



## School Policies

|              |   |             |                 |                          |           |
|--------------|---|-------------|-----------------|--------------------------|-----------|
| Policy title | <b>Student Images: Taking, using and storing student images in school</b> |             |                 |                          |           |
| Written on   | March 2013  | Reviewed on | Oct 2018        | Next review due          | Sept 2019 |
| SLT link     | M Patel   |             | Governor link   | <b>PDBW subcommittee</b> |           |
| Copies in    | Policies folder ✓   | Handbook ✓  | Student planner | Website                  |           |

*This policy has been written in conjunction with the college's **Equality and Diversity policy** (Equality Act 2010) and **The Data Protection Act 1998**.*

This policy has been authorised by the Governors and is available to parents and students on request. The policy relates to the taking, using and storing of images of students: on School premises; in connection with School activities; or for other legitimate purposes of the School.

It covers the activities of: Staff, students, parents and visitors to the School.

The aims of this policy are:

To promote safety and welfare and respect for others;

To ensure a sensible balance between privacy, creative self-expression and routine collating of information;

To comply with the law and good practice.

Images: this term includes:

Photographs, including digital photographs

Video or film clips;

Images captured by mobile phones and other portable devices with a "camera" facility.

Taking images: This term includes, unless otherwise stated, making, editing, using and storing images.

Personal Use: Examples of taking an image for personal use include where:

- *a parent takes a photograph of their child and some friends in a school lay to put in the family photograph album;*
- *Parents film their child receiving an award at School to show grandparents and other family members who cannot attend.*



## Photographs as part of student records

All students are required to allow the school photographers to take a photograph at the beginning of each academic year which forms part of the student's personal record and identity badge. These images are subject to the Data Protection Act 1998 (see below).

These images will therefore:

- be stored securely;
- will not be used for any other purpose without the consent of the student or his or her parent(s)/guardian(s);
- Will not be shown, copied or given to any unauthorised person.

All staff should follow the guidance below.

Parents will have signed the College's Photographic permissions policy as part of the College's data protection and safeguarding procedures.

Behaviour Support Base will keep two sets of photographs, only one of which will be labelled with names. These photographs must be kept in a secure place.

Any Crown Hills student or Crown Hills employee can look at the unlabelled photographs to identify another student for a behaviour/discipline incident

The Police or another appropriate agency can look at the photographs or CCTV evidence provided they have the right documentation. Technically this is a police warrant. If BSB staff are in any doubt, they should consult with SLT who should check with the LA legal dept.

College staff must be mindful of police involvement. If it is clear that there is an investigation pending then clear cooperation is advised. If it is a tentative data gathering exercise caution should be taken.

If there is any doubt about a communication from an authority including the police staff should ask for the extension number and police badge number and call back using 222

Staff from other schools are not allowed to look at photographs or CCTV evidence of students but BS and SLT must be mindful of the need for professional multiagency trust. EG BS managers. These staff must be Child protection DSP trained.

Parents, members of the public and visitors are not allowed to look at the photographs or CCTV evidence in order to identify students.

No child should be identified in person by parents, visitors or members of the public.

Any photographs sent home to parents which contain several images, should have all blanked out apart from that of their own child.



## Privacy

No person is authorised to take images of students that:

- might cause embarrassment or distress; or
- are associated with distressing or sensitive issues; or
- are unnecessarily intrusive.

If there is any doubt about these matters, the person wishing to take the image must obtain the written consent of the student's parent(s) and, where the student is of sufficient age and understanding, the written consent of the student.

## Promotional and CPD Material /Staff Handbook

Filming and photography by television or newspaper journalists will take place only with the consent of the Head and under appropriate supervision. When images are taken for publication by television or newspaper journalists, students will only be named if there is a particular reason to do so (for example if they have won a prize) and home addresses will never be given out. Parents should be kept informed if it is expected that the press will be attending school events.

It is an implied term of the contract for educational services which exists between the School and the parents of a student, that photographs of the student may be taken and used by the School in accordance with normal custom and practice. Such custom and practice will include: set piece photographs of the School, house, team, theatre cast and snapshots of School activities. It has also been custom and practice for independent schools to use images of their students for marketing purposes, such as in prospectuses, promotional videos, displays on its website the School Magazine 'View' or for internal training purposes.

The School's terms and conditions specify that parents who do not want their child's photograph or image to appear in any of the School's promotional material must make sure that their child knows this and acknowledge this in the data information which has to be signed by parents at the beginning of each school year. A copy of this is kept in the student's record.

## Taking of images by parents and friends

Parents, relatives and friends often wish to take still or video images of their children and friends at school events and activities, such as plays, concerts or sporting activities. This is permitted by the School provided that images are taken purely for personal use. Courtesy and good manners require that the following rules are respected:

- visitors should use common sense when taking images. If it seems appropriate to ask for someone's consent before taking images, ask for permission beforehand.
- visitors must use their cameras, mobile phones or other devices with consideration and confine their photography to the relevant event;
- visitors will be reminded that whilst it is permissible (under the Data Protection Act) to take photographs for personal use, publication of such images may be unlawful (see Appendix 1 below).



This will be done via reminders in any related programme of events and via information in the Parents' Guide;

- Where a play or concert is subject to copyright and performers' rights restrictions, visitors will not be permitted to take images, photographs or video film. However, official photographs or videos may be available for sale.

The following statement will go into all programmes: "Please remember that any photographs or recordings you make should be made discreetly without interrupting the event and must be for personal use only – publication of any images taken in school would contravene child protection guidelines".

"Personal use" describes situations such as where parents or grandparents take photographs or video footage of their children and their friends taking part in Sports Day or a play to put in the family photo album or video collection.

### Taking of images by staff and students on trips and at school events

Staff and students often wish to take images whilst on school trips or at school events. These can subsequently be made available to the staff and students taking part and to other staff and students.

### Images used on the School web site

As a principle we will seek to ensure that no individual student can be identified or contacted either via, or as a result of a visitor using, the school website. On the other hand we also acknowledge that there will be occasions when the identification of an individual student is most appropriate. Hence on our website:

- we will never use students' full names;
- whenever possible we will use group photos in preference to ones showing just one or two children;
- in group photos associated names will be in a random order;
- a named individual photo is most appropriate then we will obtain consent

### Seeking consent

Although consent of parent(s)/guardian(s) or students is not always necessary in law, the School will seek express written consent:

- for use of portrait style images of students;
- for use of students' images by or with commercial sponsors;
- where a student wishes to use images of other students as part of GCSE or A-level coursework;
- Where the School might receive a payment or other tangible benefit for allowing the use of a photograph, for example, providing a photograph to the media where the student has subsequently become a celebrity.

Where consent is required as above we will obtain such consent from both the parent(s)/guardian(s) and the student, provided the student is of sufficient age and



understanding to provide consent. Students aged 12 and above will normally be considered to be capable of giving or withholding consent.

When a student's image is used in publications outside the school we will seek to remind the student and parents to be very wary of any stranger who subsequently approaches the student. This will be communicated to students and parents.

Use of cameras and mobile phones with camera facility

Students may only use cameras with the express permission of the member of staff in charge and with the permission of those appearing in the image.

Using photographic material of any kind to bully, harass or intimidate others will not be tolerated and will constitute a serious breach of discipline. (See Behaviour, e-Safety and Anti-bullying policies)

## Child protection

When publishing images of students in school documents or on the website, care will be taken to minimise the risk of such images being modified to create inappropriate or indecent images.

Staff will be mindful of child protection issues and will raise concerns with the Designated Officer for Child Protection (or any senior manager who is immediately available) if they become aware of anyone:

- taking an unusually large number of images;
- taking images in inappropriate settings such as cloakrooms, toilets or changing areas;
- Taking images of students who are apparently unaware that they are being photographed or filmed.

Legal Framework

## PRIVACY ACT

The law does not restrict the general right of individuals to take photographic or video images of other people. The restrictions that exist relate to wrongful exploitation.

## Data protection

The Information Commissioner has clarified that the Data Protection Act is unlikely to apply to many cases where photographs are taken in schools.

Photographs taken for official school use may be covered by the Act. These are likely to include photographs taken for security passes. Students should be informed of the purpose for which the photographs are taken and the photographs themselves should be stored securely and not used for other purposes. However, a photograph of a group of students taking part in a lesson to be used in the school prospectus does not constitute personal data and the Act will not apply.

Photographs taken purely for personal use are exempt from the Act. This would include photographs taken by parents or friends intended to be put in the family photo album.



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Photographs of school events taken by the local newspaper are unlikely to be covered by the Act. There are also exemptions for journalistic use. However, it is good practice to notify parents that the press will be attending certain events.

Further information is available on [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Child Protection

It is a criminal offence under the Protection of Children Act 1978 as amended, to take indecent photographs of children under the age of 18