



## WYKHAM PARK ACADEMY

### PHOTOGRAPHY and VIDEOS at SCHOOL POLICY

Version control	
Photography and Videos at School Policy [2022-09-01]	Reviewed and updated to reflect reference to UK GDPR.
Photography and Videos at School Policy [2021-04-01]	Reviewed and updated previous version to align with new DPO appointment.

<b>Date of next review:</b>	<b>September 2024</b>	<b>Owner:</b>	<b>Director of HR &amp; Compliance</b>
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#### Photography and Videos at School Policy

#### 1. Statement of intent

Wykham Park Academy is committed to good practice with regards to the use of photography and videos in school. This policy, based on the Aspirations Academies Trust template Photography and Videos at School Policy, is aimed at ensuring the application of good practice at the Academy.

The Academy uses imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the Academy/Trust website. It is understood that parents may also wish to take videos or photos of their children participating in school events for personal use.

Whilst the Academy recognises the benefits of photography and videos to the school community, it is also understood that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (UK GDPR), the Academy has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The Academy has implemented this policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the Trust 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 requirements of this policy should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

## **2. Legal framework**

This policy has due regard to legislation, including, but not limited to, the following:

- The UK General Data Protection Regulation (UK 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

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

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (UK GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (UK GDPR) 12 steps to take now'

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

- SEND Policy
- Behaviour Regulation Policy
- Data Protection Policy

## **3. Definitions**

**For the purpose of this policy:**

**"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 an Academy 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 UK GDPR do not apply to images and videos taken for personal use.

**“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 UK GDPR apply to images and videos taken for official school use.

**“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 UK GDPR apply to images and videos taken for media use.

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 Academy displays, special events, assessment and workbooks. The principles of the UK GDPR apply to images and videos taken for educational purposes.

#### **4. Roles and responsibilities**

The Principal 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 UK GDPR.

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- 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.

The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC pupils.
- Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
- Informing the Principal 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.

Parents are responsible for:

- Completing the Consent Form on an annual basis.
- Informing the Academy in writing where there are any changes to their consent.
- Acting in accordance with this policy.

In accordance with the Trust's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the Academy and its employees about their obligations to comply with the UK GDPR in relation to photographs and videos at school.
- Monitoring the school's compliance with the UK GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at the Academy.
- Conducting internal audits, in regards to the Academy's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members, in relation to how the UK GDPR impacts photographs and videos at the Academy.

## 5. Parental consent

5.1 The Academy understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

5.2 Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

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5.3 Where consent is given, a record will be kept documenting how and when consent was given and last updated.

5.4 The Academy ensures that consent mechanisms meet the standards of the UK 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.

5.5 The data protection laws give children rights over their own data where they are considered to have the required capacity to understand their data rights. Most children will reach this level of understanding from the age of 12 and so it may be necessary for the school to obtain this consent from the child directly. If this is not suitable, the school will consider preferences set out below.

5.6 All parents will be asked to complete a Consent Form on an annual basis, **(please see Appendix 1 for a template wording)** which will determine whether or not they allow their child to participate in photographs and videos.

5.7 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.

5.8 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.

5.9 All parents are entitled to withdraw or change their consent at any time during the school year.

5.10 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.

5.11 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 an LAC pupil, or pupils who are adopted, would risk their security in any way.

5.12 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.

5.13 A list of all the names of pupils for whom consent was not given will be created by the Academy's Data Protection Lead and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

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5.14 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.

## **6. General procedures**

6.1 Where photographs and videos of pupils may be taken in an activity, this will be carefully considered in the planning of that activity.

6.2 The Academy's Data Protection Lead will be consulted in the planning of any events where photographs and videos will be taken.

6.3 Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the DSL will be consulted to determine the steps involved.

6.4 When organising photography and videos of pupils, the event organiser, in consultation with the Principal, or other relevant SLT member, 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?

6.5 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.

6.6 School equipment will be used to take photographs and videos of pupils.

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

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

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

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

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

6.12 Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the Principal, the DSL and the DPO.

## **7. Additional safeguarding procedures**

7.1 The Academy 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.

7.2 The DSL will, in known cases of a pupil who is an 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.

7.3 Any measures required will be determined between the DSL, social worker, carers, adoptive parents, and the Academy Data Protection Lead 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 Academy 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

7.4 Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photographs will be updated accordingly. This list will be maintained by the Data Manager.

## **8. School-owned devices**

8.1 Where photos or videos of pupils are taken by staff, this must be for an appropriate reason as set out in the policy and school-owned equipment must be used. This is subject to the Academy Data Protection Lead having been consulted and consent having been given under the Principal's authority prior to the activity.

8.2 Images and videos should be downloaded and removed from the device at the earliest opportunity. Unless otherwise agreed, they would be downloaded to an appropriate place on the Academy's drive.

8.3 Digital photographs and videos held on the Academy's drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos. 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.

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

8.5 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.

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

If the school decides to use a professional photographer for official school photos and school events, under the Principal's authority the Academy 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 UK 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 Academy.

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

If the Principal permits parents to take photographs or videos during a school event, parents will be notified of relevant protocols. These may include the following which may be adjusted, subject to the nature of the event:

- Remain seated while taking photographs or videos during concerts, performances and other events.

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- Minimise the use of flash photography during performances.
- In the case of all Academy 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 Academy 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.

## **11. Storage and retention**

11.1 Images obtained by the Academy will not be kept for longer than necessary.

11.2 Hard copies of images will be shredded or pulped, and electronic memories of photos or videos will be deleted or destroyed, once the data should no longer be retained.

11.3 The Academy Data Protection Lead will oversee a review of all stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

11.4 Parents must inform the Academy 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.

11.5 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.

- 11.6 Where a pupil's security risk has changed, the DSL will inform the Principal 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.
- 11.7 Official school photos are held on the Academy Management Information System alongside other personal information, and are retained for the length of the pupil's attendance at the Academy, or longer, if necessary, e.g. due to a police investigation.
- 11.8 Some educational records relating to former pupils of the Academy may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

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## **12. Monitoring**

The Academy will monitor the effectiveness of this and all of its policies and procedures and conduct a full review and update as appropriate. Normally this will be on a two year cycle but, where necessary, interim reviews will be undertaken,

The monitoring and review will include looking at how policies and procedures are working in practice to reduce the risks posed to the Academy.

**Appendix 1 - Consent Form**

This form explains the reasons why and how the Academy 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?**

The Academy requests 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?**

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

Where the Academy 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.

The Academy 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.

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 2022/2023 academic year** • It is the responsibility of parents to inform the Academy, in writing, if consent needs to be withdrawn or amended.
- The Academy 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 Academy will not include personal emails or postal addresses, telephone or

fax numbers on images or videos on our website, in our school prospectuses or any other printed publications.

- The Academy may use pictures of pupils and teachers that have been drawn by pupils.
- The Academy may use work created by pupils.
- The Academy may use group or class images or videos with general labels, e.g. 'sports day'.
- The Academy 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.

### Providing your consent

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

The Academy 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 of my child on the Academy website.		
Using videos of my child on the Academy website.		
Using images of my child on the social media site, Twitter.		
Using videos of my child on the social media, site, Instagram.		
Using images of my child on the social media site, Facebook.		
The local media using images of my child to publicise school events and activities ( <b>only</b> including the organisations outlined above).		
The local media using videos of my child to publicise Academy events and activities ( <b>only</b> including the organisations outlined above).		
Using images of my child in marketing material, e.g. the Academy brochure and prospectus.		

Sharing my child's data with a school-appointed external photography company for official Academy images. This includes the following: <ul style="list-style-type: none"> <li>• Name</li> <li>• Class</li> <li>• Roll number</li> </ul>		
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### Refreshing your consent

This form is valid for **the entire academic year, 2022/2023** – 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:

- New requirements for consent, e.g. an additional social media account will be used to share pupil images and videos
- 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 Principal. A new form will be supplied to you to amend your consent accordingly and provide a signature.

### 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 Principal.

### Declaration

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

- Why my consent is required.
- The reasons why the Academy uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the Academy uses images and videos of my child.
- I have provided my consent above as appropriate, and the Academy will use images and videos of my child in line with my requirements.
- Consent is refreshed on an annual basis and I must re-provide consent if I

consent to images and videos of my child being used in other academic years.

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• I will be required to re-provide consent where any circumstances change. • I can amend or withdraw my consent at any time and must do so in writing to the Principal.

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

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

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

If you have any questions regarding this form, please do not hesitate to contact the Academy.

