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## **Statement of intent**

At Oyster Park Primary Academy, we use imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes 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'

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

- SEND Policy
- Behavioural 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 building passes. 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.

2.3. "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. The principles of the GDPR apply to images and videos taken for media use.

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. The principles of the GDPR apply to images and videos taken for educational purposes.

### **3. Roles and responsibilities**

3.1. The Headteacher is responsible for:

- Submitting consent forms to parents 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 lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of CIC 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 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. All parents will be asked to complete the Consent Form on an annual basis, which will determine whether they allow their child to participate in photographs and videos.
- 4.7. 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.
- 4.8. 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.
- 4.9. All parents are entitled to withdraw or change their consent at any time during the school year.
- 4.10. Parents will be required to confirm on the Consent Form, in writing, that they will notify the school if their child's circumstances change in any way, or if they wish to withdraw their consent.
- 4.11. For any CIC 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 CIC 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 created by the School Business Manager and checked by the DPO and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.
- 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. Where photographs and videos will involve CIC pupils, adopted pupils, or pupils for whom there are security concerns, the Headteacher will liaise with the DSL to determine the appropriate steps needed.

5.3. 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?

5.5. 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.

5.6. The staff members involved, alongside the Headteacher and DPO, will liaise with the DSL if any CIC pupil, adopted pupil, or a pupil for whom there are security concerns is involved. (See section 6 of this policy)

5.7. School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in section 7 of this policy.

5.8. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.

5.9. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.

5.10. The school will not use images or footage of any pupil who is subject to a court order.

5.11. The school will not use photographs of children or staff members who have left the school, without parental consent.

5.12. Photos and videos that may cause any distress, upset or embarrassment will not be used.

5.13. 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 CIC 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 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 communicated to all staff members via email 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 encouraged to take photos and videos of pupils using school equipment; however, they may use other equipment, such as school-owned mobile devices, where the DPO has been consulted and consent has been sought from the Headteacher prior to the activity.

7.2. Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity, and removed from any other devices.

7.3. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

7.4. 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.

7.5. Digital photographs and videos held on the school's drive are accessible to staff only. Photographs and videos are stored in labelled files - no names are associated with images and videos.

## **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 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 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 Headteacher 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. Images obtained by the school will not be kept for longer than necessary.

10.2. Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in the school office. They will not be used other than for their original purpose, unless permission is sought from the Headteacher and parents of the pupils involved and the DPO has been consulted.

10.3. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

10.4. Parents must inform the school in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the school drive immediately.

10.5. 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.

10.6. 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 to their parents or by shredding, as appropriate.

10.7. Official school photos are held on the schools management information system 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.

10.8. 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.

### **11. Monitoring and review**

11.1. This policy will be reviewed annually. The next scheduled review date for this policy is September 2021.

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

**APPENDIX 1**  
**STAFF CONSENT TO THE USE OF IMAGES: Conditions of use**

**Information**

During your employment in our school we use images for purposes such as for staff recognition. We also wish to take photographs or video of activities that involve children and may include you. This gives us an exciting visual record of work and events to share with parents and the wider community.

We will process, store and use any photographs in line with the Data Protection Act 1998, and ask your consent to use photographs of you.

**How images are used**

Typical uses of photographs and video images currently, but not exclusively, include:

- Staff identification purposes eg ID badges, school noticeboards, website
- Informing parents about activities through the School newsletters and School social media sites
- Promotion of the school through publications such as the School's Parents Handbook (new starters), the School website and through social media
- Records of key events in the year such as Christmas productions, Sports Day, Class Assemblies
- Records of curriculum enhancement and enrichment activities such as after school club activities, educational visits, residential visits, workshops led by visiting professionals, participation in inter school events
- Providing memories for parents and individuals of significant events
- Curriculum work by staff or children such as planning and filming own videos, PowerPoint presentations, iMovie etc
- Presentations to parents such as residential visit information, new starters, curriculum events
- Displays around school
- Portfolio evidence of students working in the School
- Publications and web sites of bodies whose activities and events school has chosen to be involved in (previous examples include Wakefield Music Hub, Junction 32, Young Voices)
- Media coverage of school activities and events including newspaper, web site and television

We may also make video or webcam recordings of school-to-school conferences, or for monitoring or other educational use.

**How images are stored**

Digital images are stored securely and will be usually be deleted a year after staff have left. Some may be retained for longer purposes such as publicity, on the website, building up a history of the School or for presentations showing specific events to children or parents eg previous residential visit activities. Photos used on our social media sites will remain as a timeline of the school.

**Images taken by people other than the School**

Photography or filming will only take place for purposes agreed by the Headteacher. When filming or photography is carried out by the media, they may require staff names but no other personal information will be given out.

**STAFF CONSENT TO THE USE OF IMAGES**

To give your consent, please read the information overleaf and return the form to school.

This form is valid for the period of time you are employed at Oyster Park Primary School for taking images and up to a year afterwards for their use. Some images may be kept and used after this time for specific purposes as outlined on the attached information.

We will take all reasonable measures to ensure the images are used solely for the purposes for which they are intended. However we cannot guarantee this and take no responsibility for the way images are used by other websites or publishers or for any consequences arising from publication.

<b>Name :</b>	
I have read and understood the conditions of use and I am also aware of the following:	
<ul style="list-style-type: none"> <li>• Staff, children or professional photographers acting on behalf of the school may take images for use in staff recognition, celebrations of school life, promoting the school, displays, as part of curriculum work, in printed and electronic publications, video or on a website, Facebook/Twitter or virtual learning environment</li> <li>• Websites can be viewed throughout the world and not just in the United Kingdom where UK law applies. Once posted and shared online any image or video can be copied and will stay online forever.</li> <li>• The local media eg Pontefract &amp; Castleford Express, may take images of activities that celebrate School events and activities e.g. Upper Foundation pictures of new starters, drama and musical performances, sports activities, award presentations, curriculum workshops and activities; The press are exempt from the Data Protection Act and may want to include the names of adults in the media.</li> <li>• Organisations who the School has chosen to be involved with, may take images for use in their own publicity e.g. Wakefield Music Services, Young Voices, Junction 32</li> <li>• The school will regularly review and delete images. Images will be usually be deleted a year after children have left school but some may be retained for particular purposes.</li> </ul>	
Having read the above statement, I give my permission for pictures of myself to be taken and used by school in relation to my employment.	
Signature:	Date: