



B4L PHOTOGRAPHY AND VIDEOS POLICY

Weston Point College

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1. Legal Framework

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

- 1.1.1. The General Data Protection Regulation (GDPR)
- 1.1.2. The Freedom of Information Act 2000
- 1.1.3. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 1.1.4. The School Standards and Framework Act 1998
- 1.1.5. The Children Act 1989
- 1.1.6. The Children Act 2004
- 1.1.7. The Equality Act 2010

1.2. This policy has been created regarding the following guidance:

- 1.2.1. Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- 1.2.2. Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

1.3. This policy also has due regard to the college policies, including, but not limited to, the following:

- 1.3.1. Child Protection and Safeguarding Policy
- 1.3.2. Special Educational Needs and Disabilities (SEND) Policy
- 1.3.3. Behaviour for Learning Policy
- 1.3.4. Data Protection and Freedom of Information Policy, May 2018

For the purpose of this policy:

- 1.4. "Personal use" of photography and videos is defined as the use of cameras (or similar device) to take photographs and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photograph of their child and their friends at a college event. These photographs and videos are only for personal use by the individual taking the photograph and are not intended to be passed on to unknown sources.
- 1.5. "Official college use" is defined as photography and videos which are used for college purposes, e.g. for identification passes or to display events and activities on official school trips/outings. These photographs are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to photographs and videos taken for official Weston Point College use.
- 1.6. "Media/social 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 photographs and videos taken for media/social use.
- 1.7. Staff may also take photos and videos of students for "educational purposes". These are not intended for 'official college use', but may be used for a variety of reasons, such as displays, special events, assessment, workbooks or other activities directly linked with the education of students. The principles of the GDPR apply to photographs and videos taken for educational purposes.

2. Roles and responsibilities

2.1. The *Head Teacher* is also the Data Protection Lead and is responsible for:

- 2.1.1. Submitting consent forms to parents/carers when a student enrolls at the college with regards to photographs and videos being taken and used whilst at the college, while on education visits/trips etc.
- 2.1.2. Ensuring consent is stored on a register of responses and maintained so it is accurate at all times.
- 2.1.3. Ensuring that all photographs and videos are stored securely and disposed of correctly, in line with the GDPR.
- 2.1.4. Communicating this policy to all the relevant staff members and the wider college community, such as parents/carers.
- 2.1.5. Informing and advising the college and its staff about their obligations to comply with the GDPR in relation to photographs and videos at the Weston Point College.
- 2.1.6. Monitoring the college's compliance with the GDPR with regards to processing photographs and videos.
- 2.1.7. Advising on data protection impact assessments in relation to photographs and videos at the college.
- 2.1.8. Conducting internal audits, with regards to the college's procedures for obtaining, processing and using photographs and videos.
- 2.1.9. Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at college.

2.2. The Designated Safeguarding Lead (DSL) is responsible for:

- 2.2.1. Liaising with social workers to gain consent for photography and videos of Looked After Children (LAC) students.
- 2.2.2. Liaising with the Head Teacher to ensure there are no data protection breaches.
- 2.2.3. Informing the *Head Teacher* of any known changes to a student's security and safeguarding, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

2.3. Parents/carers are responsible for:

- 2.3.1. Completing the consent form when their child enrolls at the college.
- 2.3.2. Informing the college in writing where there are any changes to their consent.
- 2.3.3. Informing the college if they would like to withdraw consent.
- 2.3.4. Acting in accordance with this policy.

3. Consent

- 3.1. The college 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.
- 3.2. Where consent is given, **a record will be kept on SIMS and a copy of the consent will be linked to the student record.** The college 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.
- 3.3. **In the UK children aged 13 and over are able to give their own consent** unless there is a valid reason why this should not be granted. For children under this age, the consent of parents/carers 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.
- 3.4. All parents/carers and students from when they enrol at the college will be asked to complete the *Consent Form* (when a student reaches age 13 the consent given when they first enrolled will be used, as the consent will now reside with the student, unless there is a valid reason why it should not this will determine whether or not they allow their student to participate in photographs and videos.
- 3.5. The *Consent Form* will be valid for the duration of a student's time at the college and for a period of two years after they have left, unless the student's circumstances change in any way, e.g. if their parents/carers separate, or consent is withdrawn. Additional consent forms will be required if the student's circumstances change.
- 3.6. If there is a disagreement over consent, or if a parent/carer 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 students whose parents/carers have not consented.
- 3.7. All parents/carers are entitled to withdraw or change their consent at any time. Parents/carers will be required to confirm on the Consent Form, in writing, that they will notify the college if their child's circumstances change in any way, or if they wish to withdraw their consent. **The withdrawal will be logged on SIMS.**
- 3.8. For any LAC students, or students who are adopted, the *DSL* will liaise with the students' social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of a LAC students or students who are adopted, would risk their security in any way.
- 3.9. Consideration will also be given to any student for whom child protection concerns have been raised. Should the *DSL* believe that taking and using photographs and videos of any students would put their security at further risk, greater care will be taken towards protecting their identity.

4. General Procedures

- 4.1. Photographs and videos of students will be carefully planned before any activity.
- 4.2. The *Head Teacher* will be made aware of the planning of any events where photographs and videos will be taken at the college.
- 4.3. Where photographs and videos will involve LAC, adopted students, or students for whom there are security and safeguarding concerns, the Head Teacher will determine the steps involved.
- 4.4. When organising photography and videos of students, the Head Teacher, as well as any other staff members involved, will consider the following:
 - 4.4.1. Can general shots of classrooms or group activities, rather than individual shots of students, be used to fulfil the same purpose?
 - 4.4.2. Could the camera angle be altered in any way to avoid students being identified?
 - 4.4.3. Will students be suitably dressed to be photographed and videoed?
 - 4.4.4. Will students of different ethnic backgrounds and abilities be included within the photographs or videos, to support diversity?
 - 4.4.5. Would it be appropriate to edit the photographs or videos in any way? For example, would it be appropriate to remove any branding (e.g. college logo) which may identify students?
 - 4.4.6. Are the photographs and videos of the students completely necessary, or could alternative methods be used for the same purpose? For example, could an article be illustrated by students' work rather than photographs or videos?
- 4.5. 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.
- 4.6. The staff involved, alongside the Head Teacher, will liaise with the *DSL* if any LAC, adopted students, or students for whom there are safeguarding concerns are involved (see section 5 of this policy).
- 4.7. College owned or agreed professional photographer's equipment will be used to take photographs and videos of students. Exceptions to this are outlined in section 7 of this policy.
- 4.8. Staff will ensure that all students are suitably dressed before taking any photographs or videos.
- 4.9. Where possible, staff will avoid identifying students, the full name of a student will not be displayed alongside a photograph or video, unless permission is sought and given. However, if names are required, only first names will be used, if appropriate to do so.
- 4.10. The college will not use photographs or footage of any student who is subject to a court order.
- 4.11. The college may continue to use photographs and videos for the duration of students' time/education at the college and for a period of two years after they have left the college, ensuring parental/carer consent has been given.
- 4.12. Photographs and videos that may cause any distress, upset or embarrassment will not be used.
- 4.13. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the Head Teacher.

5. Additional Safeguarding Procedures

- 5.1. The college 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.
- 5.2. The *Designated Safeguarding Lead* will, in known cases of a student who is a 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.
- 5.3. Any measures required will be determined between the *DSL*, social worker, carers, the Head Teacher 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:
 - 5.3.1. Photographs and videos can be taken as per usual college procedures.
 - 5.3.2. Photographs and videos can be taken within college or outside for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media.
 - 5.3.3. No photographs or videos can be taken at any time, for any purposes.
- 5.4. Any outcomes will be communicated to all staff members via a *staff meeting* and the list outlining which students are not to be involved in any videos or photographs, held in the *school office and recorded on SIMS*.

6. College Owned Devices

- 6.1. Staff are encouraged to take photographs and videos of students using college equipment; however, they may use other equipment, such as college-owned mobile devices, where the Head Teacher has been consulted and consent has been sought prior to the activity.
- 6.2. Where college-owned devices are used, photographs and videos will be provided to the college at the earliest opportunity and removed from any other devices.
- 6.3. Staff will not use their personal mobile phones, or any other personal device, to take photographs and videos of students unless special permission is granted by the Head Teacher or *DSL*. After which, photographs and videos should be removed immediately and/or stored securely after college use e.g. social media.
- 6.4. Photographs and videos taken by staff members on college trips/visits may be used for educational purposes, e.g. on displays or to illustrate the work of the college, social media, website and for press releases that may be used across local, regional or national media, where consent has been obtained.
- 6.5. Digital photographs and videos will be held on an appropriate secure college data management system and are accessible to staff only, as well as photographs and videos shared with the college. and are all stored on secure servers. Files will be secured appropriately, and only relevant staff members have access to view and edit photographs.

7. Use of a professional photographer

7.1. If Weston Point College decides to use a professional photographer for official photographs, videos and events, the Head Teacher or the Designated Safeguarding Lead will:

- 7.1.1. Provide a clear brief and schedule for the photographer/videographer about what is considered appropriate, in terms of both content and behaviour.
- 7.1.2. Issue the photographer with identification, which must be worn at all times.
- 7.1.3. Let students and parents/carers 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.
- 7.1.4. Not allow unsupervised access to students or one-to-one photo sessions at events etc unless the photographer has the correct DBS for college use.
- 7.1.5. Communicate to the photographer/videographer that the material may only be used for the college's own purposes and that permission has not been given to use the photographs for any other purpose.
- 7.1.6. Communicate to the photographer/videographer that the college will own the copyright for all materials taken.
- 7.1.7. Ensure the photographer/videographer share any photographs and videos via secure transfer platforms for downloading.
- 7.1.8. Ensure that the photographer will comply with the requirements set out in GDPR.

7.2. Ensure that if another individual, such as a parent/carer or Director, is nominated to be the photographer, they are clear that the photographs or videos are not used for anything other than the purpose indicated by the college, and the photographs and videos are then used/filed and disposed of in line with this policy.

8. Permissible photography and videos during college events

8.1. If the Head Teacher permits parents/carers to take photographs or videos during a college event, parents/carers will:

- 8.1.1. Remain seated while taking photographs or videos during concerts, performances and other events.
- 8.1.2. Minimise the use of flash photography during performances.
- 8.1.3. In the case of all college events, make the focus of any photographs or videos their own children.
- 8.1.4. Avoid disturbing others in the audience or distracting students when taking photographs or recording video.
- 8.1.5. Ensure that any photographs and recordings taken at college events are exclusively for personal use. Parents/carers are discouraged from uploading photographs and videos to the internet, posting photographs and videos on social networking sites or openly sharing them in other ways. It must be made clear that no students should be named, so they can be identified unless permission is sought via the parent/carer.
- 8.1.6. Refrain from taking further photographs and/or videos if and when requested to do so by college staff.

9. Storage and retention

- 9.1. Photographs obtained by the college will not be kept for longer than necessary. Photographs and videos will be kept for three years after they have been produced, even if these include students that have left the college. Additional permission will be sought if required for a longer period e.g. alumni.
- 9.2. Digital photographs and videos held on the college network are accessible to staff only, as well as photographs and videos shared with Weston Point College, and are all stored on securely. Only relevant staff members have access to view and edit photographs
- 9.3. Paper documents will be shredded, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.
- 9.4. Hard copies of photographs and video recordings held by the college will not be used other than for their original purpose, unless permission is sought from the Head Teacher and parents/carers of the students involved.
- 9.5. The storage of photographs and videos will be reviewed on an annual basis to ensure that all unwanted material has been deleted. Approved photographs and videos will only be stored for maximum of three years from the date produced.
- 9.6. Parents/carers must inform the college in writing where they wish to withdraw or change their consent. If they do so, any related photography and videos involving their children will be removed from the colleges network immediately.
- 9.7. When a parent/carer withdraws consent, it will not affect the use of any photographs or videos for which consent had already been obtained. However, photographs and videos will be removed where possible. Withdrawal of consent will only affect further processing.
- 9.8. Where a students' security/safeguarding risk has changed, the *DSL* will inform the Head Teacher immediately. If required, any related photographs and videos involving the student will be removed from the college network immediately. Hard copies will be removed by returning to their parents/carers or by shredding, as appropriate.
- 9.9. *Official* college student identification photos are held on SIMS, alongside other personal information and are retained for the length of the students' enrolment at the college, and for a period of two years after they have left the college, or *longer* if necessary, e.g. due to a police investigation. Some educational records relating to former students may be kept for an extended period for legal reasons.

10. Policy review

This policy is reviewed every year by the Head Teacher

Issue Date: 01/11/2020

The next review date for this policy is October 2021.