



# **Photography and Images Policy**

**January 2024  
Review February 2025**

## **Statement of intent**

At Exceptional Ideas Ltd., we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, and the school website.

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 UK GDPR and the Data Protection Act (DPA) 2018, 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 recording equipment by staff, students and parents to reflect the protective ethos of the school with regard to students' safety.

In order to ensure that, as far as possible, the use of photography and video is safe at all times, the policy provided below should be followed.

## 1. Legal framework

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

The Data Protection Act 2018

The UK General Data Protection Regulation (UK GDPR) The Freedom of Information Act 2000

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

DfE (2023) 'Keeping children safe in education 2023'

This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Records Management Policy
- Anti-bullying policy
- Technology Acceptable Use Agreement

## 2. Roles and responsibilities

The directors are responsible for:

- Submitting consent forms to parents at the beginning of the academic year with regard to photos and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the UK GDPR and the DPA 2018.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

The DSL is responsible for:

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

Parents and students are responsible for:

- Completing a photography consent form on an annual basis.
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

## 3. Definitions

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

**“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 UK GDPR and 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. photos of children taken for a local newspaper. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

Staff may also take photos and videos of students 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 UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

## **4. Consent**

Staff and parents will be encouraged to read the Data Protection Policy.

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

- Photos or videos taken by members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.

The school recognises that consent must be a positive indication. It cannot be inferred from silence, inactivity, or pre-ticked boxes. Where consent is given, a record will be kept documenting when consent was given and last updated.

Parents will be asked to complete the photography consent form on an annual basis, which will determine whether they allow their child/themselves to participate in photos and videos.

The school maintains an up to date log of which students we have consent for and those that we do not.

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

If any parent or student withdraws or changes their consent, or the DSL reports any changes to a student’s security risk, or there are any other changes to consent, the list will also be updated by admin.

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

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

Where parents and students disagree regarding consent this will be noted on the consent form and considered in the context of the age and ability of the student.

## **5. General procedures**

Photos and videos of students will be carefully planned before any activity and considered by the operational senior.

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

The list of all students who have not consented to being photographed or recorded will be checked prior to the activity. Only students for whom consent has been given will be able to participate.

Staff will ensure that all students are suitably dressed before taking any photos or videos.

Staff will avoid identifying students by name or any other identifiable data.

The school will not use photos or videos of:

- Any student who is subject to a court order.
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.
- Staff members who have left the school, without their consent.

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

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

## **6. Use of digital cameras and mobile phones**

Staff members may be provided with a camera to record and maintain pictorial evidence of the lessons and events related to their students. Photos and videos may only be taken for educational purposes.

The use of personal mobile phone cameras must only capture material where students are not identifiable by face and should be deleted from personal devices once transferred to school storage systems; we use WhatsApp, Microsoft 365 cloud and email. It is the responsibility of staff to remove material once stored from devices.

The school-owned cameras will be located and stored securely. Members of staff will be responsible for making sure that the camera is locked away after use at the end of the day. Members of staff will not be allowed to take school cameras or memory cards home.

Staff or other adults will not be permitted to take photos of students in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the school community will be 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 the DSL.

## **7. Storage and retention**

As per the UK GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the school's Records management policy.

Digital photos and videos held on the school's Microsoft 365 cloud are accessible to staff only.

Paper documents will be shredded and electronic memories scrubbed clean or destroyed once the retention period has ended.

Where a parent or student has withdrawn their consent, any related imagery and videos involving their child/the student will be removed from the school recording systems immediately.

Where a student's security risk has changed, the DSL will inform the headteacher immediately. If required, any related imagery and videos involving the student will be removed from the school systems immediately.

Images taken on school cameras will be downloaded as soon as possible on to a school computer or laptop.

## **8. Appropriate use of images under UK GDPR and the DPA 2018**

Photos will be 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 school will use privacy notices with declarations attached to inform staff, students and parents about how their personal data may be collected and as one method of gaining consent.

To judge whether legitimate interest can be used as the basis for processing data, 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 students' 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 UK GDPR and the DPA 2018.

### **Photos used for marketing purposes**

Photos 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.

The school will recognise that when images are posted on the school website anyone may view the images and consequently this may result in a greater risk of misuse of images. The school will, therefore, give specific consideration to the suitability of images for use on the school's website.

### **Photos in the school environment relating to education**

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

## **9. Use of cameras and filming equipment by students**

All students will be encouraged to look after each other and to report any concerns about the misuse of technology or any worrying issues to a member of staff.

The use of cameras, or filming equipment, including on mobile phones, will not be allowed in toilets or changing areas, nor should photography or filming equipment be used by students in a manner that may offend or cause upset.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the school's Anti-bullying Policy and Technology Acceptable Use Agreement will always be taken seriously and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

## **10. Sharing of images**

All images taken by members of staff at school or during school activities remain the property of the school and 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. Unless specific prior consent has been obtained, members of staff will not post school images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

## **11. Monitoring and review**

This policy will be reviewed on an annual basis by the DPO. The next scheduled review date for this policy is February 2025.

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