

# Safe Use of Children's Photographs and Video Policy

The Bythams Primary School



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Signed: *Laura Martin*

Signed: *Jeremy Millar*

Name: Laura Martin  
(Headteacher)

Name: Jeremy Millar  
(Chair of Governors)

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## **Introduction**

Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and local community identify and celebrate the school's achievements.

However, photographs must be used in a responsible way. Schools need to respect children's and parents' rights of privacy and be aware of potential child protection issues.

At the Bythams Primary School every reasonable effort will be made to minimise risk by following the guidelines detailed in the document and by securing parental consent for the use of photographs and video.

This policy applies to the use of photographs in school publicity materials, on its website and in the press.

This policy reflects the consensus of opinion of the staff and governing body of the Bythams Primary School. Its implementation is the responsibility of all staff. Parents and visitors will be made aware of this policy.

## **Child Protection**

There may be a risk when individual pupils can be identified in photographs. For that reason the governing body of the Bythams Primary School have developed this policy to make every effort to minimise risk.

In the event of the inappropriate use of children's photographs the Head teacher will inform the local Child Protection Officer and Social Services and / or the Police.

## **Data Protection Act 1998**

Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. Therefore, using such images for school publicity purposes requires the consent of either the individual concerned or in the case of pupils, their legal guardians.

The Bythams Primary School will not display images of pupils or staff on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

Where photographs are taken at an event attended by large crowds, this is regarded as a public area so it is not necessary to get permission of everyone in a crowd shot. The Data Protection Act does not apply to photographs or films taken for personal use by family and friends.

### **Appropriate Use of Images in School Publicity Materials**

The staff and governors of the Bythams Primary School will:

- Ensure that images are stored securely and used only by those authorised to do so.
- Ensure that electronic images are stored on a secure network to which members of the public have no access.
- Not use an image of any child who is subject to a court order.
- Secure parental consent for the use of children's photographs,
- Ensure that children are appropriately dressed – a minimum of a vest/shirt and shorts.

### **School Website**

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff and governors of the Bythams Primary School are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. Children's names will not be included in photographs of children published on the school website.

### **Parental Consent**

The governors of the Bythams Primary School will seek the written consent of parents/guardians regarding the use of photographs and video of children. A parent or carer has the right to refuse or withdraw their consent at any time. Partial or restricted consent can also be given where deemed necessary by the parent or carer.

When children leave the school, the school will remove any photographs from the school website as soon as practically possible.

Images of children for which consent has never been given are not to be used, unless the specific consent of the parent or carer is obtained. Should it not be possible to obtain such consent, then images must be returned to the individual concerned or destroyed.

### **Official use of Images/Videos of Children by the School**

- All images taken by the school will be used in a manner respectful of 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 school is 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 the Photographs and Video Policy.
- Written permission from parents or carers will be obtained before images/videos of children are electronically published by the setting.
- Written parental consent will be sought to take and use photographs offsite for professional, marketing and training purposes. This may be in addition to parental permission sought for onsite images.
- Written consent from parents will be kept by the setting 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 on an agreed basis, currently we ask annually and on admission to the school
- 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.
- Images will not be kept for longer than is to be considered necessary, the school will ensure that all photographs are permanently wiped from memory cards, computer hard 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 the parent or carer.
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably encrypted and it is returned within the expected time scale.
- 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.

- The school will not include any personal addresses, emails, telephone numbers, fax numbers on video, on the website, in a prospectus or in other printed publications.
- The school will only use images of children who are suitably dressed.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- All members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.
- Only official school owned equipment (e.g. work provided digital, video cameras or ipads) will be used by staff to capture images of children for official purposes. Use of personal cameras, including those on mobile phones, by staff or volunteers is prohibited at all times.
- Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use. The school will ensure that images are held in accordance with the Data Protection Act 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.
- The school will 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 room, toilets, swimming areas etc.
- 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 the consent of the parent/carers

#### **Use of Photos/Videos by Parents or Carers**

- The school will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children can not take the camera (e.g. unsupervised areas, toilets etc).
- The use of non setting provided devices e.g. mobile phones, children's own digital cameras, is covered in the school's online safety policy.
- All staff will be made aware of the acceptable use rules regarding children's use of cameras and will ensure that children are appropriately supervised when taking images for official or curriculum use.

- Members of staff will role model positive behaviour to the children by encouraging them to ask permission before they take any photos.
- Photos taken by children for official use will only be taken with parental consent and will be processed in accordance with the Data Protection Act 1998.
- Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be managed by the school e.g. will be for internal use by the setting only (not shared online or via any website or social media tool).
- Photos taken by children for official use will be carefully controlled by the school and will be checked carefully before sharing online or via digital screens.
- Still and video cameras provided for use by children and the images themselves will not be removed from the setting.

### **Use of Images of Children by the Media**

- Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met. A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) can be published along with images and videos.
- 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.
- 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 school is to be considered to have acted in good faith

### **The Press**

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

- Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.
- Pupils must not be approached or photographed while at school without the permission of the school authorities.
- There is no breach of the Data Protection Act 1998 in passing on a child's name to a journalist as long as parental consent has been secured.

The Bythams Primary School will provide names of children to accompany photographs published in newspapers and magazine only where the parent or guardian have provided their consent.

If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Head teacher who would report them in the same manner as any other child protection concern.

If the school or parents have concerns regarding the use of filmed images by television companies they should contact the Office of Communication (Ofcom). Any objections to this policy should be addressed to the Head teacher.

### **Use of Professional Photographers**

- Professional photographers who are engaged to record any events will be prepared to work according to the terms of the settings online safety policy.
- Photographers will sign an agreement which ensures compliance with the Data Protection Act and that images will only be used for a specific purpose, subject to parental consent
- Photographers will not have unsupervised access to children and young people

### **Use of Webcams**

- Parental consent will be obtained before webcams will be used within the setting 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.
- 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.

### **Copyright**

It is important to be sure of the copyright position of any photographs the school's intent to use, because photographic images are considered as artistic works under the laws of copyright. Copyright is the right given to authors and creators of works, such as books, films or computer programs, to control the exploitation of their works. This right broadly covers copying, adapting, issuing copies to the public, performing in public and broadcasting the material. Copyright arises automatically and does not depend on the completion of any formalities, such as registration. The school should be aware that photographs obtained from the internet are also subject to copyright. The first owner of copyright is usually the author of the work.

The major exception is where such work is made in the course of employment, in which case the employer owns the copyright. Commissioning and paying for work does not procure the copyright. Contractors and freelancers own the first copyright in their work unless the commissioning contract agrees otherwise.

The school should also remember that copyright lasts for over 50 years. Photographs taken after 1 August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older photographers depending on the relevant Copyright Act at the time they were taken. See below:

Date photograph taken	Length of copyright
Before 1912	Expired
1 July 1912 - 1 June 1957	50 years from the end of the year in which the photograph was taken
1 June 1957 - 1 August 1989	70 years from when the negative was taken
After 1 August 1989	70 years after the death of the photographer

It is the school's responsibility to ensure that all photographs used on the website have this credit applied.

More information on copyright is available from the following United Kingdom's Copyright Licensing Agency: <http://www.cla.co.uk/>

International Federation of Reproduction Rights Organisation: <http://www.ifrro.org/>