



St. Peter & St. Paul CE Primary School, Burgh-le-Marsh
"Striving for excellence together in a caring Christian community."

RESPECT COMPASSION COURAGE



USE OF PHOTOGRAPHS AND FILM

Responsible: Governing Body

Agreed: November 2023

To be reviewed: (or earlier if legislation changes)

Reviewed:

This policy should be read in conjunction with our Data Protection Policy and our Privacy Notices.

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. Where we do not receive consent for the above, we will assume consent has not been given.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

At school events such as Sports Days and performances, we will typically allow photography and videoing for personal and school use (subject to licensing and safeguarding restrictions) and may ask those taken film and photographs to sign to say they agree that these are for personal use only. Reminders will also be given at the start of school events.

Like most schools, we provide an opportunity to buy individual or class photographs taken by an external professional during the school year. Parents are advised in advance that this is taking place and do have the option to opt out. We will keep a record of which students have opted out and make sure staff are aware.

The following guidance is taken directly from the ICO (Information Commissioner's Officer) at <https://ico.org.uk/for-the-public/schools/photos/>

TAKING PHOTOS IN SCHOOLS

Does the data protection law stop me taking photographs of my children at school?

Data protection law doesn't apply to the use of personal data for 'purely personal or household activity'. This means that the law doesn't prevent you from taking photos or videos for personal use (see below for further guidance on personal use). However, schools may have their own policies, separate from data protection law, on whether or not they allow parents or guardians to take photos or videos at school events.

Personal use and social media

If you post photos or videos taken at a school event to your private social media account, only viewable by friends or family, this is likely to fall within the definition of personal use. This means data protection law does not apply.

However, if you post photos or videos to a public account, viewable by an indefinite number of people, this is likely to go beyond personal use. In this instance, you will need to be aware of your obligations under data protection law.

You are not necessarily prevented from posting images on a public account. However, you will need to consider whether individuals in the photos or videos would reasonably expect the images to be used in this way. Data protection law states that you must take extra care when using children's personal data, to ensure their interests are protected.

If images of you or your child have been posted online, you can request that they are removed. We recommend that you first contact the account owner to ask them to remove the images.

In most cases, the account owner should agree to a request to take down images of another individual uploaded to their personal account.

We recommend allowing one month for a response. If they refuse or don't reply you can submit a complaint to the ICO. At that point we may contact the account owner to ask them to resolve the concern. However, beyond this, it is unlikely that the ICO can take additional action.

For more information, please see ICO guidance on social media.

Photographs taken by the school

Data protection law is likely to apply if photos or videos are taken for official school use, such as for inclusion in a prospectus or other promotional material.

Pupils or a parent or guardian, depending on the pupil's age, must be informed how the photos or videos will be used.

Data protection law doesn't specify an age at which a child is considered capable to exercise their own rights, although 12 years old is typically given as a guideline. However, this should be considered on a case-by-case basis.

The school will also need to have a valid reason to publish photos or videos. These are referred to in data protection law as 'lawful bases'.

Consent offers one possible lawful basis that allows an organisation to use your personal data. However, it will not be appropriate to rely on consent in all circumstances and another lawful basis could instead be relevant. The school should explain which lawful basis they are relying on at the outset, so that pupils and their parent or guardian know what to expect.

Regardless of the lawful basis relied upon, we recommend that the school allows pupils the opportunity to opt-out from their image being used.

For more information, please see ICO guidance for schools.

EXAMPLES

Personal use:

- a) A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- b) Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official use:

- c) Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- d) A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.
- e) School wants to showcase the achievements of Dominic, one of the children, in the school's prospectus. The prospectus provides relevant information to students and parents as part of the school admissions process. School tells Dominic and his parents that they wants to print his name and photograph in the prospectus, and asks if he wants to opt out. He doesn't opt out, so school considers it's reasonable to go ahead and use the photo. School uses public task as their lawful basis. Dominic later decides that he doesn't like the photograph and tells the school he doesn't want it to be used. School considers the objection, and agrees that they won't use the photo in future materials or in any digital media. Although school may need to take the photo down from the school's website, they don't necessarily have to recall or destroy existing paper copies of the prospectus - although school should of course consider any child welfare issues.

Media use:

- f) A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act.