

# **St Mary's Catholic Primary School**

## **Photographic images of children Policy**

**Person Responsible: Miss C Dineen**

**Date: September 2016**

**Review Date: Autumn 2017**

**Agreed by Governors:**

### **Issues of Consent**

- The Data Protection Act 1998 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act and it is a requirement that consent is obtained from the parent of a child under the age of 12 for any photographs or video recordings for purposes beyond the school's core educational function. (eg school web sites, school productions).
- As it is likely that there will be a number of occasions during a child's time in educational activity when the school may wish to photograph or video that pupil or for school and other events which are photographed for publicity purposes, the school will seek consent when the pupil starts at the school, to last for the duration of their stay. (See e-Safety rules consent form)
- Parents retain the right to withdraw consent at any stage, but they need to do so in writing.

### **Planning photographs of children**

- The school will, where possible, use general shots of classrooms or group activities rather than close up pictures of individual children. We will consider the camera angle; photographs taken over the shoulder, or from behind as they are less identifiable.
- The school will use images of children in suitable dress, and will take care when photographing PE or swimming events to maintain modesty, using tracksuits if appropriate.
- Where children can be identified by logos or emblems on sweatshirts etc and depending on the use to which the photograph will be put, the school will consider airbrushing logos.

### **Identifying children and young people**

- If the pupil is named, the school will avoid using their photograph. If the photograph is used, the school will avoid naming the pupil in full.
- The school will use the minimum information when publishing photographs and will consider whether it is really necessary to accompany a picture with the pupils' names, the year group, or the school.

- The school will not be **fully** naming pupils in any published text, whether in the school's brochure, website, or in the local press, unless it has parental consent to do so.

### **Using photographs of children supplied by a third party**

- The school understands that copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it. When the school commissions photographs for use at school it will make sure that the school/KCC will own the copyright for items taken on its behalf. The school will check that the third party owns the copyright in the photograph and obtain their written or verbally recorded permission to use it.
- Third Parties will generally be under the same obligations as schools to obtain parental consent to the use and distribution of photographs. The school will therefore ask the third party to guarantee that all relevant consents have been given and that they are entitled to provide it with the image.

### **Use of Images of children by the Press**

- There may be occasions where the press take photographs at the school of pupils. The e-Safety Rules consent form attempts to highlight the potential risks for parents so that they can make an informed decision about whether to agree to their children being featured in the press and whether their full name should accompany the photograph.
- The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. The school will check that broadcasters and press photographers on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

### **School Prospectus and other literature**

- The school will avoid using personal details or full names of any child in a photograph intended for the School Prospectus and other literature.

### **7. Videos**

- The school will ask parents if there are any objections before a video is taken of a school activity (see e-Safety Rules consent form).
- Parents can make video recordings of nativity plays, music performances and other such events for their own personal and family use, as they are not covered by the Data Protection Act.

### **Websites**

- The school will take care with identification and to respect parental views on the use of any photography of children on our website.

- Increasingly, users are generating content for websites e.g. children and adults placing pictures on **Instagram, PopJam** or **Facebook** web sites. The school will ensure that children, staff and parents understand the risks involved and are encouraged to adopt safe practice when generating content for school related websites. The school has adopted a policy to hold training sessions on e-safety for staff, pupils and parents which cover the above mentioned risks. E-safety is prominent within the computing curriculum and parents are informed where concerns are raised over a child's use of social media.

### **Parental right to take photographs**

- 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. 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 e-Safety Rules consent form reminds parents of this fact.
- The school will take appropriate steps to ensure that people with no connection to St Mary's do not have any opportunity to film covertly. Staff will be asked to quiz anyone they do not recognise who is using a camera or video recorder at events and productions. (See e-Safety Rules consent form)

### **The storage of photographs**

- Digital images/ video of pupils are stored in the teachers' shared images folder on the network. Access to the shared drive is restricted and staff must log in to computers to access this area.
- Where school computers are left unattended in class or at home they must be locked to restrict any unauthorised access.
- Photographs must be maintained securely by the school and disposed of either by return to the child, parents, or shredding as appropriate. Staff are made aware that images should not be removed from institutional computers and taken home. If permission is withdrawn for a photograph it must be edited from the storage immediately.
- Staff sign the school's Acceptable Use Policy and this includes a clause on the use of mobile phones/ personal equipment for taking photographs.

### **Official School Photographs**

- The school will use a trusted photographer/agency and will ensure that levels of supervision are appropriate to safeguard the welfare of children at all times.

### **Images taken by young people**

- The school will ensure that children are made aware that taking and distributing inappropriate photographs (such as taken during residential trips and usage in bedrooms, swimming) is against the law.

- Staff will consider carefully whether children need to bring their own photographic equipment on trips and ensure they understand the rules for taking photographs.