

HARBOURSIDE LEARNING *Partnership*

Use of Cameras and Images Policy

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1 Principles

1.1 In accordance with the Information Commissioner's Office (ICO) guidance *Taking Photographs in Schools*, all images taken by (or in) Harbourside Learning Partnership will be used in a manner respectful of the *General Data Protection Regulation 2016 (GDPR)*.

1.2 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 data rights;
- Utilised with consent of subject;
- Kept securely; and
- Adequately protected if transferred to other countries.

2 The Status of Photographs under General Data Protection Regulation 2016 (GDPR)

2.1 GDPR stipulates that data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs is sensitive personal data. Harbourside Learning Partnership acknowledges that these attributes can be relayed through photographs and digital images. Therefore all images are deemed to be sensitive data and Harbourside Learning Partnership will seek explicit consent to utilise it whilst acknowledging that children may well feature in unplanned and informal photographs taken around school such as in the background of a class activity, or taking part in events.

3 Consent

3.1 Harbourside Learning Partnership will ensure that requests for consent are intelligible, easily accessible, in plain language and with the purpose for the data processing stated and evident. It is as simple to withdraw consent as it is to give it. Harbourside Learning Partnership acknowledges that consent is not indefinite and has formed a system of review which allows it to remain current. Consent will be stored in a secure and auditable manner.

4 Procedures

4.1 Harbourside Learning Partnership will ensure that:

- Parents will always be consulted on the use of their child's image and this consent logged. Harbourside Learning Partnership will re-consult if they believe any suggested further processing is not reasonable based on initial consent;
- Children are encouraged to tell us if they are worried about any photographs that are taken of them;
- Written permission from parents or carers will be obtained before images/videos of children are electronically published by Harbourside Learning Partnership;
- Written parental consent will be sought to take and use photographs offsite for professional, marketing and training purposes. This is in addition to parental permission sought for onsite images;
- Written consent from parents will be kept by Harbourside Learning Partnership where children's images are used for publicity purposes (such as brochures or publications), until the image is no longer in use;
- Parental permission will be sought via a consent form on admission to Harbourside Learning Partnership and then annually;
- Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use and a transfer agreement

formulated. Harbourside Learning Partnership will ensure that images are held in accordance with the *General Data Protection Regulation 2016* and suitable child protection requirements (if necessary) are in place;

- Careful consideration is given before involving very young or vulnerable children when taking photos or recordings, who may be unable to question why or how activities are taking place;
- Harbourside Learning Partnership will arrange to discuss the use of images with children and young people in an age appropriate way;
- Images will not be taken of any child or young person against their wishes. A child or young person's right not to be photographed is to be respected;
- Photography is not permitted in sensitive areas such as changing rooms, toilets, swimming areas etc; and
- Photography is only permitted when children are appropriately dressed.

5 Records

5.1 Harbourside Learning Partnership will ensure that:

- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly;
- Parents and Carers understand that Children may well feature in unplanned and informal photographs taken around school such as in the background of a class activity, or taking part in events. These images will be of an appropriate and suitable nature and will only be used on site and without children being identified in accordance with ICO recommendations. Consent will not be required for such images which will be retained by the school until they are no longer required. Consent will however be sought for the publication of the images such as on the website or in a newsletter.
- Planned and/or formal images will not be kept for longer than is to be considered necessary. Harbourside Learning Partnership retention period for images is for the duration of the pupil's time in school plus two years. The Data Protection Officer (DPO) / Data Protection Manager (DPM) will ensure that all photographs are permanently wiped from memory cards, computer hard drives and portable drives or other relevant devices once the images will no longer be of use;
- All images will remain on site at all times, unless prior explicit consent has been given by both the DPO/DPM and the parent or carer of any child or young person captured in any photograph (except for those circumstances outlined in the following paragraph). Should permission be given to take images off site, all relevant details are to be recorded, for example who, what, when and why any data will be kept securely (e.g. with appropriate encryption);

- It is accepted that an employee's professional body of work may appropriately include some images of children for example, slides of children engaged with curriculum work to share with other pupils. In such an instance, images may be taken off site if:
 - It is considered necessary as part of the work being completed off site, for example a teacher completing a project at home and;
 - It is on a school registered device and;
 - The device, including USB and other storage devices, is fully password protected and kept secure.
- Where a school has 'Remote Access' (that is capacity to connect to a data-processing system from a remote location), there is no reason for any member of staff to save material – including images of children – directly to any device including laptops and USB storage devices. In schools with Remote Access, images should not be removed from site for any reason without explicit consent from the DPO/DPM.
- There may be occasions where a school wishes to use an image for a prolonged and/or unspecified period of time for example in promotional materials such as the school prospectus. Consent will always be sought for such uses. Images will be retained for as long as the school continues to require them or until consent is withdrawn.
- Pupils' names are not routinely used with images. In the event that a name does need to be used, consent will be sought and the usual Harbourside Learning Partnership retention period for images will apply (the duration of the pupil's time in school plus two years).
- Harbourside Learning Partnership reserves the right to view any images taken and/or to withdraw or modify a member of staff's authorisation to take or make images at any time;
- Photographs will be disposed of should they no longer be required. They will be returned to the parent or carer, deleted and wiped or shredded as appropriate. Copies will not be taken of any images without relevant authority and consent from the DPO/DPM and the parent/carer;
- Images or videos that include children will be selected carefully when used online and will not provide material that could be reused;
- Children's full names will not be used on the website in association with photographs;
- Harbourside Learning Partnership will not include any personal addresses, emails, telephone numbers or fax numbers on video, on the website, in a prospectus or in other printed publications;
- Harbourside Learning Partnership will only use images of children who are suitably dressed; and
- Children's work will only be published with their permission or their parents' consent.

6 Use of Photos/Videos by Parents/Carers

- Parents/carers are only permitted to take or make recordings within designated areas of Harbourside Learning Partnership when invited to specific events. Photography is not permitted in sensitive areas such as changing rooms, toilets, swimming areas etc.;
- Parents/carers are usually permitted to take photographs or DVD footage of events. In situations where some parents of children within a group, for instance a school production, have withheld consent, Harbourside Learning Partnership Schools will handle this with caution. There is not a requirement to ban photography outright since parents can reasonably expect that their child may appear in images taken by others. However, schools will be robust in reminding parents of their personal responsibilities for safeguarding: they are reminded that photographs are for personal use and should not be posted on social media sites and certainly not without the permission of the parent of every child featured within the image. Schools will be explicit in highlighting that the group includes some children who have withheld consent. In all cases the final judgement will be with the lead person in consultation with the DPM.
- The opportunity for parents/carers to take photographs and make videos can be withheld by Harbourside Learning Partnership on health and safety and/or safeguarding grounds;
- Parents and carers who are using photographic equipment must be mindful of others when making and taking images;
- The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time; and
- Parents may contact the DPO/DPM to discuss any concerns regarding the use of images.

7 Use of Photos/Videos by Pupils

- Harbourside Learning Partnership will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.);
- The use of non-school provided devices, e.g. mobile phones and children's own digital cameras, is ordinarily not permitted. Where it is permitted for example on school trips, children will be reminded about their duty to respect others' privacy particularly with regard to social media;
- Children are discouraged from bringing mobile phones into school. However if a device is brought to school it will be held securely during the school day.

- All staff will be made aware of the acceptable use rules regarding pupils' use of cameras and will ensure that pupils are appropriately supervised when taking images for official or curriculum use;
- Members of staff will remind pupils to ask permission before they take any photos;
- Photos taken by pupils for official use will only be taken with parental consent and pupil consent and will be processed in accordance with Harbourside Learning Partnership's Data Protection Policy;
- Parents/carers will be made aware that pupils will be taking photos/videos of other pupils and will be informed how these images will be managed by Harbourside Learning Partnership, e.g. will be for internal use by Harbourside Learning Partnership only (not shared online or via any website or social media tool);
- Photos taken by pupils for official use will be carefully controlled by Harbourside Learning Partnership and will be checked carefully before sharing online or via digital screens; and
- Still and video cameras provided for use by pupils and the images themselves will not be removed from Harbourside Learning Partnership.

8 Use of Images of Pupils by the Media

- All photographers and other visitors from the press must be DBS checked or if their visits to the school are occasional only and do not require a DBS they will be supervised by a member of staff;
- A transfer agreement will be composed with the media company detailing how data will be handled, secured and utilised to ensure compliance with GDPR;
- Parents and pupils will be made fully aware of how the data will be used so that they can give consent with a full awareness of processing and potential further processing;
- The identity of any press representative will be verified and access will only be permitted where the event is planned and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances; and
- 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 Harbourside Learning Partnership has taken all reasonable steps in accordance with data and child protection legislation.

9 Use of Professional Photographers

- Professional photographers who are engaged to record any events must be DBS checked and prepared to work according to the terms of Harbourside Learning Partnership's requirements;
- A transfer agreement will be composed with the media company detailing how data will be handled, secured and utilised; and
- Photographers will not have unsupervised access to children and young people. The member of staff in charge of the event will be responsible, taking advice from the DPO/DPM.

10 Use of Closed-Circuit Television (CCTV)

- All areas which are covered by CCTV will be well signposted and notifications are displayed so that individuals are advised before entering such vicinity;
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal;
- Regular auditing of any stored images will be undertaken by the DPO/DPM or other member of staff as designated by the Headteacher;
- 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 by the Headteacher; and
- Any CCTV cameras will be appropriately placed within Harbourside Learning Partnership after consultation with the police or other appropriate agencies.

11 Use of Webcams

- Parental consent will be obtained before webcams will be used within Harbourside Learning Partnership environment for curriculum or educational purposes;
- All areas which are covered by webcams for security or safeguarding purposes will be well signposted and notifications are displayed so that individuals are advised before entering such vicinity; and
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal.

12 Breach

12.1 In the unlikely event of photographs or images of children being compromised through a data breach deemed to be a risk to the rights and freedoms of data

subjects, the DPO/DPM will notify the supervisory authority within 72 hours. Affected individuals will also be notified without undue delay.

13 Equal Opportunities

13.1 In making and implementing this policy Harbourside Learning Partnership will have regard to Harbourside Learning Partnership's Equal Opportunities Policies.

14 Responsibilities

14.1 Trust Board

14.1.1 The Trust Board is responsible for ensuring that suitable arrangements are in place and will review the policy annually.

14.2 Governing Body

14.2.1 The Governing Body is responsible for ensuring that the requests of the policy are implemented in the school.

14.3 Headteacher

14.3.1 The Headteacher is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within Harbourside Learning Partnership. This includes the management, implementation, monitoring and review of this policy and procedures.

14.4 Data Protection Officer/Manager (DPO/DPM)

14.4.1 The DPO/DPM is responsible for the implementation of the policy and procedures and reporting as required to the Headteacher. A list of DPO/DPM's can be found in Appendix A.

14.4.2 The DPO/DPM is responsible for informing staff, pupils and parents of the policy and procedures and ensuring that staff have the opportunity to discuss and be consulted about the arrangements. They also ensure that consent is requested when a child joins the school and each year thereafter.

14.5 Staff

14.5.1 Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding and data protection training and responsibilities.

14.5.2 Only official school-owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of children. Use of personal cameras by staff is prohibited at all times.

15 Monitoring and Review

15.1 The Headteacher and DPO/DPM will monitor the implementation of the policy and will report to the Governing Body.

15.2 The Trust Board will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

Appendix A

Data Protection Officer for the Trust

Nichola Wood

Data Protection Managers

Baden-Powell & St Peters CE Junior School	Julia Card
Courthill Infant School	Sue Wallis
Lilliput CE Infant School	Lisa Fry
Longfleet CE Primary School	Rebecca Munro
Oakdale Junior School	Cathy Ball
Old Town Infant & Nursery School	Shirley O'Mahony