## C:\Users\zwilliams\AppData\Local\Microsoft\Windows\INetCache\Content.Word\Magna_Logo_Landscape_Long_Spot_U.PNG

**PHOTOGRAPHY AND VIDEOS AT SCHOOL POLICY**

|  |
| --- |
| Version control |
| Magna Photography and Videos in School Policy v2 [01/12/2020]  | Provisional review undertaken.  No changes other than to logo & amendment of AAT to Aspirations. |
| AAT Photography and Videos in School Policy v1 [March 2018]  | Trust policy created ahead of GDPR |

|  |  |  |  |
| --- | --- | --- | --- |
| **Date of next review:** | September 2022 | **Owner:** | Director of Business and Operations |
| **Type of policy:** | Network/Statutory | **Approving Body:** | Board |

## Photography and Videos at School Policy

1. **Statement of Intent**

At Aspirations we use imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the academy and Aspirations websites. We understand that parents may also wish to take videos or photos of their children participating in academy events for personal use.

Whilst we recognise the benefits of photography and videos to our academy community, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), Aspirations has specific responsibilities in terms of how photos and videos are taken, stored and retained.

Aspirations has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of Aspirations with regard to students’ safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

1. **Legal framework**

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

* The General Data Protection Regulation (GDPR)
* The Freedom of Information Act 2000
* The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
* The School Standards and Framework Act 1998
* The Children Act 1989
* The Children Act 2004
* The Equality Act 2010

This policy has been created with regard to the following guidance:

* Information Commissioner’s Office (2017) ‘Overview of the General Data Protection Regulation (GDPR)’
* Information Commissioner’s Office (2017) ‘Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now’

This policy also has due regard to the academy’s policies, including, but not limited to, the following:

* Behavioural Policy
* GDPR Data Protection Policy
1. **Definitions**

**For the purpose of this policy:**

**“Personal use”** of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at an academy event. These photos and videos are only for personal use by the individual taking the photo, and are not intended to be passed on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.

**“Official school use”** is defined as photography and videos which are used for academy purposes, e.g. for building passes. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official academy use.

**“Media use”** is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the GDPR apply to images and videos taken for media use.

Staff may also take photos and videos of students for **“educational purposes**”. These are not intended for official academy use, but may be used for a variety of reasons, such as academy displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

1. **Roles and responsibilities**

The Principal is responsible for:

* Submitting consent forms to parents at the beginning of the academic year with regards to photographs and videos being taken whilst at school.
* Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
* Deciding whether parents are permitted to take photographs and videos during academy events.
* Communicating this policy to all the relevant staff members and the wider academy community, such as parents.

The designated safeguarding lead (DSL) is responsible for:

* Liaising with social workers to gain consent for photography and videos of LAC students.
* Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
* Informing the Principal of any known changes to a student’s security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

Parents are responsible for:

* Completing the [Consent Form](#_Consent_Form) on an annual basis.
* Informing the academy in writing where there are any changes to their consent.
* Acting in accordance with this policy.

In accordance with Aspirations requirements to have a DPO, the DPO is responsible for:

* Informing and advising the academy and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
* Monitoring the academy’s compliance with the GDPR in regards to processing photographs and videos.
* Advising on data protection impact assessments in relation to photographs and videos at the academy
* Conducting internal audits, in regards to the academy’s procedures for obtaining, processing and using photographs and videos.
* Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at the academy.
1. **Parental consent**

The academy understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual’s wishes.

Where consent is given, a record will be kept documenting how and when consent was given and last updated.

The academy ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

Where a child is under the age of 16, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

If the law provides it, children as young as 13 may be permitted to provide consent to the processing of their data.

All parents will be asked to complete the Consent Form on an annual basis, which will determine whether or not they allow their child to participate in photographs and videos.

The Consent Form will be valid for the full academic year, unless the student’s circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the student’s circumstances change.

If there is a disagreement over consent, or if a parent does not respond to a consent request, it will be treated as if consent has not been given, and photographs and videos will not be taken or published of the student whose parents have not consented.

All parents are entitled to withdraw or change their consent at any time during the academy year.

Parents will be required to confirm on the Consent Form, in writing, that they will notify the academy if their child’s circumstances change in any way, or if they wish to withdraw their consent.

For any LAC students, or students who are adopted, the DSL will liaise with the student’s social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of an LAC student, or students who are adopted, would risk their security in any way.

Consideration will also be given to any students for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any students would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of students for whom consent was not given will be created by the DPO and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

If any parent withdraws or changes their consent, or the DSL reports any changes to a student’s security risk, or there are any other changes to consent, the list will also be updated and re-circulated.

1. **General procedures**

Photographs and videos of students will be carefully planned before any activity.

The DPO will oversee the planning of any events where photographs and videos will be taken.

Where photographs and videos will involve LAC students, adopted students, or students for whom there are security concerns, the Principal will liaise with the DSL to determine the steps involved.

When organising photography and videos of students, the Principal, as well as any other staff members involved, will consider the following:

* Can general shots of classrooms or group activities, rather than individual shots of students, be used to fulfil the same purpose?
* Could the camera angle be amended in any way to avoid students being identified?
* Will students be suitably dressed to be photographed and videoed?
* Will students 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 logos which may identify students?
* Are the photographs and videos of the students completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by students’ work rather than images or videos of the students themselves?

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

The staff members involved, alongside the Principal and DPO, will liaise with the DSL if any LAC student, adopted student, or a student for whom there are security concerns is involved.

Academy equipment will be used to take photographs and videos of students.

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

Where possible, staff will avoid identifying students. If names are required, only first names will be used.

The academy will not use images or footage of any student who is subject to a court order.

The academy will not use photographs of children or staff members who have left the academy, without appropriate consent.

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

Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

1. **Additional safeguarding procedures**

The academy understands that certain circumstances may put a student’s security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The DSL will, in known cases of a student who is an LAC or who has been adopted, liaise with the student’s social worker, carers or adoptive parents to assess the needs and risks associated with the student.

Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimise any impact on the student’s day-to-day life. The measures implemented will be one of the following:

* Photos and videos can be taken as per usual academy procedures
* Photos and videos can be taken within school for educational purposes and official academy 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 and the list outlining which students are not to be involved in any videos or photographs, held in the academy office, will be updated accordingly.

1. **Academy-owned devices**

Staff are encouraged to take photos and videos of students using academy equipment; however, they may use other equipment, such as academy-owned mobile devices, where the DPO has been consulted and consent has been sought from the Principal prior to the activity.

Where academy-owned devices are used, images and videos will be provided to the academy at the earliest opportunity, and removed from any other devices.

Staff will not use their personal mobile phones, or any other personal device, to take images and videos of students.

Photographs and videos taken by staff members on educational visits may be used for educational purposes, e.g. on displays or to illustrate the work of the academy, where consent has been obtained.

Digital photographs and videos held on the academy’s drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos. Files are password protected, and only staff members have access to these passwords – these are updated termly to minimise the risk of access by unauthorised individuals.

1. **Use of a professional photographer**

If the academy decides to use a professional photographer for official academy photos and academy events, the Principal will:

* Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
* Issue the photographer with identification, which must be worn at all times.
* Let students and parents know that a 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 allow unsupervised access to students or one-to-one photo sessions at events.
* Communicate to the photographer that the material may only be used for the academy’s own purposes and that permission has not been given to use the photographs for any other purpose.
* Ensure that the photographer will comply with the requirements set out in GDPR.
* Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for any other anything other than the purpose indicated by the academy.
1. **Permissible photography and videos during academy events**

If the Principalpermits parents to take photographs or videos during an academy event, parents will:

* Remain seated while taking photographs or videos during concerts, performances and other events.
* Minimise the use of flash photography during performances.
* In the case of all academy events, make the focus of any photographs or videos their own children.
* Avoid disturbing others in the audience or distracting students when taking photographs or recording video.
* Ensure that any images and recordings taken at academy events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
* Refrain from taking further photographs and/or videos if and when requested to do so by staff.
1. **Storage and retention**

Images obtained by the academy will not be kept for longer than necessary.

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 the academy office. They will not be used other than for their original purpose, unless permission is sought from the Principal and parents of the students involved and the DPO has been consulted.

Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

The DPO will review stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

Parents must inform the academy in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the n drive immediately.

When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.

Where a student’s security risk has changed, the DSL will inform the Principal immediately. If required, any related imagery and videos involving the student will be removed from the academy drive immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.

Official academy photos are held on the academy Management Information System alongside other personal information, and are retained for the length of the student’s attendance at the academy, or longer, if necessary, e.g. due to a police investigation.

Some educational records relating to former students of the academy may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

**Why do we need your consent?**

Aspirations requests the consent of parents on an annual basis to use images and videos of their child for a variety of different purposes.

Without your consent, the academy will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the academy will abide by the conditions you outline in this form.

**Why do we use images and videos of your child?**

Aspirations uses images and videos of students as part of academy displays to celebrate academy life and students’ achievements; to promote the academy on social media and on the academy’s website; and for other publicity purposes in printed publications, such as newspapers.

Where the academy uses images of individual students, the name of the student **will not** be disclosed. Where an individual student is named in a written publication, a photograph of the student **will not** be used to accompany the text.

If, for example, a student has won an award and their parent would like their name to be published alongside their image, **separate consent** will be obtained prior to this.

Aspirations may take images or videos of individual students and groups of students to use on social media, the academy website, in academy prospectuses and other printed publications, such as a newsletter.

**Who else uses images and videos of your child?**

It is common that the academy is visited by local media and press, who take images or videos of academy events, such as sports days. Students will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

Where any organisations other than those above intend to use images or videos of your child, **additional consent** will be sought before any image or video is used.

**What are the conditions of use?**

* It is the responsibility of parents to inform the academy, in writing, if consent needs to be withdrawn or amended.
* The academy will not use the personal details or full names of any student in an image or video, on our website, in our academy prospectuses or any other printed publications.
* The academy will not include personal emails or postal addresses, telephone or fax numbers on images or videos on our website, in our academy prospectuses or any other printed publications.
* The academy may use pictures of students and teachers that have been drawn by students.
* The academy may use work created by students.
* The academy may use group or class images or videos with general labels, e.g. ‘sports day’.
* The academy will only use images and videos of students who are suitably dressed, i.e. it would not be suitable to display an image of a student in swimwear.
* The academy will take class images of your child which are available to purchase annually.