



## **HLTY PHOTOGRAPHY AND VIDEOS AT SCHOOLS POLICY**

THIS POLICY APPLIES TO THE HOPE TRUST BOARD, CENTRAL TEAM, ALL TRUST SCHOOLS  
AND THE EBORHOPE TEACHER TRAINING PARTNERSHIP

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**Signed by:**

\_\_\_\_\_ **Chief Executive Officer**      **Date:** \_\_\_\_\_

\_\_\_\_\_ **Chair of Resources  
Committee**      **Date:** \_\_\_\_\_

## Policy updates

Date	Page	Policy updates
03.03.2020	Appendix A	<b>Appendix A - The Images and videos parental consent form</b> has been updated and reissued to all GDPR representatives for use from March 2020. This consent form replaced any existing form that was in use, in order to comply with the HLTY Data Protection (GDPR) Policy.
09.10.2020	Appendix A	<b>Appendix A</b> has been updated to clarify what data will be shared with the schools official external photography company.

## Statement of Intent

At **Hope Learning Trust York (HLTY)**, we use imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school/academy and Trust websites. We understand that parents may also wish to take videos or photos of their children participating in school/academy events for personal use.

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

The Trust has implemented a policy on the safe use of cameras and videos by staff and parents within all Trust schools/academies to reflect the protective ethos of the school/academy 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.

## 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

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/academy's policies, including, but not limited to, the following:

- HLTY SEND Policy
- HLTY Data Protection Policy (GDPR)

## 2. Definitions

For the purpose of this policy:

- 2.1 "Personal use" of photography and videos is defined as the use of cameras and/or mobile devices (including but not limited to: smartphones, mobile phones, tablets and laptops) 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/academy 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/academy use" is defined as photography and videos which are used for school/academy 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/academy 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 videos of pupils for "educational purposes". These are not intended for official school/academy use, but may be used for a variety of reasons, such as school/academy displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

2.5 “The school/academy” is defined as Hope Learning Trust York and all schools/academies within the Trust.

### 3. Roles and responsibilities

3.1 The **Headteacher/Principal** 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/academy events.
- Communicating this policy to all the relevant staff members and the wider school/academy community, such as parents.

3.2 The Designated Safeguarding Lead (DSL) 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.
- Informing the **Headteacher/Principal** 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.

3.3 Parents are responsible for:

- Completing the Consent Form on an **annual** basis.
- Informing the school/academy in writing where there are any changes to their consent.
- Acting in accordance with this policy.

3.4 In accordance with the Trust’s requirements to have a **Data Protection Officer (DPO)**, the **Data Protection Representative** in school/academy, reporting to the **DPO** is responsible for:

- Informing and advising the school/academy and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the school/academy’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/academy’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.

## 4. Parental consent

- 4.1 The school/academy 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/academy 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 If the law provides it, children as young as 13 may be permitted to provide consent to the processing of their data.
- 4.7 All parents will be asked to complete the Consent Form on an annual basis, which will determine whether or not they allow their child to participate in photographs and videos.
- 4.8 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 if the pupil's circumstances change. It is the responsibility of the parents or carers to advise the school/academy of any change in circumstances, and therefore change in consent.
- 4.9 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.
- 4.10 All parents are entitled to withdraw or change their consent at any time during the school/academy year.
- 4.11 Parents will be required to confirm on the Consent Form, in writing, that they will notify the school/academy if their child's circumstances change in any way, or if they wish to withdraw their consent.
- 4.12 For any LAC pupils, or pupils who are adopted, the Designated Safeguarding Lead 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.
- 4.13 Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the Designated Safeguarding Lead 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.

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

4.15 If any parent withdraws or changes their consent, or the Designated Safeguarding Lead 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

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

5.2 The **Data Protection Representative** will oversee the planning of any events where photographs and videos will be taken.

5.3 Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Headteacher/Principal will liaise with the Designated Safeguarding Lead to determine the steps involved.

5.4 When organising photography and videos of pupils, the Headteacher/Principal, 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. Only pupils for whom consent has been given will be able to participate.

5.6 The staff members involved, alongside the **Headteacher/Principal** and **Data Protection Representative**, will liaise with the **Designated Safeguarding Lead** 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 School/academy equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in **section 7** of this policy.
- 5.8 Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.9 Where the school/academy 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.
- 5.10 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.
- 5.11 The school/academy will not use images or footage of any pupil who is subject to a court order.
- 5.12 The school/academy will not use photographs of children or staff members who have left the school/academy, without parental consent.
- 5.13 Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.14 Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the Data Protection Officer.

## 6. Additional safeguarding procedures

- 6.1 The school/academy 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.
- 6.2 The **Designated Safeguarding Lead** 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.
- 6.3 Any measures required will be determined between the **Designated Safeguarding Lead**, social worker, carers, **Data Protection Representative**, adoptive parents and, where applicable, the **Data Protection Officer** 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/academy procedures
  - Photos and videos can be taken within school/academy for educational purposes and official school/academy 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
- 6.4 Any outcomes will be communicated to all staff members in writing and the list outlining which pupils are not to be involved in any videos or photographs, held in the **school/academy office**, will be updated accordingly.

## 7. School/academy-owned devices

- 7.1 Staff are allowed to take photos and videos of pupils **only** using school/academy-owned equipment, (such as school/academy-owned cameras and mobile devices, ie. iPads).
- 7.2 Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.
- 7.3 Photographs and videos taken by staff members on school/academy visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school/academy, where consent has been obtained.
- 7.4 Digital photographs and videos held on the school/academy'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. Files are password protected, and only staff members have access to these passwords – these are updated **termly** to minimise the risk of access by unauthorised individuals.

## 8. Use of a professional photographer

- 8.1 If the school/academy decides to use a professional photographer for official school/academy photos and school/academy events, the **Headteacher/Principal** 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 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/academy'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 in the form of a signed third party contract.
  - 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 purpose other than that indicated by the school/academy in the brief.

## 9. Permissible photography and videos during school/academy events

9.1 If the **Headteacher/Principal** permits parents to take photographs or videos during a school/academy 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/academy 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.
- Ensure that any images and recordings taken at school/academy 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.
- Unless the photography is **solely** of their own child/children, images must **not** be uploaded to any form of social media/websites/electronic platforms.

## 10. Storage and retention

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

10.2 Hard copies of photos and video recordings held by the school/academy will be annotated with the date on which they were taken and will be stored in the **school/academy office**. They will not be used other than for their original purpose, unless permission is sought from the **Headteacher/Principal** and parents of the pupils involved and the **Data Protection Officer** has been consulted.

10.3 Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

10.4 The **Data Protection Officer** will review stored images and videos on a **termly** basis to ensure that all unwanted material has been deleted.

10.5 Parents must inform the school/academy 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/academy drive immediately.

10.6 When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.

10.7 Where a pupil's security risk has changed, the **Designated Safeguarding Lead** will inform the **Headteacher/Principal** immediately. If required, any related imagery and videos

involving the pupil will be removed from the school/academy drive immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.

- 10.8 Official school/academy photos are held on the school/academy's **information management systems** alongside other personal information, and are retained for the length of the pupil's attendance at the school/academy, or longer, if necessary, e.g. due to a police investigation.
- 10.9 Some educational records relating to former pupils of the school/academy may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

## **11. Monitoring and review**

- 11.1 This policy will be reviewed on an **annual** basis by the **Data Protection Officer**.
- 11.2 Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

## Appendix A - Consent Form

### SCHOOL LOGO



## Images and videos parental consent form

This form explains the reasons why and how **name of school** may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

Name of parent/guardian:	
Name of pupil:	
Year:	

### Why do we need your consent?

**Name of school** will periodically request the consent of parents/guardians to use images and videos of their child for a variety of different purposes. Without your consent, the school/academy 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/academy will abide by the conditions you outline in this form.

### Why do we use images and videos of your child?

**Name of school** uses images and videos of pupils, individually or as a group, as part of school/academy displays to celebrate school life and pupils' achievements; to promote the school on social media and on the school's website; and for other publicity purposes in printed publications, such as newspapers.

### What are the conditions of use?

- It is the responsibility of parents/guardians to inform the school, in writing, if consent needs to be withdrawn or amended (\*).
- The school will not include personal emails, postal addresses or telephone numbers on images or videos on our website, in our school prospectuses or any other printed publications.
- 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', 'awards evening' etc.
- 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 will take class images of your child which are available to purchase annually.

### 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/academy will **only** publish images and videos of your child for the conditions that you provide consent for.

**Identified** - Photographic image is published with a name and/or identifiable features.

**Unidentified** - Photographic image is published without the name or any identifiable information.

I provide consent to:	Yes	No
<b>In School/Academy use</b>		
I agree to my child's photograph being used on notice boards and displays inside school.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
The school/academy may make recordings of my child (on video or web cam) for teaching and learning purposes, for use <u>only</u> inside school.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
<b>Marketing Materials /Publications/School Photographs</b>		
I agree to my child's photograph being used in marketing material, e.g: brochures/prospectus and/or marketing literature.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
I agree to the school/academy sharing the following data with the schools official external photography company for official school images. This will be applicable to individual and group photographs. This includes the following:		
<ul style="list-style-type: none"> <li>• Pupil's Name, Class and Roll number</li> <li>• Parent/Carer's name and email address</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Press</b>		
I agree to the local media using images of my child to publicise school/academy events and activities.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
I agree to the local media using videos of my child to publicise school/academy events and activities.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
<b>Social Media</b>		
I agree to my child's photograph and/or videos of my child being published on Social Media (NB: Social Media may include: School Newsletter, Twitter, Facebook, Instagram).		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
<b>Websites</b>		
I agree to my child's photograph being published on the Hope Learning Trust York (HLTY) and/or school/academy website.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
I agree to videos which include my child, taken during events at the school/academy to be used on the school/academy website and/or the HLTY website.		
Identified	<input type="checkbox"/>	<input type="checkbox"/>
Unidentified	<input type="checkbox"/>	<input type="checkbox"/>
<b>Right to Withdraw</b>		
I understand that consent for this is voluntary and I may withdraw my consent at any time *.	<input type="checkbox"/>	
I understand no additional personal details (such as phone number and address) will be published.	<input type="checkbox"/>	

## Refreshing your consent

This form will be updated periodically. Consent will also be refreshed where any changes to circumstances occur - this can include, but is not limited to, the following:

- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used
- Changes to parent/guardian 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 school, either by post or via **school email**. A new form will be supplied to you to amend your consent accordingly and provide a signature.

## \*Withdrawing your consent

Parents/guardians have the right to withdraw their consent at any time. Withdrawing your consent will not affect the legality of processing images or videos that were shared prior to withdrawal; however, the school will make every effort to remove images of the pupil where possible, e.g. images of the pupil on the school's website will be removed. **If you would like to withdraw your consent, you must submit your request in writing to the school, either by post or via **school email**.**

## Declaration

I hereby understand that I have provided my consent above as appropriate, and the school/academy will only use images and videos of my child in line with my requirements. I can amend or withdraw my consent at any time and must do so in writing to the school, either by post or via **school email**.

<b>I have read and understood the contents of this form:</b>	
<b>Name of Parent/Guardian (IN CAPITALS):</b>	
<b>Signature of Parent/Guardian:</b>	
<b>Date:</b>	

If you have any questions regarding this form, please do not hesitate to contact the school's [Data Protection Representative](#). For more general queries please contact the HLTY's Data Protection Office via [dpo@hlt.academy](mailto:dpo@hlt.academy) or call 01904 560053.