



Video and Photography - GDPR Policy

Policy review area	Students
Lead manager	Principal
Approval level	Board
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Statement of intent

At St Edward's College, we use imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the College website. We understand that parents may also wish to take videos or photos of their children participating in College events for personal use.

Whilst we recognise the benefits of photography and videos to our College community, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the College has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The College has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the College with regard to pupils' safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

This Policy was adopted by the Governing Body in July 2018.

1. Legal framework

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

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The College Standards and Framework Act 1998
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010

1.2. This policy has been created with regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPE)'
- 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's policies, including, but not limited to, the following:

- SEND Policy
- Behavioural Policy
- GDPR Data Protection Policy

2. Definitions

For the purpose of this policy:

2.1. "Personal use" of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a College event. These photos and videos are only for personal use by the individual taking the photo, and are not intended to be passed on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.

2.2. "Official College use" is defined as photography and videos which are used for College purposes, e.g. for building passes. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official College use.

2.3. "Media 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 images and videos taken for media use.

2.4. Staff may also take photos and videos of pupils for "educational purposes". These are not intended for official College use, but may be used for a variety of reasons, such as College displays, special events, assessment and workbooks. **The principles of the GDPR apply to images and videos taken for educational purposes.**

3. Roles and responsibilities

3.1. The Principal is responsible for:

- Submitting consent forms to parents at the beginning of the academic year with regards to photographs and videos being taken whilst at College.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
- Deciding whether parents are permitted to take photographs and videos during College events.
- Communicating this policy to all the relevant staff members and the wider College community, such as parents.

3.2. The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of looked after pupils.
- Liaising with the data protection officer (DPO), to ensure there are no data protection breaches.
- Informing the Principal of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

3.3. Parents are responsible for:

- Completing the Consent Form on an annual basis.
- Informing the College in writing where there are any changes to their consent.
- Acting in accordance with this policy.

3.4. In accordance with the College's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the College and its employees about their obligations to comply with the GDPR in relation to photographs and videos at College.
- Monitoring the College's compliance with the GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at College

- Conducting internal audits, in regards to the College's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members, about how the GDPR impacts photographs and videos at College.

4. Parental consent

- 4.1. The College understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 4.3. Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- 4.4. 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.
- 4.5. Where a child is under the age of 16, the consent of parents 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.
- 4.6. If the law provides it, children as young as 13 may be permitted to provide consent to the processing of their data.
- 4.7. All parents will be asked to complete the Consent Form on an annual basis, which will determine whether or not they allow their child to participate in photographs and videos.
- 4.8. The Consent Form will be valid for the full academic year, unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.
- 4.9. If there is a disagreement over consent, or if a parent 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 pupil whose parents have not consented.
- 4.10. All parents are entitled to withdraw or change their consent at any time during the College year.

- 4.11. Parents 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.
- 4.12. For any looked after pupils, or pupils who are adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of a looked after pupil, or pupils who are adopted, would risk their security in any way.
- 4.13. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.
- 4.14. A list of all the names of pupils for whom consent was not given will be created by the DPO and will be circulated to all staff members. This list will be updated annually when new consent forms are provided.
- 4.15. If any parent withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.

5. General procedures

- 5.1. Photographs and videos of pupils will be carefully planned before any activity.
- 5.2. The DPO will oversee the planning of any events where photographs and videos will be taken.
- 5.3. Where photographs and videos will involve looked after pupils, adopted pupils, or pupils for whom there are security concerns, the Principal will liaise with the DSL to determine the steps involved.
- 5.4. When organising photography and videos of pupils, the Principal, as well as any other staff members involved, will consider the following:
- Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
 - Could the camera angle be amended in any way to avoid pupils being identified?
 - Will pupils be suitably dressed to be photographed and videoed?
 - Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
 - Would it be appropriate to edit the photos or videos in any way? E.g. to remove logos which may identify pupils?
 - Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- 5.5. The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.

- 5.6. The staff members involved, alongside the Principal and DPO, will liaise with the DSL if any looked after pupil, adopted pupil, or a pupil for whom there are security concerns is involved. (see **section 6** of this policy)
- 5.7. College equipment will be used to take photographs and videos of pupils. Exceptions to this are outlined in **section 7** of this policy.
- 5.8. Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- 5.9. Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- 5.10. The College will not use images or footage of any pupil who is subject to a court order.
- 5.11. The College will not use photographs of children or staff members who have left the College, without parental consent.
- 5.12. Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 5.13. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

6. Additional safeguarding procedures

- 6.1. The College understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.
- 6.2. The DSL will, in known cases of a pupil who is a looked after or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.
- 6.3. Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimise any impact on the pupil's day-to-day life. The measures implemented will be one of the following:
 - Photos and videos can be taken as per usual College procedures
 - Photos and videos can be taken within the College for educational purposes and official College use, e.g. on registers, but cannot be published online or in external media
 - No photos or videos can be taken at any time, for any purposes
- 6.4. Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held in the general office, will be updated accordingly.

7. College-owned devices

- 7.1. Staff are encouraged to take photos and videos of pupils using College equipment; however, they may use other equipment, such as College-owned mobile devices, where the DPO has been consulted and consent has been sought from the principal prior to the activity.
- 7.2. Where College-owned devices are used, images and videos will be provided to the College at the earliest opportunity, and removed from any other devices.
- 7.3. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.
- 7.4. Photographs and videos taken by staff members on educational visits may be used for educational purposes, e.g. on displays or to illustrate the work of the College, where consent has been obtained.
- 7.5. Digital photographs and videos held on the College's network are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos. Files are password protected, and only staff members have access to these passwords – these are updated termly to minimise the risk of access by unauthorised individuals.

8. Use of a professional photographer

- 8.1. If the College decides to use a professional photographer for official College photos and College events, the Principal will:
 - Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
 - Issue the photographer with identification, which must be worn at all times.
 - Let pupils and parents 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.
 - Not allow unsupervised access to pupils or one-to-one photo sessions at events.
 - Communicate to the photographer 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.
 - Ensure that the photographer will comply with the requirements set out in GDPR.
 - Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for any other anything other than the purpose indicated by the College.

9. Permissible photography and videos during College events

9.1. If the Principal permits parents to take photographs or videos during a College event, parents will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all College events, make the focus of any photographs or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video.
- Ensure that any images and recordings taken at College events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

10. Storage and retention

10.1. Images obtained by the College will not be kept for longer than necessary.

10.2. Hard copies of photos and video recordings held by the College will be annotated with the date on which they were taken and will be stored by the Communications Manager. They will not be used other than for their original purpose, unless permission is sought from the Principal and parents of the pupils involved and the DPO has been consulted.

10.3. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

10.4. The DPO will review stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

10.5. Parents must inform the College in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the College drive immediately.

10.6. When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.

10.7. Where a pupil's security risk has changed, the DSL will inform the Principal immediately. If required, any related imagery and videos involving the pupil will be removed from the College network immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.

10.8. Official College photos are held on SIMS alongside other personal information, and are retained for the length of the pupil's attendance at the College, or longer, if necessary, e.g. due to a police investigation.

10.9. Some educational records relating to former pupils of the College may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

11. Monitoring and review

11.1. This policy will be reviewed on an annual basis by the Principal and the DPO. The next scheduled review date for this policy is January 2019.

11.2. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.

Consent Form

This form explains the reasons why and how St Edward's College may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

Name of pupil:	
Name of parent:	
Year group and form class:	

Why do we need your consent?

St Edward's College requests your consent on an annual basis to use images and videos of their child for a variety of different purposes.

Without your consent, the College will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the College will abide by the conditions you outline in this form.

Why do you we use images and videos of your child?

St Edward's College uses images and videos of pupils as part of College displays to celebrate College life and pupils' achievements; to promote the College on social media and on the College's website; and for other publicity purposes in printed publications, such as newspapers.

Where the College uses images of individual pupils, the name of the pupil **will not** be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil **will not** be used to accompany the text.

If, for example, a pupil has won an award and their parent would like their name to be published alongside their image, **separate consent** will be obtained prior to this.

St Edward's College may take images or videos of individual pupils and groups of pupils to use on social media, the College website, in College prospectuses and other printed publications, such as a newsletter.

Who else may use images and videos of your child?

It is common that the College is visited by local media and press, who take images or videos of College events, such as sports days. Pupils will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

What are the conditions of use?

- This consent form is valid for the current 2018/2019 academic year.
- It is the responsibility of parents to inform the College, in writing, if consent needs to be withdrawn or amended.
- The College will not use the personal details or full names of any pupil in an image or video, on our website, in our College prospectuses or any other printed publications.
- The College will not include personal emails or postal addresses, telephone or fax numbers on images or videos on our website, in our College prospectuses or any other printed publications.
- The College may use pictures of pupils and teachers that have been drawn by pupils. ☐ The College may use work created by pupils.
- The College may use group or class images or videos with general labels, e.g. 'sports day'.
- The College will only use images and videos of pupils who are suitably dressed, i.e. it would not be suitable to display an image of a pupil in swimwear.

Providing your consent

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criteria.

The College will **only** publish images and videos of your child for the conditions that you provide consent for.

I provide consent to:	Yes	No
Photographing and videoing my child.		
Using images of my child on the College website.		
Using videos of my child on the College website.		
Using images of my child on social media, including the following: ☐ Twitter <ul style="list-style-type: none">• Facebook• Instagram		
Using videos of my child on social media, including the following: ☐ Twitter <ul style="list-style-type: none">• Facebook• Instagram		
The local media using images of my child to publicise College events and activities (only including the organisations outlined above).		
The local media using videos of my child to publicise College events and activities (only including the organisations outlined above).		

Using images of my child in marketing material, e.g. the College brochure and prospectus.		
Sharing my child's data with a College-appointed external photography company for official College images. This includes the following: <ul style="list-style-type: none"> Name Form 		

Refreshing your consent

This form is valid for the entire academic year, 2018/2019 – it will be updated on an annual basis. Parents are required to fill in a new form for their child each academic year.

Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. an additional social media account will be used to share pupil images and videos
- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used
- Changes to parental consent, e.g. amending the provisions for which consent has been provided for

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Administration Manager. A new form will be supplied to you to amend your consent accordingly and provide a signature.

Withdrawing your consent

Parents have the right to withdraw their consent at any time. Withdrawing your consent will not affect any images or videos that have been shared prior to withdrawal.

If you would like to withdraw your consent, you must submit your request in writing to the Administration Manager.

Declaration

I, _____ (name of parent), understand:

- Why my consent is required.
- The reasons why St Edward's College uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the College uses images and videos of my child.
- I have provided my consent above as appropriate, and the College will use images and videos of my child in line with my requirements.
- Consent is renewed on an annual basis
- I will be required to re-provide consent where any circumstances change.
- I can amend or withdraw my consent at any time and must do so in writing to the Principal.

Name of Parent: _____

Signature: _____

Date: _____

If you have any questions regarding this form, please do not hesitate to contact the Principal at **principal@st-edwards.co.uk** or **0151 281 1999**