

# Safe Use of Children's Photographs Policy



Through respect we will work together in Christ to develop the whole person

Review: November 2021

Date of Next Review: November 2022

Leader: Mrs C Sime

All schools need and welcome positive publicity. Photographs of pupils can add colour, life and interest to articles promoting school initiatives and activities. Making use of photographs in school publicity materials can increase pupil motivation and staff morale. Parents and carers, members of the Governing Body and the local community can identify and celebrate the work and achievements of the school. A photographic record of school events can also be a useful historical record of the school's work over a long period of time.

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

When writing this policy, we have considered both the positive and the negative aspects of using children's photographs, believing that an agreed, common-sense balance can be achieved. We will make every reasonable effort to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs.

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

### **Data Protection Act 1998 (see Appendix A)**

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.

At St. Matthew's School we 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 St. Matthew's 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
- ✚ Not use photographs of children or staff who have left the school without their consent
- ✚ Ensure that children are appropriately dressed – a minimum of 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 St. Matthew's 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. The governors will seek the consent of parents regarding the use of images on the Internet. Children's names will not be included in photographs of children published on the school website.

### **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.

St. Matthew's School will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian have provided their consent.

### **Filming Events**

It is usual for parents to take photographs and videos of children at school events such as the annual Nativity Play and Sports Day. Any objections to this policy should be addressed to the Headteacher.

On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event.

Where a commercial photographer is used, the school will:

- ✚ Provide a clear brief about what is considered appropriate in terms of context and behaviour
- ✚ Issue the photographer with identification which must be worn at all times
- ✚ Let parents and children know that a photographer will attend an event and ensure that they consent to both the taking and publication of films and photographs
- ✚ Will not allow unsupervised access to children or one-to-one photo sessions at home
- ✚ Will not approve/allow photo sessions outside the event or at a child's home.

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

If 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 Headteacher.

### **Camera Phones in School**

In order to minimise the risk posed directly or indirectly to children through the use of camera phones on school premises we will adhere to the school's Mobile Phone Policy

### **Parental Consent**

The governors of St. Matthew's School will seek the consent of parents/guardians regarding the use of photographs of children. The consent will form part of the admission form when a child enters St. Matthew's

### **Data Protection Good Practice Note Taking Photographs in Schools**

#### **Aim of this guidance**

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

#### **Recommended Good Practice**

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the Act does apply, a common-sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- ✚ Photos taken for official school use may be covered by the Act and pupils and
- ✚ Photos taken purely for personal use are exempt from the Act.

#### **Examples**

##### **Personal use:**

- ✚ A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- ✚ Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

##### **Official school use:**

- ✚ Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.

- ✚ A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

**Media use:**

- ✚ A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act

**Further Information**

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 08456 30 60 60  
01625 54 57 45

E-mail: please use the online enquiry form on our website

Website: [www.ico.gov.uk](http://www.ico.gov.uk)