Fairhaven CE VA Primary School

GDPR
Photography & Videos in School Policy

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Signed *R Whiles* **(Chair of Governors)**

Contents

Definitions 3
Scope of the Policy 4
Data Protection Principles 4
Roles and Responsibilities 4
General Procedures 5
Consent 6
Data Protection Act and School Events 7
Promotional Materials 7
Photographer Selection 8
Breaches 8
Data Retention 8
Appendix A: Model Photo, Video and Celebrations Consent Form 9
Appendix B: Model Photo, Video and Celebrations Consent Waiver Form 13

Definitions

Camera: Used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to take photographs.

Office School Use: Photography and videos which are used for school purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR and the DPA 2018 apply to images and videos taken for official school use.

Media Use: 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 and the DPA 2018 apply to images and videos taken for media use

Personal Use: 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 and the DPA 2018 do not apply to images and videos taken for personal use.

Scope of the Policy

The scope covers the use of photographs in school when taken by the school for official school use by members of staff or individuals authorised to take photographs on behalf of the school.

This policy does not cover the use of devices by students, which is covered by our Pupil Technology Acceptable Use Policy.

The Photo and Video Policy outlines the way(s) in which Fairhaven Primary School uses photos and video data in line with UK GDPR and the relevant data protection legislation, including the Data Protection Act 2018.

The Photos and Videos Policy works in conjunction with our Data Protection Policy and does not invalidate any of the provisions that are within these policies.

Data Protection Principles

The school will uphold the principles that have been set out in The Data Protection Act 2018 and will only handle photo and video data in accordance with these principles to ensure that the rights and freedoms of individuals under the relevant legislation are protected.

The school will ensure that photos and videos are only processed in a way that:

- Is adequate and only in a way that is necessary in relation to the purposes for which they are processed;
- Is accurate and, where reasonable, steps will be taken to correct any data that is inaccurate;
- Is processed lawfully, fairly and in a transparent manner, only collected for specific, explicit and legitimate purposes, and not in a manner that is in any way incompatible with these values;
- Ensures the security of the data and sufficiently protects the data from unauthorised access and processing. as well as protection against accidental loss, destruction or damage, using measures; and,
- Is retained in a manner in which identification of the data subject is permitted for no longer than is required for the purpose(s) for which the data was originally collected.

Roles and Responsibilities

1. The Governing Board is responsible for reviewing this policy on an annual basis.
2. The Headteacher is responsible for ensuring that the provisions in this policy are upheld consistently and that the relevant individuals are aware of their roles in upholding the provisions set out in this policy.
   Additionally they are responsible for overseeing the submission of consent forms to parents with regards to photographs and videos being taken whilst at school. These will be issued at the start of Year R and Year 3.
   Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR and DPA 2018.

Deciding whether parents are permitted to take photographs and videos during school events.
Communicating this policy to all the relevant staff members and the wider school community, such as parents.

3. Parents are responsible for:
   Completing the Consent Form at the beginning of each Key Stage
   Informing the school in writing where there are any changes to their consent.
   Acting in accordance with this policy.

4. The Data Protection Officer (DPO) is responsible for monitoring the school's compliance with the provisions set out in this policy in relation to photo and video data and assessing when the school needs to take out a Data Protection Impact Assessment. The DPO will also act as a point of contact for the Information Commissioner's Office (ICO), as well as for individuals who are covered under this policy by having their photo and video data processed by the organisation.

General Procedures

Photographs are used in school for many reasons, and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.

The Head Teacher will oversee the taking of photos and videos to ensure all rights are being upheld in accordance with the relevant legislation. In the event that there will be photos and/or videos being taken, there will be careful planning in place before it is carried out.

If there are plans to have photos and/or videos taken of (Post) Looked After Children, adopted pupils, or pupils where there exists a security concern, the Headteacher/DSL will determine the steps involved.

If a student is subject to a care order, the school will not display or share any photos or videos with them included. Any photos or videos that may cause distress, harm or embarrassment to any student will not be used.

The following steps will be considered when planning for the taking of photographs and videos:

- Can the photos/videos be taken in a way that prevents the students from being identified?
- Can photos and/or videos of classrooms be taken in a manner that is more general and doesn't show the faces of students?
- Will pupils be suitably dressed to be photographed and videoed?
- Are photos and/or videos of students essential to achieve the end purpose? Can other means be used to achieve the same goal?
- Will the photos and/or videos include pupils from different ethnic backgrounds and abilities to support diversity?

Before any photos or videos are shared externally, including on social media, we will ensure that the list of students who have provided consent will be checked. Only students from whom we have received consent will have photos or videos shared.

Where appropriate, staff will look to avoid the identification of students in photos and videos. Where names will be required, only students' first names will be used.

In the event that a student or parent has concerns about intrusive or otherwise inappropriate photos or videos, they should report their concerns to the headteacher as soon as possible, as well as the Data Protection Officer.

Consent

Not all photos and videos taken by the school will require consent. Where the photograph has been taken as part of the school's public interest processing, consent is neither required, nor sought. The following are examples where consent is not required:

- Displays in classrooms;
- Evidencing learning journeys;
- Records of achievements; and,
- Identification.

Where consent is required, and before any student's data is collected, written consent for a child to be photographed by the school for any school-related activities or events, including class photos, individual portraits, and group photos, should be obtained.

If the school only has one of the pupil's parents' contact details on file, the headteacher will decide whether steps should be taken to obtain the contact details of the other parent in order to seek their consent. However, only the consent of one parent is required.

The school is not required to seek the consent of a particular parent if:

- the parent cannot be found;
- it is in the best interests of the student that the parent isn't contacted;
- the parent is unable to give consent or withdraw consent with a sound mind; or,
- if it is not reasonably practicable or appropriate for the school to notify them.

If neither parent can be contacted to obtain consent for the processing of data, the school will seek to obtain consent from the individual(s) who are responsible for the care of the pupil.

When consent is sought from a parent and/or other appropriate individuals, the school will notify them of:

- the types of photo and video data that the school wishes to collect;
- how it will be collected;
- the purposes for which it will be collected;
- the time period it shall be retained for
- the data subject's right to consent and withdraw consent at any point; and,
- the alternative and reasonable arrangements that the school will put in place should consent not be obtained, or if it is withdrawn in the future.

Where consent is required, a review of the processing will be conducted, and no further processing may take place if:

- the pupil objects to the processing of their photo and video data (whether that be in the form of verbal or non-verbal communication)
- no parent or guardian has consented to the processing of the pupil's photo and video data
- or where one parent has objected (even if the other parent has consented).

Where required, the school will also obtain consent from staff before processing their data. Parents and guardians, staff and pupils are permitted to withdraw their consent at any point, and any photo and video data the school has collected up to that point can be requested for deletion.

Our school Photo Consent form is attached in Appendix A, or available from the school office.

Data Protection Act and School Events

In accordance with information from the Data Protection Commissioner's Office, 'Photographs taken purely for personal use are exempt from the Data Protection Act.'

This means that parents, friends and family members are permitted to take photographs of their child and friends participating in school activities for the family album and are also permitted to film events held at school.

In these circumstances, the school will issue clear guidelines for those attending such events that photographs should always show the school, children and staff in a positive light and, as they may contain pictures of other children, not shared on social media or in other public forums.

Where the school restricts the use of cameras by individuals (for example, if there are children who may not be allowed to be photographed, or the occasion or location is unsuitable), the school will endeavour to take photographs themselves and distribute them to parents once checks and safeguards have been completed. In these situations, we would ask for the cooperation of all parents and others to ensure that this request is respected.

Promotional Materials

The school may wish to use photos or videos when marketing or promoting the school. In these circumstances, using consent may not be appropriate due to the risk that an individual may withdraw their consent. The costs and disproportionate effort involved in removing an individual from materials or their current use may be prohibitive.

This does not apply to regular photos or videos of activities uploaded onto the school website (which can easily be removed) but may include:

- Professionally taken photography that is used in "branded" displays in the school's reception and corridors, on the website template or in professionally produced and printed materials, such as a prospectus or in advertising
- Professionally produced videos for use of the website or in media

In place of using consent, a waiver can be signed by all participating individuals, which means they understand their image will be used for the specified purpose, and the school will not be required to make changes subsequently.

This waiver covers the ongoing use of such material beyond the child's attendance at school.

Our school Photo Waiver form is attached in Appendix B, or available from the school office.

Photographer Selection

Whilst some photos taken by the school will be done so by a member of staff, there will be occasions when the school hires a professional photographer. These occasions may include annual school photos and one-off events or celebrations.

The school will carefully select the photographer who will be responsible for taking photos of students and staff members. The photographer should be experienced and follow best practices for child safety and respect. The school will have a formal contract in place prior to any photos being taken. Additionally, the photographer must be willing to comply with the school's policies and procedures.

Where parents are able to buy photographs as souvenirs, it must be clear to parents whether these are being purchased from the photographer or the school. Where the school directs parents to the photographer, the photographer will enter into a contract with the parents directly and act as a data controller.

Where any data will be shared between the school, parents and an external photographer, the school will undertake adequate due diligence to ensure adequate safeguards are in place to secure all data throughout the process.

Breaches

The school has policies in place for the protection of data subjects and the data that the school holds on them. In the event of a breach, it will be dealt with in accordance with our Data Breach Procedure.

Data Retention

Data will be retained no longer than necessary (as documented in the organisation's record of processing or retention schedule) or until consent is withdrawn. After this time, the photos will be securely destroyed or permanently deleted.

By default, this will be within six months of the student leaving the setting unless

- an exemption or waiver applies to allow continued use
- selected photographs are retained for archiving and historical purposes (e.g. photographs marking significant events or student achievement)

Appendix A: Model Photo, Video and Celebrations Consent Form

This form explains the reasons why and how Fairhaven CE VA Primary may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

Name of pupil:	
Name of parent:	

Why do we need your consent?

Fairhaven CE VA Primary requests the consent of parents to use images and videos of their child for a variety of different purposes. Consent will be requested when your child starts school and when they move from Key Stage 1 to Key Stage 2 (Year 3.) Consent may be withdrawn at any stage.

Without your consent, the school will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the school will abide by the conditions you outline in this form.

Why do you we use images and videos of your child?

Fairhaven CE VA Primary uses images and videos of pupils as part of school displays to celebrate school life and pupils' achievements; to promote the school on social media and on the school's website; and for other publicity purposes in printed publications, such as newspapers.

Where the school uses images of individual pupils, the name of the pupil **will not** be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil **will not** be used to accompany the text.

If, for example, a pupil has won an award and their parent would like their name to be published alongside their image, separate consent will be obtained prior to this.

Fairhaven CE VA Primary may take images or videos of individual pupils and groups of pupils to use on social media, the school website, in school prospectuses and other printed publications, such as a newsletter.

Who else uses images and videos of your child?

It is common that the school is visited by local media and press, who take images or videos of school events, such as sports days. Pupils will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

The following organisations may use images and videos of your children:

- Archant Group (EDP, Evening News, Great Yarmouth Mercury)
- Local business e.g. Sainsburys, Roy's & Co-Op where the school has obtained sponsorship)
- Diocesan Board of Education
- Fairhaven Garden Trust
- Broadsider Magazine
- The Mardler
- Norfolk County Council
- Norfolk Wildlife Trust

Where any organisations other than those above intend to use images or videos of your child, additional consent will be sought before any image or video is used.

What are the conditions of use?

- The consent forms are valid for each Key Stage; 3 years (YrR – Yr2) and 4 years (Y3-Yr6) Images may be retained for archive purposes after your child has left Fairhaven.
- It is the responsibility of parents to inform the school, in writing, if consent needs to be withdrawn or amended.
- The school will not use the personal details or full names of any pupil in an image or video, on our website, in our school prospectuses or any other printed publications.
- The school will not include personal emails or postal addresses, telephone or fax numbers on images or videos on our website, in our school prospectuses or any other printed publications.
- The school may use pictures of pupils and teachers that have been drawn by pupils.
- The school may use work created by pupils.
- The school may use group or class images or videos with general labels, e.g. 'sports day'.
- The school will only use images and videos of pupils who are suitably dressed, i.e. it would not be suitable to display an image of a pupil in swimwear.
- The school will take class images of your child which are available to purchase annually.

Providing your consent

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criteria.

The school will **only** publish images and videos of your child for the conditions that you provide consent for.

I provide consent to:	**Yes**	**No**
My child being named in marketing materials such as the school brochure, school website or leaflets		
Naming my child in newsletters (first name only)		
Photographing and videoing my child.		
Using images of my child in the school newsletter **(please note newsletters are also posted on our website).**		
Using images of my child on the school website.		
Using videos of my child on the school website.		
The local media using images of my child to publicise school events and activities (**only** including the organisations outlined above).		
The local media using videos of my child to publicise school events and activities (**only** including the organisations outlined above).		
Using images of my child in marketing material, e.g. the school brochure and prospectus.		

Sharing my child's data with a school-appointed external photography company for official school images. This includes the following: • Name (Christian name only) • Class		

Refreshing your consent

This form is will be issued when your child joins Fairhaven and again in Year 3 when your child moves from Key Stage 1 to Key Stage 2.

Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. an additional social media account will be used to share pupil images and videos
- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used
- Changes to parental consent, e.g. amending the provisions for which consent has been provided for

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Office. A new form will be supplied to you to amend your consent accordingly and provide a signature.

Withdrawing your consent

Parents have the right to withdraw their consent at any time. Withdrawing your consent will not affect any images or videos that have been shared prior to withdrawal.

If you would like to withdraw your consent, you must submit your request in writing to the Office or by completing a Consent Waiver Form.

Declaration

I, _____ (name of parent), understand:

- Why my consent is required.
- The reasons why Fairhaven CE VA Primary uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the school uses images and videos of my child.
- I have provided my consent above as appropriate, and the school will use images and videos of my child in line with my requirements.
- Consent is refreshed on a 3 year basis
- I will be required to re-provide consent where any circumstances change.

- I can amend or withdraw my consent at any time and must do so in writing to the School Office

Name of Child: _____

Name of Parent _____

Signature: _____

Date: _____

If you have any questions regarding this form, please do not hesitate to contact the School Office at office@southwalshamfairhaven.norfolk.sch.uk or 01603 270224

Appendix B: Model Photo, Video and Celebrations Consent Waiver Form

Fairhaven Primary School

Photo Consent Waiver Form

This Release relates to photographs and or video of me and/or my child taken on…….. at …… ('Photographs and Video').

I warrant, confirm and agree with you as follows:

1. You have the irrevocable right to use, publish, reproduce, display or otherwise exploit the Photographs and Video from the date of this Release for the following purposes:

1.1 Public display *[specify event if appropriate]*
1.2 Non-commercial publication in any media
1.3 Publication within promotional materials
1.4 Any purpose without limitation

2. You shall have the right to edit, modify, crop, add to or subtract from the Photographs and Video at your entire discretion and without my approval.

3. I waive any moral rights that I may have in the Photographs and Video, and I acknowledge that all rights, title and ownership in and to the Photographs and Video, including copyright, to the extent permitted by law, shall belong to you exclusively.

4. This Release is irrevocable and may be transferred by you to your successors, licensees and assignees, and they shall have the right to exploit the Photographs and Video in any media [subject to the restrictions set out in paragraph 5].

5. Restrictions: *(Parent to add any restrictions)*

6. I confirm that I have read and understood the terms of the school's privacy policy and understand that the privacy policy explains the ways in which you intend to process my personal data. I understand that you do not need my consent when you process my personal data for the purposes set out in that privacy policy.

7. This Release is subject to the governing law and jurisdiction of the courts of England and Wales.

Name of Child: _____

Name of Parent _____

Signature: _____

Date: _____