

Use of Photographs/Video Footage & Children's Artwork

Photos of students and events play an important role in forming a record of the life of the school. They are useful for recording formal occasions, events, offsite activities etc, and play a part in students' enjoyment of events.

Staff should, however, be mindful of the possible misuse of photographs, and should follow these guidelines wherever possible:

1. The taking of photographs

- Staff may take photos when appropriate but normally visitors should not be invited on the premises to take photos.
- Try to avoid taking photos of individual students – go for group shots
- Do not take students too close-up or in provocative poses.
- Parents wishing to take photographs on the school site should seek permission from the Head of Sector beforehand.

2. Display of photos around the school

- Do not display close-up or provocative pictures
- Do not put students' names against photos
- Be aware that some areas of the school are more open to the public than others (entrance hall, modern languages rooms etc)

3. Web site

- Try to avoid photos of individual pupils - use group shots
- Do not put names against pupils
- Seek parents' permission where pupil is unavoidably recognisable (e.g. receiving an award)
- Web site manager to have editorial control

4. Publications

- Try to avoid photos of individual pupils - use group shots
- Do not put names against pupils
- Seek parents' permission before any item is published (e.g. prospectus)

There is no need to over react, but be aware, and use common sense.

Visual images of individuals portrayed in photographs and video footage, where an individual can be identified, should be processed in accordance with the Data Protection Act. These guidelines are intended to provide staff with guidance on the key issues surrounding data protection and visual images.

Child Protection and Visual Images

Pictures, names, addresses or age can be used to trace and contact children with the intent of causing harm. The risk need not be immediate since there can be a long period of building up a relationship, referred to as the "grooming process". Paedophiles can download children's images from the web, edit them in an unpleasant way, and also use personal data described above to track down children. If children are identified and contacted by individual's wishing to cause them harm, the Council could be held responsible for placing the child in danger.

Obtaining Consent

An individual who poses for a photograph has, in effect, given their consent for that photograph to be taken, however, may not fully understand how their image is going to be used which may result in distress and a claim for compensation. There are various ways of obtaining consent; examples of these are listed below:

- use of Consent Forms (useful when image contains a small number of individuals, for example, photographs taken specifically for publicity material such as a leisure activity leaflet)
- a statement which clearly outlines that photographs / video footage may be taken and the purpose for doing so. This is included in the admission pack but may also be included in the consent forms for particular projects / events (useful for large groups of individuals, for example, sporting events, youth project work, play centres, where images are taken for the purpose of recording the event/project for use as display material highlighting the event). The statement should include a sentence which informs the data subject or parent/guardian that they can object should they wish to do so
- contained in a letter to the data subject or parents / carers informing them that photographs / video footage may be taken at a particular event, outlining the purpose and requesting that the data subject or parent / carer make contact should they object

The basic rules which apply in the use of photographs/video footage are that individuals should be aware that their images are being used and for what reason. The method of obtaining consent should be weighed up against the risk of harm/distress being caused to an individual.

When Consent is Not Required

- Photographs / video footage taken at **public** events such as Firework displays, Gardener's Weekend, departmental events held in Centenary Square, where a significantly **large** number of individuals are captured in the photograph / video footage, do not require consent providing that the publicity material is used relating to the event in question.
- Individuals' images captured in the background of photographs taken in public open spaces, for example, in parks, would not necessarily require consent provided that the focus or purpose of the image is not of the individual(s). An example is where the focus of the image is on landscaping work carried out by the Department, not the individuals captured in the background. However, it is important that such images are not used in a manner which could cause distress / harm to those captured in the image, and is in keeping for the original purpose for taking the photograph - for example, in a brochure or archive which records the work carried out.

General Guidelines

- Parental / carer consent should be obtained where it is felt that the child / young person is not of an age whereby he / she would understand why their image is being taken and what for. As children mature at different rates, it will be a question of judgement in each case.
- When using photographs / video footage staff should be sensitive to **cultural and religious beliefs**. Although consent may have been obtained, care should also be taken as distress can be caused if a photograph / article appears alongside another unrelated article which could be considered offensive to the cultural / religious belief of the individual being portrayed.
- School trips – it is the responsibility of school staff to gain parental consent prior to any trips to departmental sites where photographs / video footage will be taken. Departmental staff should liaise with the appropriate teacher to ensure that consent has been obtained.
- Special care should be taken where it is known that a child is potentially vulnerable (subject of child protection issue or custody dispute).
- Particular care should be taken in publishing photos of individuals with physical, learning and communication / language disability as an individual may be over 18 years and still fall under the scope of Child Protection Guidelines.
- Photographs / video footage should be cross referenced with the method of consent used in order that staff can identify which pictures go with which form. Material (and negatives) should be kept secure.
- It is recommended that photographs used specifically for publicity material such as leaflets and posters, are not continuously re-used. Images relating to a particular leaflet / poster should be reviewed after a period of three years.
- Photographs / video footage can be kept for as long as is justifiable. Material may have historical value to the School and it is recommended that the Principal be contacted before any material is destroyed.
- Staff must gain further consent to reuse photographs / video footage for a different purpose.
- For any work undertaken on behalf of the DFE, the terms and the commission should be agreed with the photographer before any work commences. Ensure that DFE owns the copyright and that any photographs taken will not be sold on or made available to any other organisation or individuals.

Placing Visual Images on the Internet

- Any photographs / video footage placed on the internet are / is subject to stricter rules as this type of personal data becomes available worldwide to countries which have no data protection legislation in place to protect an individual.
- **Any photographs / video footage being placed on the internet requires explicit consent where the individual can be recognised.** The issues of this type of personal data being made available worldwide should be explained to the individual (or parent / carer if appropriate).

- Anonymous photo shots where faces are out of focus or backs are to the camera should be used if consent has not been obtained.
- Under no circumstances should a child's full name, age, contact telephone number, home or e-mail address be published on the internet without consent. The implications of photographs or any type of personal data being made available worldwide should be explained to the parent / carer.

Displaying Children's Artwork

- Consent should be obtained to display children's artwork that would enable a child to be identified and traced. If consent has not been obtained, the work should only include first name and school name. Care should be taken over any unusual names.