

# Policy for the Safe Use of Children’s Photographs

2019

Children’s photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and the local community identify and celebrate the school’s achievements.

However, photographs must be used in a responsible way. Schools need to respect children’s and parents’ rights of privacy and be aware of potential child protection issues.



## **School Policy for the Safe Use of Children’s Photographs**

### **Introduction**

The GDPR makes **little difference** to the previous legal position of displaying information about pupils in school. The personal data we may display about our children on the walls of classrooms, office, or staffroom might include children's:

- Names
- Photographs or videos
- Targets
- Test results
- Characteristics

At Banks Road Infant & Nursery School every reasonable effort will be made to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs.

This policy applies to the use of photographs in school publicity materials, on its website and in the press.

This policy reflects the GDPR and consensus of opinion of the staff and governing board of Banks Road Infant & Nursery. Its implementation is the responsibility of all staff. Parents and visitors will be made aware of this policy.

### **Child Protection**

There may be a risk when individual pupils can be identified in photographs. For that reason the governing board of Banks Road Infant & Nursery School have developed this policy to make every effort to minimise risk.

In the event of the inappropriate use of children’s photographs the head teacher will inform the local Child Protection Officer and Social Services and / or the Police.

### **The data protection principles**

We follow the data protection principles when displaying personal information. This means we:

- Use the minimum amount of personal information possible in any display, in line with the data protection principle about only using information that is necessary.
- Are fair, lawful and transparent when making decisions about displaying or sharing pupil data.

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So we:

- Notify parents and pupils, as applicable, about these sorts of uses of personal data via your privacy notice. We use our model privacy notices as a starting point
- If we think there might be objections to our proposed use, we talk to parents about it

**When we don't need consent to take and display images**

- Where photos are required as part of curricular records, like in the Early Years Foundation Stage, or the use of video as an element of assessment. This is because another lawful basis will apply here - this would probably be ‘public task’, as the photos or videos are necessary to fulfil our function as a school
- Photos and videos taken by parents, such as at sports days or school performances, are counted as being taken for ‘personal use’ and are therefore not covered by the GDPR. In this situation though, we ask parents not to share or publish images on social media or elsewhere online, for safeguarding reasons

This is based on ICO guidance on taking photographs in schools. It refers to the Data Protection Act 1998 but is still relevant.

**When we will need consent to take and display images**

The key principle:

**Taking and displaying images of pupils will require consent where the photo or video is not essential for the running of the school, and none of the other lawful bases can justify your use of the image.**

We seek consent if we:

- Photograph a small group of pupils in a lesson for use in the school prospectus
- Video parts of a PE lesson to put on the website to advertise the school's sports facilities to prospective parents
- Take photos of children to be put up in classroom displays
- Hire a photographer to take photographs of the whole school during an awards ceremony for a local newspaper
- Take photographs or videos of individuals, or groups of students, for any other promotional purposes

**Appropriate Use of Images in School Publicity Materials**

The staff and governors of Banks Road Infant & Nursery School will:

1. Ensure that images are stored securely and used only by those authorised to do so;

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2. Ensure that electronic images are stored on a secure network to which members of the public have no access;
3. Not use an image of any child who is subject to a court order;
4. Secure parental consent for the use of children’s photographs;
5. Not use photographs of children or staff who have left the school without their consent;

**School Website**

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff and governors of Banks Road Infant & Nursery School are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. The governors will seek the consent of parents regarding the use of images on the Internet.

Children’s names will not be included in photographs of children published on the school website.

**The Press**

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission’s Code of Practice states that:

Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.

Pupils must not be approached or photographed while at school without the permission of the school authorities.

There is no breach of the Data Protection Act 1998 in passing on a child’s name to a journalist as long as parental consent has been secured.

Banks Road Infant & Nursery School will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian have provided their consent.

**Filming Events**

It is usual for parents to take photographs and videos of children at school events such as the annual Christmas Assemblies and Sports Day. Any objections to this policy should be addressed to the Head Teacher.

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On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event.

Where a commercial photographer is used, the school will follow the NSPCC guidelines which are as follows:

1. Schools should provide a clear brief about what is considered appropriate in terms of content and behaviour;
2. Schools should issue the photographer with identification which must be worn at all times;
3. Schools should let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs;
4. Schools should not allow unsupervised access to children or one-to-one photo sessions at home;
5. Schools should not approve / allow photo sessions outside the event or at a child's home.

**School photographers must seek new consent to use the images differently**

Although the photographer will officially own the photos they have taken, they will only be able to use these photos for the specific purposes that parents consented to at the time the photos were taken. (Confirmed by the Intellectual Property Office (IPO) ).

If the photographer wishes to subsequently use photos for purposes not initially consented to, they will need new parental consent. The school cannot give consent on the behalf parents.

In any contract we agree with a photographer it must include:

- Specific information on how the photos can be used
- Information about how consent can be withdrawn by parents at a later date
- The required contents for contracts under the GDPR, which provide assurances that the photographer will keep the photographs and other personal data safe and secure

If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Head Teacher who would report them in the same manner as any other child protection concern.

If schools or parents have concerns regarding the use of filmed images by television companies they should contact the Office of Communication (Ofcom).

Any objections to this policy should be addressed to the Head Teacher.

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**Camera Phones in Schools**

Concerns have been expressed about the risks posed directly and indirectly to children through the use of camera phones on school premises.

In order to minimise risk at Banks Road Infant & Nursery School:

- Staff will only use mobile phones in office areas, the staff room or areas away from the children while school is in session; as outlined in our mobile phone policy.
- Visitors will be advised of the ban on the use of camera phones in school

**Parental Consent**

The governors of Banks Road Infant & Nursery School will seek the consent of parents / guardians regarding the use of photographs of children. The consent will include agreement on how and where the photographs will be used. The consent form is completed by parents and carers on admittance to school and these are kept in the school office.

**Monitoring and Review**

Our policy and practice are regularly reviewed by staff and Governors via the Governors' Pupils & Personnel Committee

<b><u>THE POLICY WILL BE REVIEWED ANNUALLY.</u></b>
DATE OF REVIEW BY GOVERNING BOARD: July 2017, July 2018, July 2021
This policy was reviewed and ratified by the Pupil and Personnel committee in July 2019  Signed:  Chair of Governors: _____  Date: _____