

St Mary's Catholic Primary School, Isleworth
PHOTOGRAPHY AND VIDEO POLICY



This PHOTOGRAPHY AND VIDEO POLICY has been approved and adopted by the Governing Body on 20/11/2019 and will be reviewed in November 2021.

School Mission Statement

Our school family at St Mary's wants this to be a safe, caring, creative and happy place, where we all have a fair chance to learn and grow together and to do the best we can.

We do this by knowing and loving Jesus more every day and by following his teaching in a joyful way.

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Purpose & Scope

We, at St Mary's, know it is important that our children feel proud of their achievements and have photographs and films capturing their special moments. Family and friends also want to be able to share the successes of their children when they have been part of a special event or activity.

However, it is also important to be aware of child protection and safeguarding issues when people are taking photos or filming at events. The potential for misuse of images can be reduced if we are all aware of the potential dangers and put appropriate measures in place. Furthermore due to personal circumstances, some children, parents or carers may not be comfortable with images of themselves or their children being shared. For example, if a child and their family have experienced abuse they may worry about the perpetrator tracing them online. Automated facial recognition has and is being used to track abuse victims, so even without a name a published photograph may be enough to track a child. Children who choose not to have contact with some members of their family may decide to minimise their online presence.

In line with legal obligations of the General Data Protection Regulation (GDPR), as well as our safeguarding responsibilities to all St Mary's children, the school has implemented a policy on the safe use & storage of cameras and videos by staff and parents. The policy reflects the protective ethos of the school with regard to pupils' safety, concerns about privacy and increasingly concerns about individual's digital footprints. It will also help you to think about and mitigate the risks involved with sharing images of children.

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.

1. Legal framework

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

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010
- Keeping Children Safe in Education 2019
- NSPCC Safeguarding children & child protection guidelines

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

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

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

- School Code of Conduct (school rules)
- Staff Code of Conduct
- School Privacy Notice

2 Definitions (for the purpose of this policy):

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- 2.1. "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 GDPR do not apply to images and videos taken for personal use.
- 2.2. "Official school use" is defined as photography and videos which are used for school purposes, e.g. for building passes. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use.
- 2.3. "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 GDPR apply to images and videos taken for media use.
- 2.4. Staff may also take photos and video 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 GDPR apply to images and videos taken for educational purposes.

3. Roles and responsibilities

3.1. The headteacher (or in their absence the deputy headteacher) is responsible for:

- Submitting consent forms to parents at the beginning of the academic year with regards to photographs and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
- 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.

3.2. The designated safeguarding lead (who at St Mary's is the headteacher) is responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC pupils.
- Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
- Keeping up to date regarding any known changes to a pupil's security, e.g. child protection concerns, which would mean that being photographed or recorded in a video would put them at significant risk.

3.3. Parents are responsible for:

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- Completing the [Consent Form](#) on when your child joins the school.
- Informing the school in writing where there are any changes to their consent.
- Acting in accordance with this policy.

3.4. 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 the GDPR in relation to photographs and videos at school.
- Monitoring the school's compliance with the GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at school
- Conducting internal audits, in regards to the school's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at school.

The School's DPO is: Craig Stilwell Company: Judicium Consulting Ltd Address:
72 Cannon Street, London, EC4N 6AE Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk Telephone: 0203 326 9174

4. Parental consent

- 4.1. The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 4.3. Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- 4.4. The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.
- 4.5. Where a child is under the age of 16, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.
- 4.6. All parents will be asked to complete the Consent Form when their child starts at St Mary's, which will determine whether or not they allow their child to be photographed or videoed.
- 4.7. The Consent Form will be valid for the full academic year, 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 to be submitted to the school if the pupil's circumstances change.
- 4.8. 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 photographs and videos will not be taken or published of the pupil whose parents have not consented.
- 4.9. All parents are entitled to withdraw or change their consent at any time during the school year.
- 4.10. Parents will be required to confirm on the Consent Form, in writing, that they will notify the school if their child's circumstances change in any way, or if they wish to withdraw their consent.
- 4.11. For any LAC pupils, or pupils who are adopted, the headteacher 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 a LAC pupil, or pupils who are adopted, would risk their security in any way.
- 4.12. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the headteacher 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.

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- 4.13. A list of all the names of pupils for whom consent was not given will be created by the School Admin Team and checked by the headteacher and will be circulated to all staff members. This list will be updated annually, or when new consent forms are provided by parents.
- 4.14. If any parent withdraws or changes their consent, or the headteacher 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.

5. General procedures

At St Mary's we use imagery and videos for a variety of purposes, including promotional material, display boards, educational purposes, newsletters and newspapers, the school website and, from time to time, the school's Facebook page. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

- 5.1. Photographs and videos of pupils will be carefully planned before any activity.
- 5.2. The headteacher will be consulted in the planning of any events where photographs and videos will be taken. The headteacher has the final say in whether photographs or videos will be taken or not.
- 5.3. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the headteacher will liaise with the classteacher/s to determine the steps involved.
- 5.4. 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?
- 5.5. The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Children who are on the list must be able to take part in the activity as to exclude them would be against the school's ethos.
- 5.6. The staff members involved and the headteacher will liaise if any LAC pupil, adopted pupil, or a pupil for whom there are security concerns is involved. (see [section 6](#) of this policy)
- 5.7. Only School equipment will be used to take photographs and videos of pupils.
- 5.8. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.9. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.10. The school will not use images or footage of any pupil who is subject to a court order.
- 5.11. The school will not use photographs of children or staff members who have left the school, without parental consent.
- 5.12. Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.13. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

6. Additional safeguarding procedures

- 6.1. The school understands that certain circumstances may put a pupil's security at greater risk and,

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thus, may mean extra precautions are required to protect their identity.

- 6.2. The headteacher will, in known cases of a pupil who is a 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.
- 6.3. Any measures required will be determined between the headteacher, social worker, carers, DPO and adoptive parents with a view to minimise 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. Photos and videos cannot be taken by parents at school events were the child/ren are present.
 - No photos or videos can be taken at any time, for any purposes
- 6.4. Any outcomes will be communicated to all staff members via email 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. Children on the list will not be excluded from taking part in activities.

7. School-owned devices

- 7.1. Staff must only take photos and videos of pupils using school equipment.
- 7.2. Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity, and removed from these mobile devices at the earliest opportunity.
- 7.3. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.
- 7.4. 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.
- 7.5. Digital photographs and videos held on the school's drive are accessible to 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.

8. Use of a professional photographer

- 8.1. 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.
 - Ensure that the School Admin Team have check the photographer's DBS.
 - 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 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 GDPR.
 - Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for any other anything other than the purpose indicated by the school.

9. 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.

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- Flash photography must not be used during performances.
- In the case of all school events, make the focus of any photographs or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video.
- Not use mobile phones to take photographs or 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 school staff.

10. Social networking sites

In line with our safeguarding responsibilities, we, St Mary's, ask that photos and videos taken at any school event or activity are **not** shared on any social networking sites. Sharing photographs and images of children on online platforms carries potential risks. For example:

- children may become vulnerable to grooming if a photograph is shared alongside information that makes them identifiable. This includes: personal details; a tag with location information; visual details such as a school uniform
- inappropriate images of children may be shared online
- images may be copied, downloaded, screenshotted or shared by anyone
- images of children may be adapted and used inappropriately
- photos or videos may appear in internet search results
- depending on the terms and conditions of using an online platform, the image may be owned by the platform once it's been posted. Platforms may then license images for use by third parties – such as for commercial purposes
- each photo or video, and any comments on them, become a part of a child's public image. This may affect them later in life – for example, it may affect how they see themselves, or how they are viewed when applying for a job

(Thinkuknow, 2018).

However, whilst there is no law against taking photos and videos at public events, including of other people's children (Ask the Police, 2018), and uploading to Social Networking Sites, parents or carers must gain permission from the parent/carer in question before sharing photographs or videos of other people's children.

By their very nature, Social Networking sites, are designed to enable anybody, anywhere in the world, to search for others and they allow for more personal information to be accessed by the public than ever before. Even though you may think that only your friends can view your public profile, the chances are that it is openly available for anybody to see.

Please ensure the privacy settings are set so only their friends can see profile and photos, and that geo-location settings are not shared. Before posting a picture, please also make ensure there isn't anything that would allow a location or identity to be recognised, such as school logos or signs, road names, or names of clubs that their child attends.

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This policy includes (but is not limited to) the following:

- Facebook
- Twitter
- LinkedIn
- Flickr
- Instagram
- Snapchat
- Google maps
- Tumblr
- YouTube
- about.me
- Myspace
- Personal blogs
- Personal websites

11. Storage and retention

- 11.1. Images obtained by the school will not be kept for longer than necessary.
- 11.2. 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 school office. 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.
- 11.3. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.
- 11.4. School Admin Team will review stored images and videos on a yearly basis to ensure that all unwanted material has been deleted.
- 11.5. Parents must inform the school in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the school drive immediately.
- 11.6. When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. For instances photos of children in a school prospectus or brochure. Withdrawal of consent will only affect further processing.
- 11.7. Where a pupil's security risk has changed the headteacher will decide if any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.
- 11.8. Official school photos are held on the school's management information system alongside other personal information, and are retained for the length of the pupil's attendance at the school, or longer, if necessary, e.g. due to a police investigation.
- 11.9. Some educational records relating to former pupils of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

12. Monitoring and review

- 12.1. This policy will be reviewed on every two years by the headteacher and Board of Governors. The next scheduled review date for this policy is September 2021.
- 12.2. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

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Consent Form

This form explains the reasons why and how St Mary's Catholic Primary School may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate. If you have more than one child you will need to complete a form for each of them.

Name of pupil:	
Name of parent:	
Year group and class name:	

Why do we need your consent?

The school requests the consent of parents, when their children start at St Mary's, to use images and videos of their child for a variety of different purposes.

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?

The school uses images and videos of pupils as part of school displays to celebrate school life and pupils' achievements and to promote the school and in the school's newsletters and newspapers 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.

The school may take images or videos of individual pupils and groups of pupils to use on social media (from time to time the school's Facebook and twitter page), the school website, in school and other printed publications, such as a newsletter.

Who else uses images and videos of your child?

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

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

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What are the conditions of use?

- This form is valid for the entire time your child attends St Mary's.
- 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 provide parents with class lists or the contact details of any other parents or children.
- The school will not include personal emails or postal addresses, telephone or fax numbers on images or videos on our website, in our school 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 may arrange for a photographer images of your child which are available to purchase.

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
Photographing and videoing my child		
Using images of my child in the school newsletter		
Using images of my child on the school website.		
Using videos of my child on the school website.		
Using images of my child on social media, including the following: <ul style="list-style-type: none"> • Twitter • Facebook • Instagram 		
Using videos of my child on social media, including the following: <ul style="list-style-type: none"> • Twitter • Facebook • Instagram 		

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Using images of my child in marketing material, e.g. the school brochure and prospectus (which we currently do not have).		
Sharing my child's data with a school-appointed external photography company for official school images. This includes the following: <ul style="list-style-type: none">• Name• Class		

Refreshing your consent

This form is valid for the entire time your child attends St Mary's. Parents are not required to fill in a new form for their child every academic year.

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 headteacher. 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 headteacher.

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Declaration

I, _____ (name of parent), understand:

- Why my consent is required.
- The reasons why St Mary's Catholic Primary School 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.
- 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 headteacher.

Name of parent:

Signature:

Date:

If you have any questions regarding this form, please do not hesitate to contact the headteacher at office@smi.hounslow.sch.uk.