

<i>Policy adopted by Governors</i>	<i>March 2017</i>
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<i>Policy to be reviewed</i>	<i>January 2022</i>

**BOWER GROVE SCHOOL**  
**IMAGE USE POLICY**

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

**Scope and aims of the policy**

- This policy seeks to ensure that images and videos taken within and by Bower Grove School are taken and held legally and the required thought is given to safeguarding all members of the community.
- This policy applies to all staff, including the governing body, teachers, support staff, external contractors, visitors, volunteers and other individuals who work for or provide services on behalf of the school (collectively referred to as 'staff' in this policy) as well as children and parents/carers.
- This policy must be read in conjunction with other relevant school policies including (but not limited to) safeguarding and child protection, anti-bullying behaviour, data security, Image use, Acceptable Use Policies, Computing, Personal Social and Health Education (PSHE), Sex and Relationships Education (SRE).
- This policy applies to all images (including still and video content) taken by the school.
- All images taken by the school will be used in a manner respectful of the eight Data Protection Principles (Data Protection Act 1998). This means that images will be:
  - fairly lawfully and in a transparent manner
  - 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 Data /Protection Officer (DPA) within the setting (SPS DPO [services@isystemsintegration.com](mailto:services@isystemsintegration.com)) supported by the Designated Safeguarding Lead (DSL) and Management team are responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the setting/school. This includes the management, implementation, monitoring and review of the School's Image Use Policy.

**Parental Consent**

- Written permission from parents or carers will always be obtained before images/videos of children are taken, used or published by the school.
- The permission form is part of the admissions pack that parent/carers complete before their child joins Bower Grove School.
- Written parental consent will always 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 admission to the school.
- A record of all consent details will be kept securely on file. Should permission be withdrawn in writing by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

### **Safety of Images and Videos**

- All images taken and processed by or on behalf of the school will take place using school/ setting provided equipment and devices.
- Staff will receive information regarding the safe and appropriate use of images as part of their data protection and 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.
- Images will not be kept for longer than is to be considered necessary. A designated member of staff (DPO or DSL) 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 both the DPO and DSL and the parent or carer of any child or young person captured in any photograph.
  - Should permission be given to take any images off site then all relevant details will be recorded, for example who, what, when and why and data will be kept securely for example with appropriate protection.
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably protected and will be logged in and out by the DPO and/or DSL; this will be monitored to ensure that it is returned within the expected time scale.
- The DPO and/or DSL reserve the right to view any images taken and/ can withdraw or modify a member of staffs' authorisation to take or make images at any time.
- Only official setting owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of children for official purposes. Use of personal equipment and cameras by staff 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 always are held in accordance with the General Data Protection Regulations (GDPR) and Data Protection Act 1998 and suitable child protection requirements (if necessary) are in place.
- 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 relevant authority and consent from the DPO and/or DSL and the parent/carer.

### **Publication and sharing of images and videos**

- Images or videos that include children will be selected carefully for use e.g. only using images of children who are suitably dressed.
- Images or videos that include children will not provide material which could be reused.
- Children's full names will not be used on the website or other publication (e.g. newsletters, social media channels) in association with photographs or videos.
- 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.

### **Safe Practice when taking images and videos**

- 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.
- A child or young person's right not to be photographed is to be respected. Images will not be taken of any child or young person against their wishes.
- Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.

### **Use of Closed-Circuit Television (CCTV)**

- All areas which are covered by CCTV 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.
- Regular auditing of any stored images will be undertaken by the Data Controller and/or DSL or other member of staff as designated by the management team.
- If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency.
- CCTV cameras will be appropriately placed within the setting.

### **Use of Webcams**

- Parental consent will be obtained before webcams will be used within the setting environment for curriculum or educational purposes.
- 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.

### **Use of /Videos of Children by Others**

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

- Parents/carers are permitted to take photographs or video footage of events for private use only.
- Parents/carers who are using photographic equipment must be mindful of others (including health and safety concerns) when making and taking images.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the school on safeguarding or health and safety grounds.
- Parents/carers are only permitted to take or make recording within designated areas of the school. Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.
- The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
- Parents may contact the school Head Teacher /DPO/DSLs to discuss any concerns regarding the use of images.
- Photos and videos taken by the school and shared with parents should not be shared elsewhere (e.g. posted on social media site), to do so may breach intellectual property rights, data protection legislation and importantly may place members of the community at risk of harm.

### **Use of Photos/Videos by Children**

- The setting will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.).
- The use of personal devices e.g. mobile phones, tablets, children's own digital cameras, is covered within the schools mobile phone and/or 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 GDPR and 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 setting e.g. they 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) will 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 setting is to be considered to have acted in good faith.

### **Use of External Photographers (this may include volunteers such as staff or parents)**

- External 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 GDPR and Data Protection Act and that images taken will only be used for a specific purpose, subject to parental consent.
- Photographers will not have unsupervised access to children and young people.

### **Copyright**

- It is important to be sure of the copyright position of any photographs the school intends 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.
- Schools and Settings 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.
- It is the setting/schools responsibility to ensure that all photographs used on their website have this credit applied.
- Educational settings 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 the table below

<b>Date photograph taken</b>	<b>Length of copyright</b>
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

## Useful Contacts

Kent County Council's Access to Information Content

[www.kelsi.org.uk/school-management/data-and-reporting/access-to-information](http://www.kelsi.org.uk/school-management/data-and-reporting/access-to-information)

Kent County Council Education Safeguards Team Content:

[www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding](http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding)

ATL Help and Advice on CCTV and other surveillance:

[www.atl.org.uk/help-and-advice/school-and-college/CCTV.asp](http://www.atl.org.uk/help-and-advice/school-and-college/CCTV.asp)

ICO Code of Practise for CCTV:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

ICO Sector Guide for Education:

[www.ico.gov.uk/for\\_organisations/sector\\_guides/education.aspx](http://www.ico.gov.uk/for_organisations/sector_guides/education.aspx)

ICO Information on Data Protection Act for Organisations:

[www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx)

United Kingdom's Copyright Licensing Agency: <http://www.cla.co.uk/>

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

## Acknowledgements

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