

Staffordshire University Academies Trust		Trust Policy Document
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Use of Images - Photos and Video Policy

Policy aims:

- To ensure that practice relating to the taking of photos and videos taken within the educational setting is compliant with the UK GDPR and Data Protection Act 2018.
- To ensure that appropriate consents are in place for photos and videos taken within the educational setting.
- To ensure that all photographic and video footage is processed, stored and disposed of in accordance with the rights of the individual.
- To ensure that photograph and video footage is processed with regard to the safeguarding of the data subject at all times.

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

- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018 (DPA 2018)
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010
- Keeping Children Safe in Education

Definitions:

“**Personal use**” of photography and video footage is defined as the use of cameras and other such mobile technological devices which can be used to take images and recordings of individuals by relatives, friends and/or other such known individuals, for example a parent taking a group photo of their child and their friends at an Academy event. Such photos and videos are for personal use by the individual taking the photo, not to be passed on to unknown sources. The principles of the UK GDPR do not apply to images and videos taken for domestic use.

“**Official use**” is defined as photography and videos which are used for Academy and Trust purposes, for example, identification badges or official Academy photographs which are stored electronically on the Academy’s network. The principles of the UK GDPR apply to images and videos taken for official use.

Staff may also take photos and videos of pupils/students for “educational purposes” and may be used for a variety of reasons, such as displays, documenting educational visits, managing assessments and workbooks. The principles of the UK GDPR apply to images and videos taken for educational purposes and would fall under the category of official use.

“**Media use**” is defined as photography and videos which are intended for a wider audience, for example, photographs taken for a local newspaper or for social media. The principles of the UK GDPR apply to images and videos taken for media use.

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1. Introduction

Photos taken for official Academy and media use are covered data protection laws. Pupils/students, parents and staff should be advised of the purpose for which they are being taken, be able to provide and withdraw their consent for the use of photos and videos at any time.

Photos taken purely for personal use are exempt from the UK GDPR and DPA 2018, however, the taking of photos at Academy events for personal use must be undertaken with due regard to and in conjunction with the SUAT Safeguarding Policy and E-Safety Policy.

This policy relates to the processing of all staff, pupil and volunteer photographic and video data for official Academy use and media use, inclusive but not limited to; the use of photos for display work, workbooks and educational resources, assessment, identification, printed marketing materials, Academy and Trust websites, social media, media publications, newsletters and any further official and approved terms for photography and videography in school settings.

The benefits of photography and videos are clearly recognisable; taking photographs and video images of children's achievements and activities is a personal way of capturing a memory and promoting successes, however, this must be balanced against any risks for those involved, with clear regard to child protection and safeguarding obligations.

Under the legal obligations of the relevant data protection laws, each Academy has specific responsibilities for how photos and videos are taken, stored and retained, which will reflect the ethos of the academies and Trust with regard to the safeguarding of pupils and staff.

This policy is applicable to all forms of visual media, including (but not limited to) film, print, video, DVD, online platforms such as Youtube and Vimeo and footage on websites. explains, in detail, compliance with obligations relating to the protection of personal data and the safeguarding of individuals.

2. Responsibilities of Each Academy:

2.1 To ensure that all photos and videos are stored and disposed of correctly and securely, within the designated retention period and in accordance with the Compliant Records Management Policy;

2.2 To decide whether parents are permitted to take photographs and videos during Academy events, and what measures must be taken to adequately safeguard the staff and pupils attending;

2.3 To communicate this policy to all the relevant staff (and volunteers, where necessary);

2.4 To liaise with parents, carers, social workers to gain appropriate written consent for photos and videos of pupils, or consent from the pupil where they will be able to fully understand the implications of providing their consent, where consent is required;

2.5 To obtain appropriate consent from staff with regards to the processing of such personal data;

2.6 To liaise with the Data Protection Officer (DPO) regarding any concerns, queries, or potential breaches in relation to the processing of such personal data;

2.7 To ensure that any changes to a pupil's status e.g. child protection concerns, court orders, which would mean that participating in photography and video recordings would put them at risk are communicated to relevant parties promptly in order to protect the child at risk.

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3. Responsibilities of the DPO:

3.1 Informing and advising Academies regarding compliance with the UK GDPR and Data Protection Act 2018 in relation to photographs and videos for official educational and media use;

3.2 Monitoring compliance with the UK GDPR and Data Protection Act 2018 in regards to processing photographs and videos.

3.3 Advising on data protection impact assessments in relation to processing photographs and videos at academies;

3.4 Providing the required training to staff members, in relation to how data protection legislation impacts the use of photographs and videos.

4. Consent to Process Photographic and Video Data

4.1 All consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. All consent must be recorded in writing and signed by the appropriate party i.e. the staff member, parent or pupil (where the pupil is able to provide their own consent, and fully understands the implications of doing so).

4.2 Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Consent form examples can be found on the data collection form templates.

4.3 On admission or employment at the Academy, consent forms will be completed by the data subject (or authorised individual on their behalf e.g. parent with PR) and where consent is given, a record will be kept documenting how and when consent was given and last updated.

4.4 All consent mechanisms must meet the standards of the relevant data protection laws. Where the taking of photos and /or videos does not require consent, there must be an alternative legal basis for processing the data, or the processing must not commence.

4.5 Parents will primarily be responsible for providing consent for the processing of pupil personal data in the form of photographs and videos, however, each Academy recognises that the data belongs to the pupil and their consent can be withdrawn for such processing at any time.

4.6 Consent forms must be completed prior to the processing of photographic or video data where consent is the legal basis for processing. Processing without consent, in such circumstances, is not permitted.

4.7 The consent will be valid until it is withdrawn or where circumstances change. Staff, parents and pupils will be provided with the opportunity to alter, withdraw and refresh their consent at any time. Formal opportunities to refresh, alter or withdraw consent will be provided on an annual basis at the point of data collection, in writing, by each Academy. Staff and parents are responsible for making any required alterations to consent in the interim and this is clearly specified.

4.8 If there is a disagreement over consent, or if there is no response to a request for consent, it will be treated as if consent has not been given, and photographs and videos will not be taken or published of the individual where there is not consent to do so.

4.9 All data subjects (or an appropriate adult acting on their behalf) are entitled to withdraw or change their consent at any time during the academic year.

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4.10 For Looked After Children, or pupils/students 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 must be given as to whether identification of a LAC pupil or pupils who are adopted, would risk their safety in any way.

4.11 Consideration must be given to any pupils for whom child protection concerns have been raised or where court orders are in place. Should the DSL believe that taking photographs and videos of any pupils would put their safety at risk, even greater care will be taken towards protecting their identity.

4.12 A list of all the names of pupils for whom consent was not given will be created by the Academy and a copy will be provided for Academy staff members. This list will be updated annually, following data collections and if any changes to consent have been made throughout the course of the academic year. The list will then be updated and provided for staff as soon as possible.

4.13 A record of consent will also be maintained for staff and where relevant, volunteers, but copies will only be provided for staff members who require this information to be able to fulfil their duties in accordance with their job role.

4.14 Where consent is withheld or denied by the data subject or a designated representative on their behalf (e.g. a parent or carer), the academies and Trust respect this decision.

4.15 Where consent has not been provided for a pupil and the pupil wishes to participate in activities where photographs or videos are taken, SUAT and the academies recognise that the personal data relates to the child and that a discussion with the parent / carer (with PR) may be appropriate to re-establish the boundaries of the processing. Where the taking of photographs and videos is still not permitted, the Academy should take all possible measures to include the pupil in the activity but ensure that consent is not compromised (i.e. by ensuring that the child does not feature on the shot).

4.16 Where photographs are required of individuals for the purpose of identification (for example, staff ID badges), the organisation has a legitimate interest for processing this personal information in accordance with its legal requirement to safeguard staff and pupils by being able to reasonably identify those who are officially employed to work on site.

5. General Practice for the Use of Photographs and Video Footage:

5.1 Images are used only for the purpose(s) for which consent has been gained, or if consent is not required, images will be used in keeping with the purpose for which they were originally taken. The taking of photographs and videos will be carefully planned before any activity and the DPO will be consulted as part of the planning process where the activity may involve processing activities which pose a risk of adverse effects to the rights and freedoms of the individuals, or where processing activities of this nature have not taken place previously.

5.2 During curriculum activities, the content of the photograph will focus on the activity and not on a particular child.

5.3 Staff are only permitted to use Academy equipment and devices for photography/video recording; the use of personal devices is not permitted at any time.

5.4 All images will be stored securely on the Academy network; photographs and video footage will only be accessed and utilised by those authorised to do so. Once the photographs and/or video footage have been moved from the device to the Academy network, they shall be deleted from the device.

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5.5 If any member of staff, volunteer, or service user have any concerns relating to inappropriate or intrusive imagery, this will be reported to the Head Teacher/Principal or Designated Safeguarding Lead immediately.

5.6 When organising photography and videos of pupils, the Academy must 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 aspects which may identify pupils/students such as logos or name badges?
- Are the photographs and videos of the pupils/students completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by work rather than images or videos of the pupils themselves?

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

5.8 Appropriate control measures with regards to safeguarding must be implemented for pupils who are vulnerable/potentially at risk during personal data processing activities such as this.

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

5.10 Where possible, staff will avoid identifying pupils. Names will be used only where there is consent to do so, in particular with media use.

5.11 Academies exercise caution when utilising photos of vulnerable children and children who are subject to a child protection order or injunction. Where the processing of photos / videos has the risks harm to the child, the processing will not be undertaken.

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

5.13 If emailing photos or videos, this will be done in a secure format i.e. by encryption and in accordance with safeguarding rules and obligations.

5.14 It is good practice for academies to provide policies for recording and using photographs and videos at the beginning of the academic year, including any key events where Academies will take photographs / videos. Reminders should be provided before events, too. Academies will often provide opportunities to purchase individual or class photographs. Parents / carers / pupils must be informed and given the option to opt out, in advance.

5.15 SUAT Academies seek to keep information safe by:

- Asking for written consent from a child and their parents or carers before taking and using a child's image
- Explaining what images will be used for, how they will be stored and what potential risks are associated with sharing images of children

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- Making it clear that if a child or their family withdraw consent for an image to be shared, it may not be possible to delete images that have already been shared or published
- Avoiding using the names of children whose images are being used in our published material whenever possible (and only using first names if we do need to identify them)
- Avoiding publishing personal information about individual children and disguising any identifying information (for example the name of their school or a school uniform with a logo)
- Making sure children, their parents and carers understand how images of children will be securely stored and for how long (including how we will control access to the images and their associated information)
- Reducing the risk of images being copied and used inappropriately by: only using images of children in appropriate clothing (including safety wear if necessary), avoiding full face and body shots of children taking part in activities, using images that positively reflect young people's involvement in the activity.

6. Conduct for publishing photos and videos on the Academy/Trust website, prospectus, digital prospectus, social media and online platforms:

6.1 The website, social media and prospectus must not feature any child who does not have specific written consent. Consent must also be obtained from staff members featured on the website / social media.

6.2 The use of photos and videos on the website must not offer any means of identifying a child by name, unless prior written consent has been gained to do so.

6.3 All photos and videos must be appropriate for displaying online and must be taken either by member of staff, or a volunteer such as a governor, as authorised by the Head Teacher/Principal.

6.4 Vigilance and caution should be exercised when utilising photos of vulnerable children and children who are subject to a child protection order or injunction. Photos of children who are subject to child protection orders / injunctions must not be used on the website, social media or other online platforms.

6.5 Online platforms which are used by the Academy must be official, secure and approved for use by the Academy's Head Teacher and ICT Support provider. Information regarding the use of new online platforms must also be shared with the DPO, prior to use.

6.6. Before sharing images of children on social media, Academies must consider how widely images may be shared, how long they may remain available and how this may affect the children's long-term wellbeing.

6.7 Before sharing images of children online, Academies must consider risks including the following, as advised by the NSPCC:

- Children becoming vulnerable to grooming if a photograph is shared alongside information that makes them identifiable, including location information, visual details such as a school uniform, name.
- Inappropriate images of children may be shared online, or images may be adapted and used inappropriately.
- Images may be copied, downloaded, screenshotted or shared by anyone.
- Photos or videos could 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.

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- 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.

7. Photography of Children by Parents

7.1 Parents, carers and family are invited to academies to participate in important events throughout the academic year. The taking of photos and videos for domestic purposes is not a form of personal data processing which is governed by the UK General Data Protection Regulation or DPA 2018.

7.2 Parents are therefore permitted to take photographs or make video recordings of their own child at Academy events, however, parents are not permitted to take photographs or to make a video recording for any other purpose than their own personal use. (Recording or photography of children for educational or media purposes during events is subject to the consent of parents whose children may be included in such images or recordings).

7.3 Prior to events taking place, the Academy will provide information for parents surrounding how the taking of photos and videos will function during the event. This will be provided at the Academy's discretion and may include information such as:

- Designated times to take photos/videos
- Designated locations to take photos/videos
- Making the focus of any photos or videos of their own child(ren)
- Attendees should remain seated for assemblies and performances, for health and safety purposes
- To mitigate disruptions and distractions, equipment which has a flash or is noisy may not be permitted
- To identify those attendees who may be taking photos/videos
- Arrangements for taking photos or videos which may involve staff members
- Ensure that images and recordings are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other such formats
- Refrain from taking images or recordings when requested to do so by staff
- Asking for photos taken during the event not to be shared on social media or asking people to gain permission from children, their parents and carers before sharing photographs and videos that include them
- Recommending that people check the privacy settings of their social media account to understand who else will be able to view any images they share
- Reminding children, parents and carers who they can talk to if they have any concerns about images being shared

It is imperative that pupils/students who are vulnerable, subject to a child protection order, court order or who are otherwise considered at risk must be adequately protected during activities of this nature.

Children who do not have consent for the taking of images and recordings during Academy events or who are at high risk due to safeguarding concerns should not be excluded from events; appropriate control measures must be implemented by the Academy in order to uphold the pupil's rights and safety.

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8. Photography of Staff

8.1 Photographs and video images of staff for official use are classified as personal data under the terms of the UK GDPR / DPA 2018. Processing images and videos of staff for educational or media purposes, where there is no other legal basis for processing such personal data, requires consent.

8.2 Terms of consent for the processing of staff personal data in this format, are provided in section four of this policy document.

8.3 All staff photos and videos will be uploaded to the Academy network and access to such photos will be provided only for members of staff who require this data to undertake their official duties in accordance with their job role.

8.4 Staff photographs may be required for use on Academy identification badges for the purpose of fulfilling safeguarding obligations of the Academy.

9. Mobile Phones and Mobile Devices

9.1 Staff are not permitted to use personal devices such as mobile phones and tablets to take photos or videos at the Academy. Only Academy owned devices, which are encrypted and password protected may be used for this purpose.

9.2 Academy devices containing photos/videos of pupils, such as tablets and phones, should not be taken off site unless they are encrypted and are not accessible to persons other than the staff member. Cameras taken off site must be kept secure and with an Academy staff member at all times.

9.3 Photos and videos will be extracted from the device, uploaded to the Academy network and removed from the device without undue delay. Previous photos should be removed from the device prior to its use offsite.

9.4. Photographs and videos taken by staff members on visits may be used for educational purposes, e.g. on displays or to illustrate the work of the Academy where consent has been obtained. Section 9.3 of this policy should be adhered to.

9.5. Digital photographs and videos held on the Academy's network are accessible to staff only. Photographs and videos are stored in labelled files, annotated with information which will appropriately identify the photos to enable appropriate disposal in accordance with the Compliant Records Management Policy.

10. Official Academy Photographs (and Videos)

10.1 During official Academy photographs and videos, levels of staff supervision are appropriate to safeguard the welfare of pupils at all times. Photographers should have appropriate DBS clearances in accordance with the nature of the photography/videography being undertaken.

10.2 The photographer must provide the Academy with an agreement for the processing of images and footage, which defines how they will process data in accordance with the UK GDPR's security and confidentiality principle, to keep all personal data secure, and also the period of retention of all photographs and videos.

10.3 Upon commission of an official photographer, the Academy will:

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

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- Issue the photographer with a visitor pass, which must be worn at all times.
- Communicate to staff, pupils and parents where an official 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 permit 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 Academy and Trust's own purposes and that permission has not been given to use the photographs for any other purpose.
- Provide the photographer with a clear brief about appropriate content and behaviour.
- Ensure the photographer wears identification at all times.
- Not allowing the photographer to carry out sessions outside the event or at a child's home.
- Report concerns regarding inappropriate or intrusive photography following our child protection procedures.
- Ensure that the photographer will comply with the requirements set out in UK GDPR and DPA 2018 through the designated agreement with the Academy.

11. Data Processors

11.1 Data processors are organisations which are responsible for processing personal data on behalf of a data controller (i.e. SUAT and the Academies).

11.2 Data processors utilised by the academies and the Trust will be checked for compliance with the Data Protection Act 2018 and UK GDPR prior to use.

11.3 Data processors must have appropriate and robust policies and procedures in place for the safe processing (including storage and retention) of personal information. Those who are processing personal information on behalf of the Academies and Trust must be informed of any withdrawals of consent or requests for erasure and comply accordingly with the request.

11.4 Processors will not be permitted to use or retain personal data beyond the reasons for which the photo/video data was originally taken and beyond specified retention periods, defined in accordance with their use.

12. The Storage and Retention of Photography

12.1 Any digital images and footage taken will be securely stored on the Academy network. All digital devices will be cleared of images on in accordance with this policy and the Compliant Records Management Policy.

12.2 Digital images and videos of staff on the Academy network will be retained up until the member of staff ceases employment with the Academy or upon withdrawal of consent. This does not apply where photographs are retained under the organisation's legitimate interest as designated under section 4.16 of this policy.

12.3 Digital images and videos of pupils on the Academy network will be retained up until the pupil leaves the Academy or upon withdrawal of consent.

12.4 Where visual images form part of the historical records of the Academy these may be retained for an indefinite period of time. Printed photography must be maintained securely for authorised Academy use only and disposed of either by return to the child, families, or shredding as appropriate.

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12.5 Images on Academy and Trust websites, prospectuses and digital prospectuses and other online platforms will be subject to regular updates. Where consent is withdrawn, images will no longer be processed for this purpose.

12.6 Images and videos on social media platforms will be cleansed on a regular basis (at least annually).

12.7 Images on displays will be cleansed annually.

12.8 Images and footage obtained by the Academy will not be kept for longer than is necessary to fulfil the purpose for which they were originally taken.

12.9 Hard copies of photos and video recordings held by the Academy will be annotated with the date on which they were taken and will be stored in a secure, lockable location in each individual Academy.

12.10 Paper documents will be subject to cross cut shredding on site or secure collection and disposal by an approved contractor. Certification of destruction must be obtained following collection.

12.11 Electronic memories scrubbed clean and cleansed in a manner that is appropriate to the device on which the images and footage is stored, especially prior to destruction.

12.12 The Academy should review stored images and videos on an annual basis in accordance with usual data cleanses to ensure that all material that requires deletion, is cleansed.

12.13 Parents must inform the Academy in writing (as far as is reasonably practicable) where they wish to withdraw or change their consent. If written measures are not possible, the Academy will make reasonable adjustments for the withdrawal to be made. Upon withdrawal of consent, the Academy will cease processing images or footage of this nature.

12.14 Upon request for erasure of photographic or video data, the Academy will assess whether doing so will comply with the UK GDPR / DPA 2018 and if permissible, will process the request and erase data in accordance with the request.

12.15 Where a pupil's security risk has changed, the DSL will inform the Head Teacher / Principal and Data Protection Lead immediately. If required, any related imagery and videos involving the pupil will be removed from the Academy website and social media immediately and consideration will be made as to whether images and footage should be removed from the Academy network and displays.

12.16 Upon any withdrawal of consent, the staff member receiving this information must report the withdrawal to the relevant colleagues to permit appropriate recording of the withdrawal, redaction of the data from the locations in which it has been processed (as necessary, for example, on the website), and communication with third parties who process the personal data.

12.17 Terms surrounding consent withdrawal, erasure and security risks detailed in 12.13 to 12.16 also apply to the processing of staff photos.

12.18 It is imperative that personal data is kept secure. The Academies shall keep a record of safeguarding procedures in place to protect pupils and train staff regularly to avoid the risk of a breach. Photos should be easily accessible to authorised personnel, should someone request a copy of their personal information.

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13. Safeguarding Procedures for Vulnerable Pupils

13.1 Certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

13.2 Any measures required will be determined between the DSL, parents, social worker, carers, and where required, the DPO with a view to minimise any impact on the pupil's day-to-day life. The following options will be considered depending on the nature of the risk:

- Photos and videos can be taken as per usual Academy 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 appropriate means to ensure that confidentiality and integrity of the information being communicated regarding the pupil.

13.3 The list outlining conditions for the taking of images and footage of pupils will be retained by each individual Academy, updated annually and following any changes.

13.4 The Academy and Trust will also protect the personal data of staff who are at risk of data being used in this format, where staff members have communicated this with the Academy.

14. Monitoring and Review

14.1 This policy will be reviewed annually by the DPO and the CEO.

14.2 Any changes to this policy will be communicated to all staff members and will be displayed on the website.