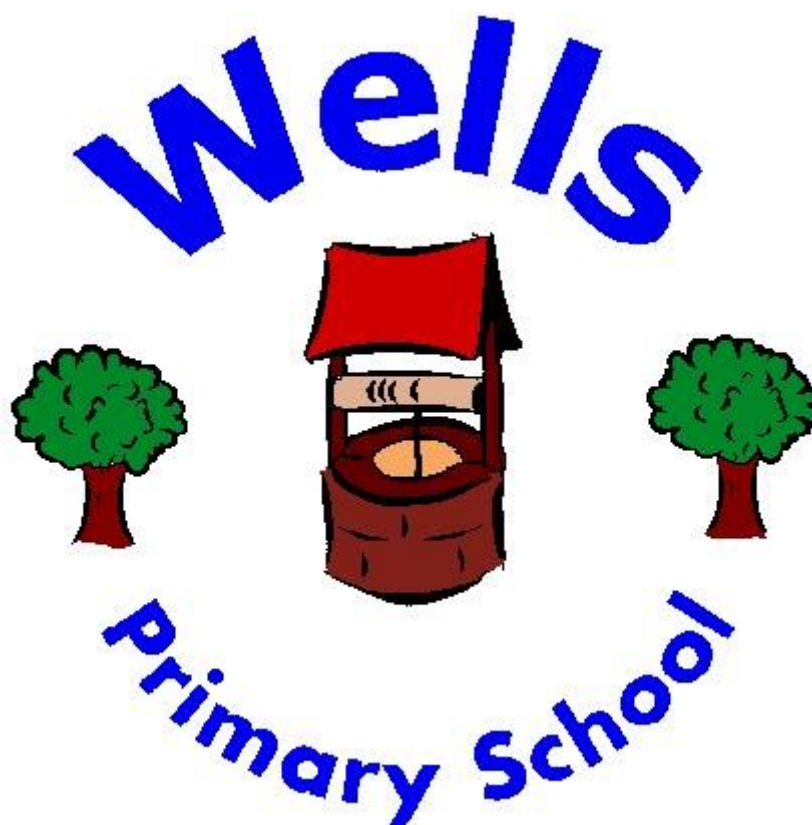


Wells Primary School Image and Photo Usage Policy



Signed _____ Chair of Governors

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Images and Photo Use Policy

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Images and Photo Use Policy

1. Introduction

Wells Primary School needs and welcomes positive publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs in school publicity materials can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements.

Still and moving images and sound add liveliness and interest to a publication, particularly when children can be included, nevertheless, the security of staff and children is paramount. Published images could be re-used, particularly if large images of individual children are shown. Although common in newspapers, the publishing of children's names with their images is not acceptable.

We need to make full and proper use of photographic images whilst conforming to legal requirements and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

2. Legislation and Consent

The General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA 2018) impacts on the official use of photography by all educational settings. This is because an image of a child is personal data and it is a requirement that written consent is obtained from the parent of a child for any photographs or video recordings. It is also important for settings to ascertain the views of the child regarding their images at any age. Some settings ask permission to publish images of work or appropriate personal photographs on admission to the setting, some once a year, others at the time of use.

In some circumstances it might be difficult to obtain parental consent. For example, settings should exercise caution when dealing with looked after children; it may be appropriate to get consent from the carer, as well as the child or young person.

Verbal consent must not be accepted under any circumstance. If it is not possible to obtain prior written parental consent, then images must not be taken involving the individual child or young person concerned.

The parent or carer has the right to refuse or withdraw their consent at any time. Partial or restricted consent can also be given where deemed necessary by the parent or carer.

Images of children who no longer attend the setting must not be used, unless specific consent has been obtained to cover this extended period. Generally, consent to use images lapses when a child leaves the setting.

Images of children for which consent has never been given are not to be used, unless the specific consent of the parent or carer is obtained. Should it not be possible to obtain such consent, then images must be returned to the individual concerned or destroyed.

If two parents disagree over consent for their child to appear in photographs, then images will be treated as if consent has not been given. Likewise, if the parents give their consent but the child does not, then it is safer to assume that consent has not been given.

3. Displays in Schools

Still photographs shown on displays and video clips (with prior consent) available during open / parents' evenings will depict children in an appropriate way. They will not display images of children in inappropriate or revealing clothing to ensure that appropriate levels of integrity and decency are maintained. Photographs or images likely to cause embarrassment will not be used.

4. Use of Pupil Images in School Publications

Unless the parents or the relevant pupil has requested otherwise, the school will use images of its pupils to keep the school community updated on the activities of the school, and for marketing and promotional purposes, including:

- on internal displays (including clips of moving images) on digital and conventional notice boards within the school premises;
- in communications with the school community (including current, former and prospective parents, pupils, staff and Governors) by email, printed publications and by post;
- on the school's website and, where appropriate, via the school's social media channels, e.g. Twitter, Instagram, Facebook, YouTube and Flickr. Such images would not normally be accompanied by the pupil's full name without permission;
- in the school's print and digital materials and in online, press and other external advertisements for the school. Such external advertising would not normally include pupil's names and, in some circumstances, the school will seek the parent or pupil's specific consent, depending on the nature of the image or the use.

The source of these images will predominantly be the school's staff or volunteers (who are subject to policies and rules in how and when to take such images), or a professional photographer used for marketing and promotional purposes, or occasionally pupils. The school will only use images of pupils in suitable dress and the images will be stored securely and centrally.

5. Use of photographs/Images on websites (Internet/Intranet)

The use of photographs/images on websites will follow the same rules as already detailed herein. However, the School is aware that there is potentially more of a risk of inappropriate use. Parental permission will include permission for publication on the School's website, and every effort will be made to ensure that children cannot be identified from the file. The School is aware of good practice and ensures that Wells Primary School only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than a leotard.

6. Use of Images of Children by the Media

There may be occasions where the press is invited to a planned event to take photographs of the children and young people who take part. It should be noted that the press has special rights under the DPA 2018, which permit them to publish material for journalistic purposes.

Generally, parents and carers will take pride in 'press cuttings'. For the majority, this pride will often outweigh any fears about the image and/or information being subject to misuse. However, some parents may object to information about, and images of, their own children being published. As a result, parental/carer consent must be sought before the press is given any access to children and young people. Should a parent or carer choose not to give permission for their child to be photographed in such circumstances, this right must be observed at all times.

The way the press will use images is to be controlled through relevant industry codes of practice as well as the law. In this way a check is to be put on the potential improper use of images of children and young people by the press.

Additional checks should also be carried out by the DPO and/or the DSL to ensure that broadcasters and press photographers are made aware of the sensitivity which must be considered in respect of detailed captioning, one to one interviews, and close sports photography.

7. Filming Events

The photographing or filming of School events, e.g. sports day, arts performance, is a valuable part of school life and can be rewarding for both the family and the School. There are no Data Protection issues, but the School will consider the 'right to privacy' as well as the actual manageability of photographing/filming such events. Photographing and Filming will be at the discretion of the Headteacher.

If a commercial photographer is to be used to photograph or film events, such photographer will be given a clear brief of what is considered appropriate in terms of content and behaviour.

Parents will be notified that a photographer will be in attendance and their permission sought.

Parents and any other spectators should contact the Headteacher or Organiser for permission to use photographic or recording equipment. It may be necessary for the Headteacher/event organiser to manage the way in which parent's film events as constant interruptions could distract children and prevent them from performing to the best of their ability

To facilitate appropriate recording of children's images by parents / carers, the School will:

- ensure that children are appropriately dressed;
- ensure parental permission has been gained prior to recording;
- be aware of any child who should not be photographed; and
- monitor the use of cameras and anyone behaving inappropriately.

If children or parents have any concerns about inappropriate or intrusive photography/filming, these should be reported to the Headteacher/Events organiser, and any child protection issues dealt with in accordance with laid down procedures.

8. Inter-School Fixtures

These guidelines also apply to inter-school events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other school so that they are aware of the wishes of the parents or carer of the child and seek the cooperation of the parents of the opposing team.

9. Use of Photos/Videos by Parents/Carers

Any photos taken for official setting use may be covered by the legislation and parents/carers and children should be advised why they are being taken. Any photos taken purely for personal use (such as by parents at events to put into a family album) are exempt from the legislation.

Where parents are permitted to take photographs, settings should make it clear from the start that any images taken must be for private use only. Settings might want to provide written guidance to parents beforehand (e.g. as part of information given to parents when new children join the setting) and/or make an announcement at the start of each event. Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use.

The right to refuse parents and carers the opportunity to take photographs and make videos (through the use of a digital camera) is, however, to be reserved on health and safety grounds. For example, if an excessive use of flashlights and/or bulky and noisy equipment are to be considered a potential health and safety risk.

Settings should ensure that individuals with no connection to the setting are not given any opportunity to film covertly. Members of staff have the authority to question anybody they do not recognise (while maintaining their own safety) should they be observed using any photographic equipment at events and productions or within the general vicinity.

10. Use of Photos/Videos by Children and Young People

Many settings have digital cameras/videos which are used by the children to document their activities and as part of learning. This is a useful tool to support children's education. However, the use of digital cameras by children should always be appropriately supervised by staff to ensure that images are taken in a safe and enabling environment.

It is possible that if children are left unsupervised with a camera that they could unintentionally or intentionally take inappropriate or even illegal images of themselves or other children (such as images which may show children in a state of undress). This could potentially lead to criminal offences occurring and could place children and staff at risk, for example if the images are taken off site by a member of staff or accidentally shared online or on a digital screen with parents or visitors. This behaviour could also normalise unsafe activity for children which could be taken advantage of by people who abuse children.

If children are taking images for official use by the setting, rather than for personal use, they will be covered under GDPR and the DPA 2018, meaning consent will be required.

Staff should discuss and agree age appropriate acceptable use rules for cameras etc. with children, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.). Staff should be fully aware of the acceptable use rules and ensure that children are appropriately supervised when they are using cameras. Staff should role model positive behaviour to the children by encouraging them to ask permission before they take any photos. Photos should be carefully controlled and checked before sharing with parents/carers online or via digital screens. Still or video cameras provided for use by children and the images themselves must not be removed from the setting.

Parents should be made aware that children will be taking photos/videos of other children and should be informed how these images will be managed by the setting e.g. will be for internal use by the setting only (not shared online or via any website or social media tool). This is extremely important to safeguard vulnerable children (e.g. adopted children or children in care). If parents/carers do not give consent for their children's images to be taken in this way, the setting must ensure those wishes are followed and that images are not taken.

Children and young people need to be made aware that taking and distributing illegal photographs may be a criminal offence and inappropriate use of photography will result in disciplinary action.

11. Camera Phones

There are currently no set laws or guidance concerning camera phones. There are concerns regarding safety, security and well-being of children posed directly or indirectly to children using camera phones. At Wells Primary School it is the view of staff and governors that we do not allow the use of camera phones in School without the permission of the Headteacher. Photographs and videos taken using personal camera phones must be deleted prior to the owner leaving the school premises.

12. Use of External Photographers/Videographers

Any external photographers (including staff or parent volunteers) who are engaged to record or photograph any events on behalf of the setting (such as at school events) must be prepared to work according to the terms of the settings policy as well as the following guidelines:

- In the context of data protection legislation, the photographer will be considered a 'data processor' and any agreement with them will be in accordance with the GDPR and Data Protection legislation
- Photographers will only be used where they will guarantee to act appropriately to prevent unauthorised or unlawful processing of images; and will insure against accidental loss or destruction of, or damage to, personal data

Photographers should be asked to sign an agreement with the settings which will aim to ensure:

- Compliance with GDPR and other Data Protection legislation
- Awareness of their specific responsibilities and accountability in line with GDPR and Data Protection legislation
- That images:
 - Are only to be used for a specified purpose and will not be used in any other context
 - Are kept securely in accordance with GDPR and data protection legislation
 - Will only be kept for an agreed length of time and will be disposed of in line with GDPR and data protection legislation
 - Will not be disclosed to any third party unless it is a specific requirement to fulfil the requirements of the agreement. Such use will also be subject to parental/carer permission

Details of any checks regarding suitability, which would include awareness of GDPR and Data Protection legislation as well as evidence of appropriate checks e.g. DBS (Disclosure and Barring Service) must be requested.

Photographic identity of photographers should be checked on arrival. Should there be any concerns in respect of the authenticity of any photographer, then entry should be refused and reported, as is deemed appropriate.

It is recommended that reputable photography agencies and/or professional photographers are used by the setting. Educational settings which allow volunteers (e.g. parents or staff) to formally video or photograph productions or events on behalf of the school (such as to create a video or DVD for parents and children) will need to consider if this approach can be managed in accordance with GDPR and data protection legislation. Some settings have required volunteers to only use setting provided equipment and systems to take and edit videos and have used encrypted USB drives or systems to ensure data is transferred and held in accordance with the data protection act.

Professional photographers and the media are accompanied at all times by a member of staff when on school premises.

13. Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues may need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. The headteacher will oversee the compiled images as part of the management process and consider their appropriateness.

14. Storage of Images and Videos

Should images need to be kept for a short period of time, they must be protectively stored. This may include password protection and encryption.

- Images should never be stored on personal devices
- Equipment which contains images must always be stored securely and access should be restricted
- Photographs should only be stored on portable storage devices for a temporary period; explicit permission must be obtained from the DPO and/or DSL and effective security measures must be in place.

Any use of social media, tracking apps or cloud storage to store or share images and videos must be appropriately risk assessed and the DPO, leader/managers must ensure appropriate written consent is obtained and that the educational setting have responsibility for the uploading and distribution.

Images must always be stored and disposed of securely to prevent unauthorised access, ensure confidentiality and protect identity. All images must be stored and disposed of in line with GDPR and the Data Protection Act.

15. Copyright

It is important to be sure of the copyright position of any photographs schools/settings intend to use, because photographic images are considered as artistic works under the laws of copyright

Copyright is the right given to authors and creators of works, such as books, films or computer programs, to control the exploitation of their works. This right broadly covers copying, adapting, issuing copies to the public, performing in public and broadcasting the material. Copyright arises automatically and does not depend on the completion of any formalities, such as registration.

Schools should be aware that photographs obtained from the internet are also subject to copyright. The first owner of copyright is usually the author of the work. The major exception is where such work is made in the course of employment, in which case the employer owns the copyright.

Commissioning and paying for work does not procure the copyright. Contractors and freelancers own the first copyright in their work unless the commissioning contract agrees otherwise.

Educational settings should also remember that copyright lasts for over 50 years. Photographs taken after 1 August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older photographers depending on the relevant Copyright Act at the time they were taken. See the table below.

| Date Photograph Taken | Length of Copyright |
|----------------------------------|--|
| Before 1912 | Expired |
| 1st July 1912 to 1st June 1957 | Expired |
| 1st June 1957 to 1st August 1989 | 70 years from when the negative was taken |
| After 1st August 1989 | 70 years after the death of the photographer |

It is the settings responsibility to ensure that all photographs used on their website have this credit applied.

More information on copyright is available from:

United Kingdom's Copyright Licensing Agency: <http://www.cla.co.uk/> International Federation of Reproduction Rights Organisation: <http://www.ifrro.org/>