

OYSTER PARK PRIMARY SCHOOL

USE OF IMAGES POLICY AND PROCEDURE

Date of last review	September 2016
Date of next review	September 2017

AIMS

To provide a framework and guidance to ensure:

- Appropriate use and storage of images of children within School;
- All photographs and images taken of children comply with the Data Protection Act where it applies;
- The welfare of all children is safeguarded;
- The right to privacy is respected.

This policy and guidance takes account of data protection and child protection issues. It applies to all individuals who are to have access to and/or are users of work-related photographic equipment. This includes children, parents and carers, staff and their managers, volunteers, students, visitors, contractors and any other users.

GENERAL GUIDANCE

- The term 'images' includes photographs, digital photographs and film. This Policy applies to the use of any film and electronic photographic equipment including mobile phones and portable gaming devices with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.
- Many school activities involve the taking and use of images. These may be undertaken as part of the curriculum, for assessment purposes, extra-curricular activities, for publicity, or to celebrate achievement.
- Schools and local authorities are free to develop their own policies regarding the use of cameras and videos by parents at school events. It is not illegal to take photographs of children in school.
- Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998.
- Particular regard needs to be given to young or vulnerable children. Staff should remain sensitive to any child who appears uncomfortable and should be mindful of the potential for misinterpretation. (IRSC/DfES, 2004)

DATA PROTECTION

Whilst the Data Protection Act 1998 is unlikely to apply in most cases where photographs are taken in schools, all images taken by the school will be used in a way which respects the eight Data Protection Principles.

This means that images will be:

- Fairly and lawfully processed
- Processed for limited, specifically stated purposes only

- Used in a way that is adequate, relevant and not excessive
- Accurate and up to date
- Kept on file for no longer than is necessary
- Processed in line with an individual's legal rights
- Kept securely
- Adequately protected if transferred to other countries

THE USE OF IMAGES IN AND BY SCHOOL

The School will only use images that the Headteacher and Academy Council consider suitable and which appropriately represent the School and the range of activities the School provides.

- Children's full names will not be used online in association with photographs.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- Images will not be taken of any child against their wishes. A child's right not to be photographed will be respected.

Children subject to care proceedings, wardship proceedings, adoption and/or any other family matter under the Children Act 1989 or Children or Adoption Act 2002, or subject to a Court Order arising from any of these proceedings must not be publically identified nor the school attended identified.

Depending on the circumstances for which the image is taken and how it is intended to be used, consideration will also be given to:

- Children being dressed appropriately (particularly relevant in PE and sporting situations). (Children should not be photographed in sensitive areas such swimming changing rooms, toilets or during intimate care situations).
- Taking and using images that are appropriate and are considered not to be open to misuse.
- Using the image in an appropriate context and not to illustrate sensitive or negative issues or ones which may cause distress or embarrassment.
- Representing the diversity of the School.

Once posted and shared online any image or video can be copied and will stay online forever.

- Some children are at risk and must not have their image put online, some people do not want their images online for personal or religious reasons, some children and staff may have a complex family background which means that sharing their image can have unforeseen consequences

TYPICAL USES OF IMAGES

Typical uses of photographs and video images currently, but not exclusively, include:

- Assessment evidence and observations, particularly in Foundation Stage
- Displays around school
- Informing parents about activities through the School newsletters and School social media sites
- Promotion of the school through publications such as the School's Parents Handbook (new starters), the School website and through social media
- Records of key events in the year such as Christmas productions, Sports Day, Class Assemblies

- Records of curriculum enhancement and enrichment activities such as after school club activities, educational visits, residential visits, workshops led by visiting professionals, participation in inter school events
- Providing memories for parents and individuals of significant events
- Curriculum work by staff or children such as planning and filming own videos, PowerPoint presentations, iMovie etc
- Presentations to parents such as residential visit information, new starters, curriculum events
- Portfolio evidence of students working in the School
- Publications and web sites of bodies whose activities and events school has chosen to be involved in (previous examples include Wakefield Music Hub, Junction 32, Young Voices)
- Media coverage of school activities and events including newspaper, web site and television

CONSENT

- Parental consent is obtained before any photographs or videos of a child are taken where these are likely to be used in a publication or displayed by the school in a public place. (The definition of 'public place' includes areas where visitors to the school would have access to the images). This is done through a parental consent form (Appendix 1) whenever a child starts at the School and lasts throughout the child's time at school or until the parent withdraws consent in writing.
- Consent includes the use of images beyond a child's time at the school where they are used for purposes such as publicity eg brochures or web publications, until the image is no longer in use.
- Consent is not required either where individuals cannot be identified or where they form part of a crowd at a public event.
- The consent letter informs parents of the purposes for which images may be used, whether they will be retained for future use, and how they may be stored.
- Parents will be informed
- Where there is a dispute about consent between parents, or where parents consent and a child objects, then it is safest to assume that consent has not been given.
- Any parents who do not give consent will be contacted and invited to discuss any concerns they may have, particularly when a vulnerable child is involved, and explore the possibility of amending the permission to take into account these concerns.
- If consent is not given, all staff will be made aware and make every effort made to comply sensitively with this.
- Consent will be reviewed in the event of a child's circumstances changing, or where new applications for images are introduced.
- The consent of any parents or members of staff who are to appear in any photograph or video is also needed. School events where parents and staff can reasonably assume that photos and videos may be taken of groups of people attending, such as PTA events, family workshops, do not require the adults consent.

STORAGE OF IMAGES

- Digital photographic and video images are stored on the school server or encrypted school cloud in a space accessed and used by staff who have been given authorisation to do so.

- Electronically stored images will be regularly reviewed and deleted from memory cards, phones, computer hard and portable drives or other relevant devices once the images will no longer be of use. Images will not be kept for longer than is to be considered necessary.
- Only school equipment and devices including cameras, SD cards, phones, tablets, will be used to record images of children for school purposes, unless specific permission has been given by the Headteacher. If personal equipment is used, images will be downloaded and deleted as soon as practicable.
- Any apps, websites or third party companies used by the School to share, host or access children's images will be risk assessed prior to use taking into account any advice from the School's IT support service.
- Any images used off site by staff for further work, will be accessed through the secure cloud or will be on an encrypted school storage device. They must not be stored on any personal or home devices.
- Printed images which are no longer needed will be returned to the child or parent or shredded.

PHOTOGRAPHY BY PARENTS AND CARERS

- Parents are not required to comply with the Data Protection Act when taking photographs or videos for their own private use at an organised event (ICO 2007). Families and friends attend such events at the invitation of the school and at Oyster Park; we permit families to take photographs and videos as these are important and memorable moments in a child's life.
- At the start of major events attended by parents such as Christmas productions, parents will be reminded that they may take photographs 'for their personal and private use'. They will be reminded to be courteous and considerate to others when taking photos or filming and that if these images include other children or staff, they are not to be distributed or put online.
- The opportunity for families to take photographs and make videos can be reserved by the school on health and safety grounds and we retain the right to withdraw consent and any photography or filming on site will be open to scrutiny at any time.
- Photography is not permitted in sensitive situations such as changing room, toilets, swimming areas etc

PHOTOGRAPHY BY CHILDREN

- Photos taken by children for the School's official use will be processed in accordance with the Data Protection Act 1998 and will be covered by the parental consent for the School's use of images and will be checked carefully before use.
- Staff will ensure children are appropriately supervised when taking images for official or curriculum use and that these images are appropriate.
- School devices will be provided for these uses.
- Staff will encourage children to explain to others why they are taking photos/videos and how the images will be used and to share these with the people whose images have been taken. When appropriate and possible, staff will role model these positive behaviours when taking images.

IMAGES FOR SCHOOL WEBSITE AND SOCIAL MEDIA

- We will adopt the same principles as outlined above when publishing images on the Internet and through social media. However, the School recognises that there is no control over who may view the images and consequently there is a greater risk of misuse of the images, via the Internet. Images on the School's social media sites will remain in place as a timeline of School events.
- We will therefore give specific consideration to the suitability of images for use on these School online platforms.

MEDIA

- Photographs taken by journalists are exempt from the Data Protection Act as newspapers are subject to their own strict guidelines governing the press. Any objections or representations about the image will need to be made to the media organisation rather than the school.
- The school does not breach the Data Protection Act if it allows the press to photograph children unless it gives out personal details. Newspapers often prefer to photograph small groups and will print photos only with children's names. If the school has the consent of parents for the photographer to collect the names and ages of the children, it is not breaching the Act.
- Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the setting is to be considered to have acted in good faith.

PROFESSIONAL PHOTOGRAPHERS

If we hire or use an external photographer/film-maker, they should:

- Comply with the requirements set out in the Data Protection Act to take appropriate measures to prevent unauthorised or unlawful processing of personal data.
- Use the images only for the specific purpose agreed to.
- Use a secure storage area if storing photographs electronically.

WEBCAMS, VIDEO CONFERENCING, CCTV

Webcams and video conferencing facilities are useful tools for learning. They can allow individuals to interact over the Internet with others, and support links between children in different schools, countries and cultures.

- A webcam will only be used in appropriate circumstances such as a normal class setting.
- Both children and teachers will be made aware of when a webcam is in use.
- CCTV cameras will only be deployed in appropriate locations for security or safeguarding purposes.
- Notifications will be displayed in areas which are covered by webcams or CCTV.
- If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency.
- Recordings will be retained for a limited time period only and for no longer than their intended purpose.

USING IMAGES SAFELY AND RESPONSIBLY

- Guidance from the Information Commissioner's Office states that 'fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure'. (Information Commissioners Office, 2007). We believe the benefits of sharing images online therefore outweigh the risks. We want to celebrate success and achievement but must be mindful of risks in order to make an informed decision.
- We recognise that placing any identifying information in the public domain has risks. Parents need to understand these issues in order to give properly considered consent. To limit these potential risks, we will take appropriate steps, as outlined in this policy and procedures to safeguard children and the wider community.
- The risk most likely to worry parents is that a child who appears in the paper or on a web site may become of interest to a predatory sex offender. The same concerns apply to school controlled online sites where images of children may be copied directly from a site which can then be manipulated or changed by another person. General police advice is that the risk of a child being directly targeted for abuse through being identified by a stranger is small-most children who suffer abuse are abused by someone they know.
- There are also other specific groups of children and families whose safety could be put at risk if identified e.g. families fleeing domestic abuse.
- By taking reasonable steps to make certain that a photograph is appropriate and the full name and contact details are protected, then photography for setting and other events by staff, families and the media should be allowed.
- The Data Controller and DSL are responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the School. This includes the management, implementation, monitoring and review of this Policy. The Data Controller, DSL and SLT can reserve the right to view any images taken and/or to withdraw or modify a member of staffs' authorisation to take or make images at any time. All members of staff and volunteers must ensure that all images are available to view and be able to justify any images in their possession
- Any evidence of the use of inappropriate images, or the misuse of images, will be reported to the school's Designated Safeguarding Lead who may involve the Local Authority Designated Officer, Social Services and police as appropriate.

APPENDIX 1

PARENTAL CONSENT TO THE USE OF IMAGES: Conditions of use

Information

During your child's time in our school we wish to take photographs or video of activities that involve your child. This gives us an exciting visual record of work and events to share with you and the children and can be a powerful tool for children's learning. We use images in many ways.

How images are used

Typical uses of photographs and video images currently, but not exclusively, include:

- Assessment evidence and observations, particularly in Foundation Stage
- Displays around school
- Informing parents about activities through the School newsletters and School social media sites
- Promotion of the school through publications such as the School's Parents Handbook (new starters), the School website and through social media
- Records of key events in the year such as Christmas productions, Sports Day, Class Assemblies
- Records of curriculum enhancement and enrichment activities such as after school club activities, educational visits, residential visits, workshops led by visiting professionals, participation in inter school events
- Providing memories for parents and individuals of significant events
- Curriculum work by staff or children such as planning and filming own videos, PowerPoint presentations, iMovie etc
- Presentations to parents such as residential visit information, new starters, curriculum events
- Portfolio evidence of students working in the School
- Publications and web sites of bodies whose activities and events school has chosen to be involved in (previous examples include Wakefield Music Hub, Junction 32, Young Voices)
- Media coverage of school activities and events including newspaper, web site and television

We may also make video or webcam recordings of school-to-school conferences, or for monitoring or other educational use.

How images are stored

Digital images are stored securely and will be usually be deleted a year after children have left. Some may be retained for longer purposes such as publicity, in the Parents Handbook for New Starters, on the website, building up a history of the School or for presentations showing specific events to children or parents eg previous residential visit activities. Photos used on our social media sites will remain as a timeline of the school.

Images taken by people other than the School

Photography or filming will only take place for purposes agreed by the Headteacher. When filming or photography is carried out by the media, they may require children's names and ages but no other personal information will be given out.

Using images safely and responsibly: Think Before You Post.

When you are invited to school events such as Christmas performances, you are able to take photos and videos for your own private and personal use. If you wish to do so please be sensitive to other people in the audience and to the children taking part. In order to keep all members of the community safe we ask that if these contain other children or staff, these images are not distributed or put online. This is to protect all members of the community. We thank you for your support.

PARENTAL CONSENT TO THE USE OF IMAGES

To give your consent, please read the information overleaf and return the form to school.

This form is valid for the period of time your child attends Oyster Park Primary School for taking images and up to a year afterwards for their use. Some images may be kept and used after this time for specific purposes as outlined on the attached information.

We will take all reasonable measures to ensure the images are used solely for the purposes for which they are intended. However we cannot guarantee this and take no responsibility for the way images are used by other websites or publishers or for any consequences arising from publication.

Child's name :	
<p>I have read and understood the conditions of use and I am also aware of the following:</p> <ul style="list-style-type: none"> • The local media eg Pontefract & Castleford Express, may take images of activities that celebrate School events and activities e.g. Upper Foundation pictures of new starters, drama and musical performances, sports activities, award presentations, curriculum workshops and activities; The press are exempt from the Data Protection Act and may want to include the names and ages of children and adults in the media. • Organisations who the School has chosen to be involved with, may take images for use in their own publicity e.g. Wakefield Music Services, Young Voices, Junction 32 • Staff, children or professional photographers acting on behalf of the school may take images for use in displays, in 'Learning Journeys' and assessments, in printed and electronic publications, video or on a website, Facebook/Twitter or virtual learning environment • Websites can be viewed throughout the world and not just in the United Kingdom where UK law applies. Once posted and shared online any image or video can be copied and will stay online forever. • The school will regularly review and delete images. Images will be usually be deleted a year after children have left school but some may be retained for particular purposes. • As the child's parents/guardians, we/I agree that if we/I take photographs or video recordings of our child/ren which include other children then we will only use these for personal use. 	
Having read the above statement, I give my permission for pictures of my child to be taken and used	
Signature of person responsible for the child:	Name:
Relationship to the child:	Date:

APPENDIX 2

STAFF CONSENT TO THE USE OF IMAGES: Conditions of use

Information

During your employment in our school we use images for purposes such as for staff recognition. We also wish to take photographs or video of activities that involve children and may include you. This gives us an exciting visual record of work and events to share with parents and the wider community.

We will process, store and use any photographs in line with the Data Protection Act 1998, and ask your consent to use photographs of you.

How images are used

Typical uses of photographs and video images currently, but not exclusively, include:

- Staff identification purposes eg ID badges, school noticeboards, website
- Informing parents about activities through the School newsletters and School social media sites
- Promotion of the school through publications such as the School's Parents Handbook (new starters), the School website and through social media
- Records of key events in the year such as Christmas productions, Sports Day, Class Assemblies
- Records of curriculum enhancement and enrichment activities such as after school club activities, educational visits, residential visits, workshops led by visiting professionals, participation in inter school events
- Providing memories for parents and individuals of significant events
- Curriculum work by staff or children such as planning and filming own videos, PowerPoint presentations, iMovie etc
- Presentations to parents such as residential visit information, new starters, curriculum events
- Displays around school
- Portfolio evidence of students working in the School
- Publications and web sites of bodies whose activities and events school has chosen to be involved in (previous examples include Wakefield Music Hub, Junction 32, Young Voices)
- Media coverage of school activities and events including newspaper, web site and television

We may also make video or webcam recordings of school-to-school conferences, or for monitoring or other educational use.

How images are stored

Digital images are stored securely and will be usually be deleted a year after staff have left. Some may be retained for longer purposes such as publicity, on the website, building up a history of the School or for presentations showing specific events to children or parents eg previous residential visit activities. Photos used on our social media sites will remain as a timeline of the school.

Images taken by people other than the School

Photography or filming will only take place for purposes agreed by the Headteacher. When filming or photography is carried out by the media, they may require staff names but no other personal information will be given out.

STAFF CONSENT TO THE USE OF IMAGES

To give your consent, please read the information overleaf and return the form to school.

This form is valid for the period of time you are employed at Oyster Park Primary School for taking images and up to a year afterwards for their use. Some images may be kept and used after this time for specific purposes as outlined on the attached information.

We will take all reasonable measures to ensure the images are used solely for the purposes for which they are intended. However we cannot guarantee this and take no responsibility for the way images are used by other websites or publishers or for any consequences arising from publication.

Name :	
I have read and understood the conditions of use and I am also aware of the following:	
<ul style="list-style-type: none">• Staff, children or professional photographers acting on behalf of the school may take images for use in staff recognition, celebrations of school life, promoting the school, displays, as part of curriculum work, in printed and electronic publications, video or on a website, Facebook/Twitter or virtual learning environment• Websites can be viewed throughout the world and not just in the United Kingdom where UK law applies. Once posted and shared online any image or video can be copied and will stay online forever.• The local media eg Pontefract & Castleford Express, may take images of activities that celebrate School events and activities e.g. Upper Foundation pictures of new starters, drama and musical performances, sports activities, award presentations, curriculum workshops and activities; The press are exempt from the Data Protection Act and may want to include the names of adults in the media.• Organisations who the School has chosen to be involved with, may take images for use in their own publicity e.g. Wakefield Music Services, Young Voices, Junction 32• The school will regularly review and delete images. Images will be usually be deleted a year after children have left school but some may be retained for particular purposes.	
Having read the above statement, I give my permission for pictures of myself to be taken and used by school in relation to my employment.	
Signature:	Date: