



# Willenhall Community Primary School

## School Photography Policy

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Please note in this policy where it states camera this includes the school’s digital cameras, staff members’ iPads or school iPads. This policy will be made available to staff parents and visitors.

**The purpose of the Policy document is to safeguard children by promoting appropriate and acceptable use of photographic equipment and resources for storing and printing images.**

Photographs are taken for the purpose of recording a child or group of children participating in activities or celebrating their achievements and are an effective form of recording their progression in the School. They may also be used on our website and on School social media sites with permission from the parents.

### 1. Legislative Framework

- Data Protection Act (2018)
- General Data Protection Regulation as amended (GDPR)
- Freedom of Information Act 2000
- Human Right Act 1998
- The Children Act 1989 and 2004
- The Data Protection Policy
- Acceptable Use Policy
- The Record Retention Schedule
- SEND Policy

### 2. Definitions

#### 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, assessments and workbooks where there is no alternative method of recording attainment. 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. "Educational Purposes"

are not intended for official school use, but may be used for a variety of reasons, such as school displays and special events. The principles of the GDPR apply to images and videos taken for educational purposes.

### 3. Responsibilities

3.1. The Head Teacher is responsible for:

- a. Obtaining consent from parents at the time the child is admitted to school with regards to photographs and videos being taken whilst at school;
- b. Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR;
- c. Deciding whether parents are permitted to take photographs and videos during school events with consideration to potential safeguarding issues;
- d. Communicating this policy to all the relevant staff members and the wider school community, such as parents; and
- e. Ensuring that parents are regularly reminded to keep their consent up to date through data collection sheets or SIMs Parent Lite.

3.2. The designated safeguarding lead (DSL) is responsible for:

- a. Liaising with social workers to gain consent for photography and videos of LAC pupils;
- b. Liaising with the data protection officer (DPO), to ensure there are no data protection breaches;
- c. Reporting any pupils who may be at risk

- d. Informing the Head Teacher 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 risk.
- 3.3. Staff are responsible for:
- a. Ensuring that the consent spreadsheet is checked before taking photographs of pupils
  - b. Ensuring that a parent(s) consent wishes are adhered to as per the spreadsheet before processing the photograph
  - c. Ensuring a spreadsheet of photograph consents is updated regularly and shared with relevant members of staff
- 3.4. Parents are responsible for:
- a. Completing the Consent Form (via SIMS Parent Lite) on an annual basis; Annex 1 below;
  - b. Informing the school where there are any changes to their consent.
  - c. Acting in accordance with this policy.
- 3.5. In accordance with the school's requirements to have a DPO, the DPO is responsible for:
- a. Informing and advising the school and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
  - b. Monitoring the school's compliance with the GDPR in regard to processing photographs and videos.
  - c. Advising on data protection impact assessments in relation to photographs and videos at school; and
  - d. Conducting internal audits, in regard to the school's procedures for obtaining, processing and using photographs and videos.

## 4. Consent

- 4.1. Where a pupil can be identified from a photograph for Media Use and Educational Purposes, consent is the lawful basis for processing.
- 4.2. Consent forms will clearly indicate each purpose for processing.
- 4.3. Consent will comply with the requirements of Article 4 and 7 GDPR. Consent will be:
  1. Freely given;
  2. Specific;
  3. Informed;
  4. Unambiguous; and
  5. Provided with a clear affirmative action.

- 4.4. Consent forms will state that parents can withdraw consent at any point.
- 4.5. The school will update their records as and when consent is received and withdrawn and no later than by one calendar month and share this with the relevant staff in accordance with clause 3.3 (c).
- 4.6. Where consent is withdrawn, the school will ensure all related media hard copy or electronically stored will be securely destroyed.
- 4.7. Consent for the use of images applies to adults (including staff) as well as children.
- 4.8. Consent forms must be signed by parents/carers with parental responsibility when they register their child with the school. (see Annex 1)

## 5. Procedures

- 5.1. All images are to be stored and disposed of in line with Data Protection Act 2018 and the schools related policies and procedures.
- 5.2. If images are to be stored for a short period of time they must be password protected on a computer storage device.
- 5.3. Security procedures must be monitored and reviewed regularly by the designated safeguarding officer. The security procedures include protection against theft of equipment and computer security.
- 5.4. Where photographs are used for Official School Use, consent may not be the most appropriate lawful basis. Parents will be notified of the intention of the school to use photographs for assessments where appropriate.
- 5.5. Images must not be used for anything other than the agreed purposes unless parents are notified and consent is gained where appropriate.
- 5.6. Photographs must be securely disposed of should they be no longer required or consent has been withdrawn. This could include giving the images to parents, deleting or shredding.
- 5.7. The purpose and context for any proposed images should always be considered to decide whether a photograph or video are the most appropriate method of recording the information.
- 5.8. The purpose of taking any images is to be clearly explained for example marketing of the school, prospectus, website, or local newspaper, use in display and to document children's learning.
- 5.9. A child's full name should not appear alongside their photographs particularly if the images could be viewed by the general public.
- 5.10. Only school devices are to be used to take any photos within the setting or on outings.
- 5.11. All staff are responsible for school equipment and staff will adhere to the Acceptable Use Policy. All devices should be placed in the locked cupboard at the end of the day.

- 5.12. Images taken and stored on the camera must be downloaded on site as soon as possible, preferably daily by a member of staff then deleted.
- 5.13. Under no circumstances must cameras of any kind be taken into the toilet area or nappy changing area without prior consultation with the Head Teacher. e.g. for hand washing lessons

## **6. Use of a Professional Photographer**

- 6.1. Only a reputable photographer who can provide evidence of authenticity should be used and the school office shall ensure their identity is checked upon arrival.
- 6.2. They should be viewed as visitors therefore appropriate supervision should be in place at all times to ensure no unsupervised access to children. They should be supervised by an appropriate member of staff.
- 6.3. They should be asked to sign an agreement to ensure that they comply with Data Protection requirements, to agree that images will only be used for the agreed specified purpose and not be disclosed to any third person. A GDPR compliant contract will be in place between the school and the photography company.

## **7. Parents/Carers**

- 7.1. The use of any photographic equipment by parents or visitors must be with the consent of the Head Teacher or person in charge.
- 7.2. Staff have the authority to challenge anyone using photographic equipment without prior staff consent.
- 7.3. Parents and carers are not covered by Data Protection Act / GDPR if they take photographs or make a video recording for their own private use.
- 7.4. Parents must 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.
- 7.5. Photographs may be taken during productions if permission has been granted by the Head Teacher as occasionally there are restrictions for safety reasons. If permission is granted then photographs are only for parental/carers personal use and must not be placed on any social network sites.

## **8. School Trips**

- 8.1. Photographs may only be taken on a school device.
- 8.2. Parents can take photos on a school device on request by a member of staff.
- 8.3. Parents and carer should not take photographs on school trips using personal devices.

## 9. Learning Journals

- 9.1. Learning Journals are to be treated as personal data as each journal relates to an individual, identifiable child.
- 9.2. Consent will be requested from parent and carers for group images to be included in the learning journals of other children.
- 9.3. Parents should be encouraged to contribute information to this learning journal, by including some information and photographs which show what their child enjoys doing at home.
- 9.4. Parents and carers must be reminded that they must not share, distribute or display images containing other children.

## 10. Retention

- 10.1. 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.
- 10.2. The school will retain photographs as per the consent form and school's Record Retention Schedule.

## 11. Annex 1

**Child's Full Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

At Willenhall Community Primary School we sometimes take photographs and video recordings of pupils; we do this in order to support children's learning and keep parents involved in what's going on in school. We use these photos and video recordings for a variety of purposes which will include:

- to support learning and enhance the school learning environment through their use on display boards around school;
- to celebrate success and keep parents informed through displays in the termly performance assemblies, the school's Twitter feed, the school's website and YouTube account;
- to help the younger children identify their books, pegs, drawer, etc. within the school environment and enhance their learning journals with photographic evidence;
- to support staff training and development;
- to publicise the school in our parent information booklet and on the school's website.

We also engage the services of a professional photographer on an annual basis to take class and small group photographs, for example sport teams, which are shared with the parents/guardians of children within the same class or group. The photos will be processed by the photography company and we ensure Data Protection compliance within a written agreement.

We would like your consent to take photos and video recordings of your child, and use them in the ways described above. Please tick the relevant box(es) below and return this form to school. If any boxes are not ticked we will not use your child's photographs or video recordings for that purpose.

- I am happy for the school to take photos of my child.
- I am happy for the school to make video recordings of my child.
- I am happy for photos and video recordings (as indicated above) of my child to be taken during school events such as school plays, concerts, music and dance events.
- I am happy for photos and video recordings (as indicated above) of my child to be taken during sports competitions and events arranged or attended by the school.
- I am happy for the school's photographer to take photographs of my child to include in a class or small group photos.
- I am happy for photos and videos of my child (as indicated above) to be used for staff training purposes within the schools in the Affinity Federation, these are Willenhall Community Primary School and Whitmore Park Primary School.
- I am happy for photos of my child to be used in internal displays
- I am happy for photos of my child to be used in journals or workbooks which will be shared with other pupils and their families.
- I am happy for photos and videos (as indicated above) of my child to be used on the school's Twitter feed and website.
- I am happy for photos of my child to be used in the school newsletter.
- I am happy for photos of my child to be used in the parent information booklet/school prospectus.
- I am happy for photos of my child to be used in the local paper.
- I am happy for photos and video recordings (as indicated above) of my child to be used on the school's YouTube account.
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- I am **NOT** happy for the school to take or use photos or video recordings of my child in any circumstance.

If you change your mind at any time, you can let us know by either emailing [admin@willenhallprimary.org](mailto:admin@willenhallprimary.org), calling the school on 02476 302004, or by popping into the school office. We have one month to comply with your withdrawal request.

Please note that although we aim to control the data we process, photographs uploaded online will be accessible by the public. Photographs will be stored in line with our record retention schedule which can be found on the school website. If you have any other questions, please get in touch.

**Parent or carer's signature:** \_\_\_\_\_ **Parent or carer's name:** \_\_\_\_\_