

DUNSTONE PRIMARY SCHOOL

USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN

February 2012

Dunstone Primary School take's its pupils' privacy and welfare very seriously. It is standard school policy to always ensure that neither of these issues are compromised in any way. This policy is based on Plymouth City Council's general policy covering the use of photographic and video images of children. Every child at the school has to return a consent form (signed by a parent or carer) concerning these issues. We have adapted this consent form for staff use. Each member of staff is also required to complete the form and sign it with regard to their personal preferences for use of their photos/images for school, press, and television use and on this website.

AIM

Dunstone Primary School (hereafter referred to as "The School") agrees to comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998 when using and/or authorising the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on school premises, particularly where these show pupils
and
- (ii) such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

CONSENT

The School will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school's educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained.

Due to the number of occasions during a pupil's time at school that the School may wish to photograph or video the pupil, the School will seek the consent of parents or legal guardians when the pupil starts at the School. This policy and consent will cover the whole of the pupil's intended time at the School.

The School will at all times consider the need to revisit the consent in the event of a pupil's circumstances changing.

VERBAL CONSENT

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this model policy document).

The School will not use photographs or videos of children who are no longer pupils at the school, unless separate specific consent has been obtained to cover the intended use.

Should there be images of children in the School's possession for which consent has never been obtained, the school will not use the images without the specific consent of parents or legal guardians. The attached standard consent form will not be suitable for this purpose. The School will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.

CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN

When considering the use of images of children, the School will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken.
- (ii) Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided. Wearing team tracksuits is considered a good alternative.
- (iii) When a photograph or video image of a child is used, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (iv) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on the School's website, a photograph/image of the child will not appear with the text.
- (v) No details of home telephone numbers, e-mail or home addresses are given.
- (vi) Where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the School will seek additional parental/legal guardian permission for the child to be named.

USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY

The School recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the School will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

USE OF IMAGES OF CHILDREN BY THE PRESS

There may be occasions where the press take photographs at school of pupils. The press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in "press cuttings" which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result the School will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The school will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

TEAM PHOTOGRAPHS

- (i) When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- (ii) If a parent is not happy to have a child's name printed on a photograph then consideration will be given to publishing the photograph with no names. The Head Teacher/Manager will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- (iii) If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph will not be appropriate.

PHOTO OPPORTUNITIES

- (i) When an establishment invites a newspaper to celebrate an event, the Head Teacher/Manager will make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- (ii) It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. The school will give thought to this beforehand – and parental permission/opinion will be the key guidance.
- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group – the school will endeavour to negotiate a 'first names only' agreement with the newspaper.
- (v) Should this not be possible the school will be prepared to forego newspaper publicity.

PARENTAL RIGHT TO TAKE PHOTOGRAPHS ETC.

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not, therefore, stop parents from taking photographs or making video recordings at school events, such as nativity plays. However, the School reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment.

Parents are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a school event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached.

The School will make every effort to ensure that people with no connection to the School do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

USE OF A PROFESSIONAL PHOTOGRAPHER

The School will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

(i) In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998.

(ii) Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.

(iii) Photographers will be asked to sign up to an agreement with the school which will include:

- Compliance with the Data Protection Act 1998 (most professional photographers will be aware of these requirements).
- That 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.
- That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by the school.
- The photographer must comply with the steps set out above.
- The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

NOMINATING A NON-PROFESSIONAL TO BE THE AUTHORISED PHOTOGRAPHER

Should the School nominate another individual, say a parent, staff member or governor, to be the photographer, it will be made clear that the images may not be used for anything other than the purpose indicated by the School. Where digital or similar photography is used, the School will require, wherever possible, the parent, staff member or governor to leave all images or image holding equipment at the school premises and to subsequently process and/or develop final images on the school site. Such action will protect the parent, staff member or governor from future allegations of impropriety.

CHARGING FOR PHOTOGRAPHS/VIDEOS

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the school fund and images will be sold at cost price.

CLOSED CIRCUIT TELEVISION (CCTV)

Increasingly schools are installing such equipment for the following uses:

- As a method of controlling access.
- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.
- Pupil behaviour issues/bullying. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also be used to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff, for example in the vicinity of toilets.
- As an aid to members of staff with particular responsibility for behaviour management.
- To monitor personal safety for site supervisors, caretakers, cleaners etc.
- To monitor site safety and security.
- As an effective deterrent for crime.

- As a means of crime reduction and discouraging trespass.

Where CCTV is used within the school, and recorded in the manner described below, the school will ensure where possible that the following conditions are met:-

TYPES OF RECORDERS

- (i) **Video:** Images are recorded onto tape using usually, time lapse techniques. Banks of (usually) 31 days of tapes are retained so that a tape is allocated to each day. Images will only be retained for a designated period, this would not normally be any longer than 31 days. Tapes will be held in secure storage and the images erased and the tapes reused. Tapes require regular replacement and this will be undertaken approximately annually to ensure clarity of images. Images on tapes will be erased before disposal.
- (ii) Regular auditing of the stored images will be undertaken by a senior member of the management team.
- (iii) **Digital Images:** Increasingly such images are retained on computer hard drives. Such images will only be stored for designated periods and then erased from the hard drive.
- (iv) **Cameras:** Several types of camera may be used to record images and these include:
- Fixed-Wide angle lens.
 - Dome cameras (rotary) with 360 degrees capacity.
 - Corner mounted cameras with 270 degrees capacity.
 - Manually operated pan tilt-zoom lenses. These have infinitely variable distance and angle capabilities and so can zoom onto individuals. The school will ensure that only authorised and designated staff have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Images will be destroyed after the designated period.
- (v) **Camera Sightings:** Every effort will be made to avoid inappropriate images and cameras will not be pointed directly at toilets/cubicles/urinals, changing rooms or other sensitive areas etc.
- (vi) **During School Hours and Out of School Hours:** Cameras may record inappropriate activities taking place on the school site, without the school's knowledge. If they are of a criminal nature, consideration will be given by the Head Teacher to referring the information to the police.

Images taken out of school hours will be erased in accordance with the procedures identified above.

MOBILE PHONES

The use of mobile phones which contain cameras with photographic capabilities are not permitted within the school, except in designated areas (see mobile phone policy).

REVIEW OF POLICY

This policy will be reviewed by the Full Governing Body on 3 yearly basis