



**W A T E R T O N**  
ACADEMY TRUST®



## Photography Policy

## **Contents:**

### [Statement of intent](#)

1. [Legal framework](#)
2. [Definitions](#)
3. [Responsibilities](#)
4. [Consent](#)
5. [General procedures](#)
6. [Additional safeguarding procedures](#)
7. [School-owned devices](#)
8. [General use of digital cameras](#)
9. [Storing and retention](#)
10. [Appropriate use of images under GDPR](#)
11. [Privacy notices](#)
12. [Sharing of images](#)
13. [Use of a professional photographer](#)
14. [Permissible photography and videos during school events](#)
15. [Monitoring and review](#)

### **Appendices**

- a) [Staff Agreement Form](#)
- b) [Photography and video parental consent form](#)
- c) [Photography and video pupil consent form](#)

## Statement of intent

At Waterton Academy Trust, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school website. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

Whilst we recognise the benefits of photography and videos to our school community, we also understand that these can have significant risks for those involved. Under the legal obligations of the Data Protection Act 2018 (GDPR), the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The school has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the school with regard to pupils' safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

## Legal framework

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

- General Data Protection Act 2018 (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy has been created with regard to the following guidance:

- Information Commissioner's Office (2018) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2018) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'
- Department of Education (2021) Keeping children safe in Education

This policy also has due regard to the school's policies including, but not limited to, the following:

- Data Protection Policy
- Data Retention Schedule

## Definitions

**For the purposes of this policy:**

“**Camera**” is used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to be take photographs.

“**Personal use**” of photography and videos is defined as the 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 DPA 2018 do not apply to images and videos taken for personal use.

“**Official school use**” is defined as 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 DPA 2018 apply to images and videos taken for official school use.

“**Media use**” is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the DPA 2018 apply to images and videos taken for media use.

Staff may also take photos and videos of pupils for “**educational purposes**”. These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the DPA 2018 apply to images and videos taken for educational purposes.

## Responsibilities

The headteacher is responsible for:

- Submitting consent forms to parents, and pupils where appropriate, at the beginning of the academic year with regards to photographs and videos being taken whilst at school or off-site whilst on school activities such as trips, residential or other events managed by the school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the DPA 2018 and the Trust Data Retention Schedule.
- 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.

The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of LAC pupils.
- Liaising with the data protection officer (DPO) to ensure there are no data protection breaches.
- Informing the headteacher of any known changes to a pupil’s security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

Parents are responsible for:

- Completing the Consent Form on entry to school and through annual consent practices.
- Informing the school in writing if they wish to make any changes to their consent as per their rights under DPA 2018.
- Acting in accordance with this policy.

In accordance with the school's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the school and its employees about their obligations to comply with DPA 2018 in relation to photographs and videos at school.
- Monitoring the school's compliance with the DPA 2018 in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at school
- Conducting internal audits regarding the school's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members in relation to how the DPA 2018 and KCSIE impacts photographs and videos at school.

Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the headteacher and the child protection officer.

## **Consent**

All photographs and video content are classified as personal data under DPA 2018, images or video content may be used for publicity or other purposes only when the parent has provided informed consent and has not withdrawn their consent.

Up to the age of 13, and in some cases 16 depending on the child's maturity, parents are responsible for providing consent on their child's behalf.

Over the age of 13, except in exceptional cases, pupils may provide consent.

Parents and pupils are required to be aware that their child/they may be photographed at school and they have the right to withdraw consent for:

- Photographs or video taken by members of staff for school-based communication, marketing and promotional purposes (school newsletters/prospectus) or for anonymous use on the school website.
- Photographs or video taken by parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
- Photographs or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.

The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

Where consent is given, a record will be kept documenting how and when consent was given and last updated within the Schools Information Management System.

The school ensures that consent mechanisms meet the standards of the DPA 2018. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

Parents and pupils, as applicable, will be asked to complete the Consent Form on entry to school, which will determine whether or not they allow their child/themselves to participate in photographs and videos.

The Consent Form will be valid for the duration of the pupils time in school, unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.

The School, in accordance with Section 3.1 and under the principles of "accuracy" within DPA 2018, will proactively undertake an annual consent check for its data subjects.

If there is a disagreement over consent, or if a parent/pupil does not respond to a consent request, it will be treated as if consent has not been given and photographs and videos will not be taken or published of the pupil without consent.

All parents and pupils are entitled to withdraw or change their consent at any time during the school year.

Parents or pupils withdrawing their consent must notify the school in writing or verbally. Where verbal withdrawal of consent is given, this must be directed to the Senior Admin Officer, Headteacher, DSL or class Teacher.

If any parent or pupil withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.

For any LAC pupils, or pupils who are adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of an LAC pupil, or pupils who are adopted, would risk their security in any way.

Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of pupils for whom consent was not given will be created by the school and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

## **General procedures**

Photographs and videos of pupils will be carefully planned before any activity.

The Headteacher will oversee the planning of any events where photographs and videos will be taken, with advice from the DPO where appropriate.

Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the headteacher will liaise with the DSL to determine the steps involved.

When organising photography and videos of pupils, the headteacher, as well as any other staff members involved, will consider the following:

- Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
- Could the camera angle be amended in any way to avoid pupils being identified?
- Will pupils be suitably dressed to be photographed and videoed?
- Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
- Would it be appropriate to edit the photos or videos in any way (e.g. to remove logos which may identify pupils)?
- Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?

The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.

The staff members involved, alongside the headteacher and DPO, will liaise with the DSL if any LAC pupil, adopted pupil, or a pupil for whom there are security concerns is involved.

School equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in section 7 of this policy.

Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.

Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.

The school will not use images or footage of any pupil who is subject to a court order.

The school will not use photographs of children or staff members who have left the school, without parental consent.

Photos and videos that may cause any distress, upset or embarrassment will not be used.

Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

## **Additional safeguarding procedures**

The school understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The DSL will, in known cases of a pupil who is an LAC or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.

Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:

Photos and videos can be taken as per usual school procedures

Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media

No photos or videos can be taken at any time for any purposes

Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held in the school office, will be updated accordingly.

## **School-owned devices**

Staff are directed to take photos and videos of pupils using school equipment; however, they may use other equipment, such as school-owned mobile devices, where the DPO has been consulted and consent has been sought from the headteacher prior to the activity.

Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity and removed from any other devices.

Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

Photographs and videos 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.

Digital photographs and videos held securely on the school's IT network are accessible to designated staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos.

## **General use of digital cameras**

Members of staff may be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils.

Photos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.



The use of personal cameras, mobile phone cameras or other recording equipment is prohibited on school premises at all other times.

The school cameras are located in a secure space. Members of staff are responsible for making sure that the camera is locked away after use in at the end of the day.

Each camera will be clearly identified as belonging to the school/member of staff.

Members of staff are not allowed to bring in personal cameras without prior permission. If personal cameras are allowed to be brought in due to a specialist requirement or defective equipment, the memory card should be shown to be empty and images downloaded to the school's server.

Members of staff are not allowed to take school cameras or memory cards home for personal use.

Cameras are not permitted to be taken into the toilet/or swimming pool/changing area. If necessary (e.g. photographs of pupils washing their hands), then prior permission needs to be sought from the headteacher. Staff members are required to be supervised while carrying out this activity.

Staff or other adults are not permitted to take photographs of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed.

Members of staff and the school community are required to report inappropriate use of digital cameras and images to the headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with Human Resources. The responsibility of safe use, transport and storage of photography equipment, videography equipment, memory cards and other associated devices lays with the borrower who should report damage, loss or theft to the Headteacher in the first instance. It is the Schools responsibility to ensure safe storage and transport methods are in place including the upkeep and maintenance of the devices.

## **Storing and retention**

Images obtained by the school will not be kept for longer than necessary.

Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in the securely. They will not be used other than for their original purpose, unless permission is sought from the headteacher and parents of the pupils involved and the DPO has been consulted.

Paper documents will be shredded or pulped and digital memory cards/devices securely wiped or destroyed by our nominated external WEEE disposals company once the retention period has ended.

The headteacher will delegate responsibility to review stored images and videos on an annual basis to ensure that all material out of scope of the retention period or intended use has been deleted appropriately.

Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the Schools paper based and digital storage systems immediately.

When a parent/carer withdraws consent, the school will endeavour to remove individuals' photos or videos where used for the categories in section 2 without delay. In some circumstances where photos have been used for internal use to evidence learning, the school may be required to maintain documentation however this will be discussed with the parent/carer.

Where a pupil's security risk has changed, the DSL will inform the headteacher immediately. If required, any related external/public imagery and videos involving the pupil will be removed from the school's external systems immediately and third parties used on behalf of the school for public media will be contacted with the request to have the imagery removed or manipulated so it is not possible to identify and individual. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.

Official school photos may be held on the school's information management system alongside other personal information and are retained in line with the schools retention period , or longer if necessary, e.g. due to a police investigation.

Images and or video footage taken must be downloaded as soon as possible on to a school computer/laptop. Memory cards should not be used as long-term storage or backups.

Members of staff are responsible for ensuring that images are safely stored on the designated secure storage systems. They must take reasonable measures to ensure that they do not come into the possession of unauthorised persons.

Digital images and or videos may at times be altered and enhanced to either, protect the rights of an individual, afford dignity to an individual/s or ensure that premises within the trust are best represented. Digital images will not, by any pupil or staff member be altered which negatively effects the dignity of an individual, smears the character of an individual or brings a negative reputational effect to any of the Trusts establishments.

The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met.

If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered.

Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card has to be appropriately disposed of to ensure that no imprint remains.

### **Appropriate use of images under Data Protection 2018 (GDPR)**

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.

To judge whether legitimate interest can be used as the basis for processing data, such as using pupils' photographs as part of the school's management information system, the school will carry out three different tests, these are:

- A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
- A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
- A balance test – establishing the impact it will have on the data subject by processing the data for said reason.

These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out an LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the DPA 2018.

#### Photographs used in identity management

These are likely to be essential for performing the public task of the school, but they will be deleted once the child is no longer in attendance in line with the Trust's data retention period and intended purpose – as it is no longer needed for the purpose for which it was held.

#### Photographs used for marketing purposes

Photographs will not be used for marketing purposes unless the school has specific informed consent for the images and the images are only used in line with the consent provided.

#### Photographs in the school environment relating to education

These photographs may be essential for performing the public task of the school, but once the pupil has left the school this argument is insufficient. If the school wishes to display the image beyond the pupil's time at the school, we will obtain the pupil's permission. If permission is not granted, the image will be removed.

### **Privacy notices**

The school uses privacy notices with declarations attached to inform pupils and their families about how their personal data may be collected and as one method of gaining consent.

### **Sharing of images**

All images taken by members of staff or volunteers at school or on school activities remain the property of the school.

Images must not be shared with anyone outside the school or held for private use.

No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent/carer as set out in section 2.

Images may under no circumstances be emailed or shared via private e-mail accounts unless a parent has asked for a photo of their child to be sent to them.

Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites.

## **Use of a professional photographer**

If the school decides to use a professional photographer for official school photos and school events, the headteacher will:

Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.

Issue the photographer with identification, which must be worn at all times.

Let pupils and parents know that a photographer will be in attendance at an event and ensure they have previously provided consent to both the taking and publication of videos and/or photographs.

Not allow unsupervised access to pupils or one-to-one photo sessions at events.

Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photographs for any other purpose.

Ensure that the photographer will comply with the requirements set out in DPA 2018 and KCSIE and ensure that the photographer has a suitable and up to date DBS in place.

Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school and will be subject to the same conditions of the above.

## **Permissible photography and videos during school events**

If the headteacher permits parents to take photographs or videos during a school event, parents will:

Remain seated while taking photographs or videos during concerts, performances and other events.

Minimise the use of flash photography during performances.

In the case of all school events, make the focus of any photographs and/or videos their own children.

Avoid disturbing others in the audience or distracting pupils when taking photographs or recording videos.

Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.

Refrain from taking further photographs and/or videos if and when requested to do so by staff.

Ensure the dignity and character of individuals captured in the images or video is respected.

## **Monitoring and review**

This policy will be reviewed on a two yearly basis by the MAT leadership and the DPO.

Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

## Policy Information

Document Detail			
Document Name	Photography Policy		
Version	2		
Effective from:	March 2020		
Chief Officer Signature	<i>V. Collins</i>	V Collins, COO	
Approved by:	Trust Board		
Approval meeting reference:	July 2022		
Next Review Date:	September 2024		
Version Control			
Version	Date	Author	Change /Reference
1	September 2018	G Bishop	
2	March 2020	D Dickinson	Consent forms to be completed on entry to school only, but can be amended by parents. References to Trust Data retention Schedule included.
3	June 2022	I Burns / V Collins	Updated references to legislation Removal of staff form (to sit with code of conduct) Revision of parent form (appendix 1) Register of no consent to sit with school not DPO Revision of section on photo editing Update on staff responsibility and accountability on device use, storage and transport.

## Appendix 2 – Parent/Carer consent for photography and Video

School logo

School Name

School address

### Photography and video Parental consent form

Dear Parent/Carer,

Often, we take photographs and videos of the pupils at our school. We use these images in our school displays, newsletter, prospectus or in other printed publications that we produce, as well as the school website and Twitter. We also use photography and video to aid evidence for learning throughout your pupil's time at our school and record celebrations such as assemblies and plays.

From time to time, our School may be visited by the media who will take photographs or film footage of high-profile events which may appear in local and national publications.

We may also use an external photographer for class and individual photos and the start of each new academic year.

### What are the conditions of use?

- This consent form is valid for the duration of your child's time at school but will be checked annually to ensure our records are accurate.
- 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, except in exceptional circumstances where additional consent will be sought.
- The school may use pictures of pupils and teachers that have been drawn by pupils.
- The school may use group 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.

### Providing your consent

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

The school will **only** publish images and videos of your child for the conditions that you provide consent for which you have the right to withdraw at any time by submitting your request in writing to the headteacher or verbally to the Headteacher, Class Teacher, Designated Safeguarding Lead or Senior Admin Officer.

Further consent will be sought where there is a change in circumstances, eg: new requirements for consent such as an additional social media account.

Name of pupil		
Name of parent/carer		
Year group and class number		
<b>I provide consent to:</b>	<b>Yes</b>	<b>No</b>
Photographing and videoing my child.		
Using images of my child on the school or Trust website.		
Using videos of my child on the school or Trust website.		
Using images of my child on social media, including Facebook and Twitter:		
Using videos of my child on social media, including Facebook and Twitter:		
The local media using images of my child to publicise school events and activities.		
The local media using videos of my child to publicise school events and activities.		
Using images of my child in communication, marketing and promotional materials, 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 Name, Class and Roll number.		

### Declaration

I, \_\_\_\_\_ (name of parent), understand:

- Why my consent is required and that I can speak to the school at anytime to seek further information regarding this form.
- The reasons and conditions why **name of school** uses images and videos of my child.
- Which other organisations may use 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 an annual basis and I must re-provide consent if I consent to images and videos of my child being used in other academic years.
- I can amend or withdraw my consent at any time.

Name of Parent \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Important notice:** Once signed, please hand back to the School Office so your consent choices can be recorded accurately and timely.

Office use only			
Date received		By (staff initials)	
Date processed		By (staff initials)	
Annual check? Tick		Mid-year change? Tick	