

St John the Baptist Church of England (VA) Primary School



Loving learning, Building
Community, Growing in faith

Policy on the use of photographic and video images of children.

Review

This policy was reviewed by the Senior Leadership Team in September 2022 and will be reviewed every 3 years.

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Signed: Trudie Colotto, Head Teacher

St John the Baptist Primary School takes its pupils' privacy and welfare very seriously. It is standard school policy to always ensure that neither of these issues are compromised in any way.

Aim

St John's agrees to comply with the requirements of the Data Protection Act 2018 and Human Rights Act 1998 and Data will be processed to be in line with the requirements and protections set out in the UK General Data Protection Regulation when using and/or authorising the use of photographic and video images of children and will ensure that:

- Consent has been given prior to the taking and use of images on school premises, particularly where these show pupils
- Such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

Consent

St John's will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to St John's educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 2018 and it is a requirement of the Act that consent is obtained.

Due to the number of occasions during a pupil's time at school that St John's may wish to photograph or video the pupil, St John's will seek the consent of parents or legal guardians when the pupil starts at St John's. This policy and consent will cover the whole of the pupil's intended time at St John's.

St John's will at all times consider the need to revisit the consent in the event of a pupil's circumstances changing.

St John's will not use photographs or videos of children who are no longer pupils at St John's, unless separate specific consent has been obtained to cover the intended use.

St John's will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.

Considerations when taking images of children

When considering the use of images of children, St John's will ensure that:

- 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.
- Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken.
- When a photograph or video image of a child is used, the child's name will not accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on St John's website, a photograph/image of the child will not appear with the text.
- No details of home telephone numbers, e-mail or home addresses are given.
- 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) St John's will seek additional parental/legal guardian permission for the child to be named.

Using photographs and images of children supplied by a third party

St John's recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, St John's 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, 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. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result St John's will ensure that the consent of parents is sought prior to giving the press access to children.

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. St John's will ensure that it politely checks that broadcasters and press photographers who may be on St John's premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

Team photographs

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration will be given to publishing the photograph with no names. The Head Teacher will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents of a child have indicated that the child is vulnerable and should not have photograph printed then a team photograph will not be appropriate.

Photo Opportunities

If St John's invites a newspaper to celebrate an event, the Head Teacher will make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.

It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. St John's will give thought to this beforehand – and parental permission/opinion will be the key guidance.

- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- If this is not possible – for instance because a specific group of children have achieved something,

and parental permission re. the publication of full names is withheld for one or more of the group – St John's will endeavour to negotiate a 'first names only' agreement with the newspaper.

- Should this not be possible St John's will be prepared to forego newspaper publicity.

Parental right to take photographs etc.

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, St John's 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, or to post on Social Media). 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.

St John's will make every effort to ensure that people with no connection to St John's do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

Use of a professional photographer

St John's 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:

- 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.
- 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 St John's which will include:
 - Compliance with the Data Protection Act 2018 (most professional photographers will be aware of these requirements).
 - That material may only be used for St John's own purposes and that permission has not been given to use the photographs for any other purpose.
 - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by St John's.
 - The photographer must comply with the steps set out above.
 - The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

Charging for Photographs/Videos

Where a nominated photographer is used, the proceeds from any sale of photographs or copies of videos will go to St John's fund and images will be sold at cost price.

Mobile Phones

The use of mobile phones which contain cameras with photographic capabilities are not permitted within St John's, except in designated areas (see mobile phone policy).