



St. Mary & St. Andrew's Catholic Primary School

USE OF IMAGES POLICY

MISSION STATEMENT

We are guided by God who is at the centre of everything we do.

*We support each other to be the best we can be to secure bright futures for everyone.
With our parishes, families and the community, we work together to create a school that
is safe, happy, respectful and inspirational.*

INTRODUCTION

St Mary & St Andrew's Catholic Primary School needs and welcomes positive publicity. Children's photographs add colour, life and interest to articles promoting school activities and educational initiatives. Making use of photographs on our website and in school publicity materials can increase pupil motivation and help parents and the local community identify and celebrate the pupils' and school's achievements.

However, photographs must be used in a responsible way. We need to respect young peoples' and parents' rights of privacy and be aware of potential child protection issues. As a school, our aim is to protect our children. We must balance the potential risks against the advantages of taking photographs. Risks can be minimised by following the guidelines in this Policy and in securing parental consent for the use of photographs.

This document provides guidance on the appropriate use of images of children in our school. It covers still, video and electronic photographic images wherever they are used. Our policy applies to all staff, governors and volunteers working at the school as well as parents and visitors.

Typical Uses of Photographs

- The school website.
- Recording pupil progress.
- Displays in the school of children's activities.
- Publications by St Mary & St Andrew's Catholic Primary School.
- Media use, including social media (school twitter), newspapers and television (to include the request for children's names by the media when publishing photographs).
- Sports day, sports fixtures, educational visits and events in school, school performances (nativities, concerts, drama and music performances).
- Site security / CCTV.
- Identification, teaching, learning, assessment and safeguarding.

Child Protection Issues

Risks can occur when individual pupils can be identified in photographs. Providing the name and photograph of a pupil in a publication or on a website can lead to child protection issues, and could make a child vulnerable to abuse. If the school becomes

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aware of any such issues, these will be treated as serious and dealt with as per the procedures outlined in the school's Child Protection & Safeguarding Policy. As detailed herein, permission from parents will be sought before allowing photographs and/or a child's/children's name(s) to be published in any form. The Senior Leadership Team will ultimately decide whether the publication of a photograph could pose a risk to a child.

Parents are requested not to share images of our pupils, other than their own child, on the internet or social media sites. This is for child protection reasons not the Data Protection Act/GDPR.

General Data Protection Regulations and School Events

Photographs taken purely for personal use are exempt from the General Data Protection Regulations. 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. Photographs taken by the media are also usually exempt from GDPR. If there is any doubt, if permission is sought by the photographer, this will normally be enough to ensure compliance. See Appendix 1

Legal Framework

This policy has due regard to legislation, including, but not limited to the following:

- The General Data Protection Regulations (GDPR)
- Data Protection Act 2018
- Sex Offences Act 2003
- Protection of Children Act 1978
- Freedom of Information Act 2000
- Human Rights Act 1998
- Keeping Children Safe in Education 2022

Under the General Data Protection Regulations there are two main legal bases for schools to take photos/electronic images. These are *Legitimate Interest* and *Consent*. St Mary & St Andrew's Catholic Primary School has a legal basis, under *Legitimate Interest* for taking photos/electronic images as processing is necessary to show evidence of learning & development and for safeguarding & welfare requirements.

To be able to process photos/electronic images for any other reason, i.e. to promote our school or to help parents and the local community to celebrate the school's achievements on our website, we would have to obtain consent from the parent/carer.

Ownership

Human Rights legislation and the General Data Protection Regulations give people the right to 'privacy'. The school will take steps to respect the rights of people in photographs. The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise.

Photographs for Internal Use

- St Mary & St Andrew's Catholic Primary School will take photographs for its own use. Usually these will be unnamed photographs and will generally be for internal

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school use but may also include photographs for publication, such as photographs for the prospectus. Unnamed photographs may also be used in display boards which can be seen by visitors to our schools.

- As the taking of such photographs does constitute personal data, to ensure that it will not breach Data Protection legislation when the photograph is taken, the pupil will be informed that a photograph is being taken and told what it is for so they can object if they wish.
- We also use photographs of pupils as a means of identification. The pupil photograph is uploaded into our internal management information system and IT applications. These are only accessible by staff.
- Photographs are sometimes added to virtual learning platforms and parent/teacher interactive platforms.
- Please be aware that should your child leave and they or you wish to withdraw consent to use a photograph, then it will be necessary for this to be stated in writing to the school.
- Images will be kept securely and held by the school for the duration of the pupil's time there, after which, they will be destroyed.

Photographs for External Use and the Media

- St Mary & St Andrew's Catholic Primary School will give consideration to the interests of its pupils when deciding whether to allow external organisations to take photographs or to film.
- When the media are allowed to be present in school or at school events, this will be on the condition that they observe this policy.
- Where the media are allowed to be present at a particular event St Mary & St Andrew's Catholic Primary School will make sure that pupils and or their parents are informed of the media presence. If no objection is received, then St Mary & St Andrew's Catholic Primary School will assume that unnamed photographs may be published.
- If the media wants to publish named photographs, then they must obtain specific consent. St Mary & St Andrew's Catholic Primary School will require the media to check with the school before publication so that they can check the completed consent form.
- We have a Twitter account (@BartonSmsa) and we regularly post photographs of daily school activity, events, trips and achievements.
- We have various publications that contain photographs such as our school brochure, our parental guide for new starters, leaflets and banners.
- We have our own school website which contains photographs.
- We produce communications in such formats as newsletters, bulletins and reports which we share with parents, governors and the local community.

School-owned Devices

- Staff are encouraged to take photos and videos of pupils using school equipment.
- Where school-owned devices are used, photographs will be provided to the school at the earliest opportunity and deleted securely from any other devices.
- The use of personal devices such as mobile phones and IPAD's are not to be used.

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- Photographs taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.
- All photographs should be stored on the school server within seven days. No school or pupil related images should be stored on hard drives or portable devices such as IPADS for more than seven days.
- Photographs and videos held on the school's drive are accessible to staff only.
- Photographs should not be used other than for their original purpose, unless permission is obtained.
- Photographs must be destroyed or deleted from the databases once they are no longer required for the purpose for which they were taken e.g. a photograph for ID purposes should not be retained when replaced or expired.
- The storage of electronic images will be regularly reviewed by a senior member of staff.

Images taken during PTFA events

- The PTFA hold a number of events in school – Christmas fair/disco etc. For these events families are permitted to film and take photographic images. It will be made clear each time that these must only be used for personal viewing purposes and must not be published in any format including on-line.

Children photographing one another

- Staff will supervise and maintain control over any photographing pupils do during on-school or off-site activities.
- Children are not permitted to bring their mobile phones or cameras into school (unless express permission has been granted by the Senior Leadership Team).
- If it is found that cameras or camera phones have been misused, the school will follow the disciplinary procedures as outlined in our behaviour policy. In some cases it may be necessary for us to contact children's social care and/or the police.

Images Taken by Parents, Carers or Family Members at a School Event

The photographing or filming of school events, e.g. school productions, sports day, or other events is a valuable part of school life and can be rewarding for both the family and the school. As previously detailed herein, 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 Senior Leadership Team.

Any photographs or videos taken by parents, carers and relatives at school productions, sports days or other events are for the enjoyment of individual families. They must not be used in any way that could potentially place a child at risk. This would include publishing images in any form of print or on the internet including social networking sites. This is emphasised before concerts and shows etc.

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 Head

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Teacher or organiser for permission to use photographic or recording equipment. It may be necessary for the Head Teacher/event organiser to manage the way in which parents 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;
- obtain parental permission;
- 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 Senior Leadership Team/event organiser, and any child protection issues dealt with in accordance with laid down procedures.

St Mary & St Andrew's Catholic Primary School are not responsible for the use of photographs taken by parents at a school event which are for personal use. If circumstances arise where parents take photographs other than their child and place the photograph on social media, St Mary & St Andrew's Catholic Primary School will request that these photographs are removed. If parents do not remove the photographs or abide by this guidance, parents may be prohibited to take photographs at future events.

Camera Phones

At St Mary & St Andrew's Catholic Primary School, we do not allow the use of camera phones in school without the permission of the Head Teacher.

Children

- Children may not bring mobile phones or any other personal device to school. If they do, the devices must be handed in to the school office and released to a parent or carer at the end of the school day.
- Children may not use their phones to take photographs of any pupils or staff at school, unless special permission has been given by the Head Teacher and only after consent is given by the person.

Staff

- Mobile phones and devices must be switched off or switched to 'silent' mode, Bluetooth communication should be "hidden" or switched off and mobile phones or devices must not be used during teaching periods unless permission has been given by a member of the Senior Leadership Team in emergency circumstances.
- If members of staff have an educational reason to allow children to use mobile phones or personal device as part of an educational activity, then it will only take place when approved by the Senior Leadership Team.
- Staff should not use personal devices such as mobile phones or cameras to take photos or videos of pupils and will only use school-provided equipment for this purpose.
- If a member of staff breaches the school policy, then disciplinary action may be taken.

Parental Consent

Use of images of children requires the consent of the parent / carer. Permission will be obtained when a child joins St Mary & St Andrew's Catholic Primary School. The form covers when using the photographs in publications and on the website/Twitter feed. Parents / carers can withdraw consent at any time.

DATA PROTECTION GOOD PRACTICE TAKING PHOTOGRAPHS IN SCHOOLS

In October 2007 the Information Commissioner's Office (ICO) published Good Practice Guidance aimed at Local Authorities and those working in schools, colleges and universities. It gave advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

Recommended Good Practice

The Data protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people recording important events.

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Act and pupils, students and parents/carers should be advised why they are being taken
- Photos taken purely for personal use are exempt from the Act

Examples

Personal Use:

- 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.

Official School Use:

- Photographs of students/pupils are taken for identification. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are being 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 parents/carer are aware this is happening and the context in which the photo will be used.

Media Use:

- 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 and/or their parents/carers/guardians are aware that photographs of those attending may appear in the newspaper, this will not breach the Act.