCTV systems or footage. Rather, retention should reflect the organisation's purposes for recording information. The retention period should be informed by the purpose for which the information is collected and how long it is needed to achieve this purpose. It should not be kept for longer than is necessary, and should be the shortest period necessary to serve your own purpose. This should not be determined simply by the storage capacity of a system. The Trust has determined a period of **7 days** to retain the information unless it a longer period is required in the instances for the reporting and detection of crime or an ongoing investigation, for example, related to pupil discipline.

# Sacred Heart Catholic Primary School

Dear Parent or Carer,

## **CONSENT FOR PHOTOGRAPHY AND IMAGES OF CHILDREN**

During your child's life at Sacred Heart Catholic Primary School we may wish to take photographs of activities that involve your child. The photographs may be used for displays, publications and on a website or social media by us or organisations to which we are affiliated, for example, the Diocese of Hexham & Newcastle, the Bishop Hogarth Catholic Education Trust or by local newspapers.

Photography or filming will only take place with the permission of the Headteacher and under appropriate supervision. When filming or photography is carried out by the news media, children will only be named if there is a particular reason to do so (e.g. they have won a prize), and home addresses will never be given out. Additional consent may be required for this. Images that might cause embarrassment or distress will not be used nor will images be associated with material on issues that are sensitive.

Before taking any photographs of your child, we need your permission. Please answer the questions overleaf, sign and date the form and return it to ***insert name of school***. You can ask to see images of your child held by the establishment. This consent will remain valid for the time that your child attends this school/college.

You may withdraw your consent at any time. If you would like to withdraw your consent please submit your request in writing to the Data Protection Officer at the following address:

Julian Kenshole  
Bishop Hogarth Catholic Education Trust  
Carmel College  
The Headlands  
Darlington  
DL3 8RW

Email: [kensholej@bhcet.org.uk](mailto:kensholej@bhcet.org.uk)

### Generic Consent Form

Name of child (Block Capitals):		
Child's current form and / or year group:		
Name of person responsible for the child:		
<p>I understand that:</p> <ul style="list-style-type: none"> <li>• the local media may take images of activities that show Sacred Heart Catholic Primary School and children in a positive light e.g. pictures of new starters, drama and musical performances, sports and prize giving;</li> <li>• the school and /or photographers acting on behalf of Sacred Heart Catholic Primary School may take images for use in displays, in publications, on a website or for use on social media;</li> <li>• embarrassing or distressing images will not be used;</li> <li>• the images will not be associated with distressing or sensitive issues;</li> <li>• we will regularly review and delete unwanted material.</li> <li>• the school may share my child's data with a school-appointed external photography company for official school images.</li> <li>• I can withdraw my consent at any time and must do so in writing to the Data Protection Officer.</li> </ul>		
Having read the above statement, do you give your consent for photographs and other images to be taken and used?  (please tick the appropriate box)	<input type="checkbox"/>	YES, I give my consent for pictures to be taken and used
	<input type="checkbox"/>	NO, I do not give my permission for pictures to be taken and used
Signature of person responsible for the child ( <i>electronic signature where applicable</i> ):		
Relationship to the child:		
Date (Date/Month/Year):		

NB There may be other circumstances, falling outside the normal day to day activities of the school, in which pictures of children are requested. We recognise that in such circumstances specific consent from parent or guardian will be required before photography or filming of children can be permitted.

If you wish to attend school functions and take photographs of your and other people's children please take appropriate images, be sensitive to other people and try not to interrupt or disrupt concerts, performances and events.

Thank you.

Please return the form to: Sacred Heart Catholic Primary School, Hart Lane, Hartlepool TS26 8NL

# Sacred Heart Catholic Primary School

## Consent Form for Photographic Images of Children not Covered by Generic Consent

To Name of parent  
or guardian:

Name of child

Establishment:

Address:

**Project Description:**

(Statement should include description, circulation, timescale, access, agencies involved, copyright of material).

**To the parent**

*Please circle*

May we use your child's images in the above project?

**Yes / No**

I understand that I can withdraw my consent at any time and must do so in writing to the Data Protection Officer

Signature\*:

Date:

*\*electronic signature where applicable*

Please return this form to: Sacred Heart Catholic Primary School, Hart Lane, Hartlepool TS26 8NL.