

# Photograph and video policy



**Approved**

The Chief Executive Officer

**Date:** May 2020

**Last reviewed:**

April 2020

**Next review due by:**

April 2022 *(at least every two years)*

The Trust and our schools are obliged to comply with data protection legislation when we take or publish photographs or video recordings of our pupils. We will always try to act in the best interest of the pupils and, as far as we legally can, will take parental preferences into account.

We will not normally seek consent for any internal use of photographs or video recordings as the processing of such personal data is in accordance with the statutory functions of the Trust in providing an education to the pupil and is therefore lawful on the grounds of public interest. However we will take into account any parental preferences expressed. The pupil may also exercise their data protection rights in respect of photographs and video recordings as set out in the privacy notice for pupils and our data protection policy. We will respond appropriately to any pupil or parental request to exercise those rights.

The Data Protection Act 2018 gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 12. For this reason, for most pupils in a secondary school, it will normally be up to the individual child to decide whether or not to be photographed or videoed. Where the school considers that the child does not have the capacity to make such a decision the school will act as it considers to be in the best interests of the child and in doing so will take account of any stated parental preference.

If you wish to express a preference for your child's school to avoid taking or publishing photographs or video recordings of your child in certain circumstances, then please indicate your preferences using the attached form. If no preferences are expressed, then we will act in accordance with the principles expressed in this policy.

Ordinarily the following rules will apply to photographs and video recordings in our schools:

### **Photographs and Video Recordings for Internal Use**

- The Trust and our schools will take photographs and video recordings for our own use. Photographs will usually be unnamed and will generally be for internal use but may also include photographs or video recordings for publication, such as for prospectuses, or to show at an event for parents. Unnamed photographs may also be used on display boards which can be seen by visitors.
- When the photograph or video recording is taken, whenever reasonably possible the pupils will be informed that a photograph or video recording is being taken and told what it is for so that they can object if they wish.
- If we want to use pupils' full names with photographs we will obtain specific consent first. For most pupils this will be pupil consent as explained above, but parental wishes will be taken into account.
- Our staff may photograph or video pupils for assessment or therapy. This may be on an individual basis or in a group with other pupils.
- Photographs or video recordings may be used for staff training.

### **Website use**

The Trust and our schools will only use photographs or video recordings of children on our websites with consent. This consent must be the consent of the child when the child has sufficient understanding to make the decision for themselves (generally age 12 onwards) but

we will take into account any parental preference expressed and so will not ordinarily publish against the wishes of parents. In cases where both parents of the child cannot agree but the child is consenting, we will make a decision based on the best interests of the child, after careful consideration of the circumstances and after having taken legal advice.

### **Media Use**

- We will give proper consideration to the interests of our pupils when deciding whether to allow external organisations to take photographs or to film.
- When the media are allowed to be present in our schools or at school events, this will be on the condition that they observe this policy.
- Where the media are allowed to be present at a particular event the school will make sure that pupils and their parents or carers are informed of the media presence. If no objection is received, then the school will assume that unnamed photographs may be published.
- If the media entity wants to publish named photographs, then they must obtain specific consent from those pupils with capacity to consent or the parents of those without capacity. The school will require the media entity to check with the school before publication so that the school can check that any objections have been taken into account.

### **Family Photographs at School Events**

- It shall be at the discretion of each school whether photographs may be taken at a school event.
- Family and friends taking photographs for the family album will not be covered by data protection legislation.
- Where the school decides to allow such photography, the family and friends will be asked not to publish any photographs showing children other than their own on the internet.

## Expression of Parental Preferences

Name of Child \_\_\_\_\_

Name of School \_\_\_\_\_

### Photos and videos

We will hold photos and videos of your child for identification and security purposes. These are required to meet our legal obligations and to fulfil our public task in running schools.

In addition to this, we would like to create and use additional imagery to celebrate the school and the trust in newsletters, prospectuses, adverts, media releases, and on our websites and social media, but need your permission to do so. Your child's education will not be affected if you do not agree.

I am happy for you to use imagery of my child to promote the school/trust as above.	<b>Yes / No</b>
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### Special circumstances

**Please use this box to tell us about any special circumstances which could affect our use of photos or videos of your child.**

If at any point you wish to change your preferences, please contact the school office.

**I understand that the school will try to take my preferences into account but that the school must comply with the Data Protection Act 2018 which will give my child rights in their own data when they have adequate capacity and understanding to make decisions about the publication of their photographs for themselves.**

Signed \_\_\_\_\_

Dated \_\_\_\_\_

PRINT NAME \_\_\_\_\_

Relationship to child \_\_\_\_\_