

Photography and Video Consent, Use and Storage Policy



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1. Introduction and Purpose of Policy

At The Spires College, we use photographic and video images of students and staff for a variety of purposes, including prospectuses, display boards, educational purposes, social media and the College's website. We understand that parents and carers may also wish to take videos or photographs of their children participating in school 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 and carers to reflect the protective ethos of the College with regard to young people's 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.

2. Scope

This policy is applicable to all forms of visual media, including film, print, video, DVD, social media, websites and promotional material. It does not include the College's use of CCTV which is described in The Spires College Policy for Operation of CCTV.

This policy applies to all staff (all those working for or on behalf of the college, full time or part time, temporary or permanent, in either a paid or voluntary capacity), all students and all parents and carers.

3. Legal Framework

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

- ▲ The General Data Protection Regulation (2018)
- ▲ The Data Protection Act (2018)
- ▲ The Freedom of Information Act (2000)
- ▲ The Children Act (2004)
- ▲ The Equality Act (2010)
- ▲ The Education Act (2002)

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

- ▲ *Overview of the General Data Protection Regulation (GDPR)* Information Commissioner's Office (2017)
- ▲ *Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now* Information Commissioner's Office (2017)

4. Definitions and Principles

4.1 Definitions

Certain terms referred to in this policy are explained below:

- ▲ **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 school 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 third parties. The principles of the GDPR do not apply to images and videos taken for personal use.
- ▲ **Official College use** is defined as photography and videos which are used for College purposes, e.g. for identification badges or for identification purposes in SIMS. 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 school use. The legal basis for processing images captured for such purposes is to perform a specific task in the public interest.
- ▲ **Media use** is defined as photography and videos which are intended for a wider audience, e.g. photographs of children taken for a local newspaper, for promotional purposes or for use on social media or the College's website. The principles of the GDPR apply to images and videos taken for media use. The legal basis for processing images captured for such purposes is consent.

Staff may also take photos and videos of pupils for **educational purposes**. These are not intended for official College use or for media use, but may be used for a variety of reasons, such as classroom displays which will not be seen by visitors or for assessment. The principles of the GDPR apply to images and videos taken for educational purposes. The legal basis for processing images captured for such purposes is to perform a specific task in the public interest.

4.2 Data Protection Principles

There are certain key data protection principles to which the College must have regard when processing personal data, including images

These are that personal data shall be:

- ▲ processed lawfully, fairly and in a transparent manner;
- ▲ collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- ▲ adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- ▲ accurate and, where necessary, kept up to date;
- ▲ kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the personal data are processed;
- ▲ processed in a manner that ensures appropriate security of the personal data.

5. Roles and Responsibilities

The **Principal** is responsible for (or for delegating responsibility for):

- ▲ issuing consent forms to parents and carers when a child joins the College 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.

The **Designated Safeguarding Lead** (DSL) is responsible for (or for delegating responsibility for):

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

Parents and carers are responsible for:

- ▲ completing and returning the Consent Form when their child joins the College;
- ▲ informing the College in writing where there are any changes to their consent;
- ▲ acting in accordance with this policy.

In accordance with the College's requirements to have a **Data Protection Officer**, the DPO is responsible for (or for delegating responsibility for):

- ▲ informing and advising the College and its employees about their obligations to comply with data protection legislation in relation to photographs and videos at The Spires 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 The Spires 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, in relation to how the GDPR impacts photographs and videos at The Spires College.

6. Consent

Where the College relies on consent as the legal basis for processing a child's personal data, the College understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Where consent is given, a record will be kept documenting how and when consent was given and last updated. 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.

Where a child is in Years 7 -11, the consent of both the child and their parents or carers will be sought prior to the taking, use and storage of photographs and videos for which consent is required. All parents, carers and children will be asked to complete the Consent Form when the child joins the College. Sixth Form students consent in their own right.

The consent will be valid for the duration of the child's time at the College, unless the student's circumstances change in any way or consent is withdrawn. Additional consent forms will be required if the student's circumstances change.

If there is a disagreement over consent, or if a parent or carer does not respond to a consent request, it will be treated as if consent has not been given, and photographs and videos for which consent is required will not be taken or published of the student whose parents or carers have not consented.

All parents, carers and students are entitled to withdraw or change their consent at any time. Parents, carers and students will be required to confirm, on the Consent Form, in writing, that they will notify the College if their, or their child's, circumstances change in any way, or if they wish to withdraw their consent.

For any looked after children, or children who are adopted, the DSL will liaise with the child'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 child, or children who are adopted, would risk their security in any way.

Consideration will also be given to any children for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any children would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of students for whom consent was not given will be created and will be made available to all staff members. This list will be updated when new consent forms are provided. If any parent, carer or student withdraws or changes their consent, or the DSL reports any changes to a child's security risk, or there are any other changes to consent, the list will also be updated.

7. Use of Photographs and Video

The taking of photographs and videos of students will be carefully planned before any activity. The Data Protection Officer can advise staff on whether consent for the taking and use of photographs or video is required for an activity.

Where photographs and videos will involve looked after children, adopted children, or children for whom there are security concerns, the Principal will liaise with the DSL to determine the steps involved.

When organising photography and videos of students, staff members involved will consider the following:

- ▲ Can general shots of classrooms or group activities, rather than individual shots of students, be used to fulfil the same purpose?
- ▲ Could the camera angle be amended in any way to avoid individual students being identified?
- ▲ Will students be suitably dressed to be photographed and videoed?

- ▲ Are the photographs and videos of the students completely necessary, or could alternative methods be used for the same purpose?

The list of all students of whom photographs and videos must not be taken will be checked prior to any activity which relies on consent as the legal basis for processing and only students for whom consent has been given will be able to participate.

The staff members involved, alongside the Principal and Data Protection Officer, will liaise with the DSL and the Designated LAC teacher if any looked after child, adopted child, or a student for whom there are security concerns is involved (see Section 8 of this policy).

College equipment will be used to take photographs and videos of students. Exceptions to this are outlined in Section 9 of this policy.

Staff will ensure that all students are suitably dressed before taking any photographs or videos. Where possible, staff will avoid identifying students. If names are required, only first names will be used.

The College will not use images or footage of any student who is subject to a court order.

The College will not use photographs of children or staff members who have left the school, unless specific consent has been given to do so.

Photos and videos that may cause any distress, upset or embarrassment will not be used.

Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

8. Additional Safeguarding Procedures

The College understands that certain circumstances may put a student's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The DSL will assess the needs and risks associated with such children.

Any measures required will be determined between the DSL, DPO and, as required and relevant, social worker, carers and adoptive parents with a view to minimising any impact on the student's day-to-day life.

9. College-Owned Devices

Staff will only take photographs and videos of students using College equipment. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of students, unless they have express permission to do so from the Principal.

Where College-owned devices are used, images and videos will be uploaded to the College network at the earliest opportunity, and removed from any other devices.

10. Use of Professional Photographers

If the College decides to use a professional photographer for promotional purposes or events, the supervising member of staff 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 students 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 students 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 data protection legislation.

11. Photography and Video during College Events

If the Principal permits parents and carers to take photographs or videos during a school event, they will:

- ▲ make the focus of any photographs or videos their own children;
- ▲ avoid disturbing others in the audience or distracting students 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.

The College cannot be held responsible if parents or carers provide images of their children taking part in College events to non-College publications without the College's knowledge.

12. Student Photography

Students will photograph each other during certain activities especially during offsite events and residential activities. Staff should maintain the supervision and management control expected in their 'duty of care' role. They must ensure they inform all students of the expectations with regard to photographing their peers.

Students should be educated about acceptable behaviour when photographing their peers. There may be incidents where students take inappropriate photographs, perhaps showing friends and other students inappropriately dressed. Staff must endeavour to discourage this practice, as it is open to abuse, but ultimately parents are responsible for monitoring their child's use of personal cameras and subsequent use of images involved.

Each student is required to sign the Acceptable Use Policy for Students at the start of each academic year.

13. Storage and Retention of Photographs and Video

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

They will not be used other than for their original purpose, unless permission is sought from the parents or carers of the students involved and the DPO has been consulted.

Personal data will be disposed of securely, in line with the College's retention and disposal schedule, once the data should no longer be retained. The DPO and/or Network Manager will review stored images and videos on a regular basis to ensure that all unwanted material has been deleted.

Parents, carers and Sixth Form students must inform the College in writing if they wish to withdraw or change their consent. When a parent, carer or student 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.

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

Official College photos are held on College's systems, alongside other personal information, and are retained in line with the College's retention and disposal schedule as described in the College's Data Protection Policy.

Staff must ensure that digital photographs and videos held on the College's network are accessible to staff only.

The College may store and use photos of children for promotional purposes after a child has left the College, if the appropriate permission has been given.

14. Photographs and Video of Staff

As part of our commitment to safeguarding and to ensure staff are easily identifiable, all our teachers and staff on College premises and taking part in College activities are required to wear a photo ID badge and to have their image displayed on our photo boards and classroom and office doors.

This processing is necessary for the contract we have with members of staff.

Staff photograph(s)/words may be used to promote the activities of the College and may appear in any of our promotional material in printed or electronic form including websites, in multimedia productions, course leaflets, prospectuses, social media or press releases. Please note that websites can be seen worldwide and not just in the UK where UK law applies.

The College has a Photo Consent form that must be completed by all members of staff, trainees, volunteers and Governors. (see Appendix 4).

15. Status of Policy and Review

The content and operation of this policy is reviewed every three years or when deemed necessary by the Governing Body or the Data Protection Officer. The policy is discretionary and does not confer any contractual rights.

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

16. Links With Other Policies

This Data Protection Policy should be read in conjunction with the following College policies:

- ▲ Data Protection Policy
- ▲ Operation of CCTV Policy
- ▲ ICT Acceptable Use Policy
- ▲ Electronic Communications Policy
- ▲ Network Security Policy
- ▲ Photography and Video Consent and Storage Policy
- ▲ Disciplinary Policy
- ▲ Code of Conduct
- ▲ Safeguarding Policy

17. History of Changes

Date	Change	Where?
September 2021	References to 'parents' amended to 'parents and carers'	Throughout
September 2021	Removal of requirement for consent to be refreshed annually	Section 6
September 2021	Sixth Form students consent in their own right – no requirement for parental consent - made explicit	Section 6
September 2021	Clarified that, in Years 7-11, the consent of both the child and their parents or carers will be sought prior to the taking, use and storage of photographs and videos for which consent is required.	Section 6

18. Appendices

Appendix 1 Parent/Carer Consent Form (for students in Years 7-11)

Images of students actively involved in College activities can provide a valuable record of their experiences at The Spires College, as well as individual and team achievements. They can also help us to communicate these achievements to the College community and to families considering choosing The Spires College for their children. We may, therefore, take photographs of or film students while involved in school activities or events. Images or video may also be displayed or used within the College premises.

As noted in the College's *Photography and Video Consent, Use and Storage Policy* and in our Privacy Notices, some photographs and video are necessary for the College's administrative, educational and pastoral purposes.

In this consent form we are asking for your permission take, store and use images or video of your child for further purposes related to the College. These will include promotional activity and publicity through printed material, our website and the College's social media pages.

- ▲ Images will be carefully and sensitively chosen and will not be used out of context;
- ▲ Students will not be identified by full name in the photographs without your and your child's permission, although we may wish to refer to them by first name only.

Groups may be referred to collectively by year or form or team. If we want to use your child's image and/or full name in any situation not covered below, we will contact your child and you again to request specific consent to do so.

Please note that if you do not return this consent form you will be deemed to have **not** given consent.

I give The Spires College permission to use the image of my child in the following ways:

Student name:	Yes	No
On The Spires College's website		
On The Spires College's social media pages		
In The Spires College Prospectus		
In promotional films about The Spires College		
In press articles and stories about The Spires College		
As above, after they have left the College		

I understand that my child will also be asked to give their permission to use their images in these ways and that, once images are published online, these are available around the world.

I also understand that my, or my child's, consent may be withdrawn at any time.

Parent / Carer Name	Parent / Carer Signature	Date

Appendix 2 Student Consent Form (for students in Years 7-11)

Photographs and videos of you actively involved in College activities can provide a valuable record of your experiences at The Spires College, as well as individual and team achievements. They can also help us to communicate these achievements to the College community and to families considering choosing The Spires College for their children. We may, therefore, take photographs of or film you while involved in school activities or events. Images or video may also be displayed or used within the College premises.

Some photographs and video are necessary for us to run the school effectively, for teaching and learning and to keep you safe. We do not need your permission to take, use or store these.

In this consent form we are asking for your permission take, store and use images or video of you for other reasons. These will include promotional activity and publicity through printed material, our website and the College's social media pages.

- ▲ Images will be carefully and sensitively chosen and will not be used out of context;
- ▲ You will not be identified by full name in the photographs without your and your parents' or carers' permission, although we may wish to refer to you by first name only.

Groups may be referred to collectively by year or form or team. If we want to use your image and/or full name in any situation not covered below, we will contact you again to request specific consent to do so.

Please note that if you do not return this consent form you will be deemed to have **not** given consent.

I give The Spires College permission to my image in the following ways:

	Yes	No
On The Spires College's website		
On The Spires College's social media pages		
In The Spires College Prospectus		
In promotional films about The Spires College		
In press articles and stories about The Spires College		
As above, after I have left the College		

I understand that my parents or carers will also be asked to give their permission to use my images in these ways and that, once images are published online, these are available around the world.

I also understand that my, or my parents' /carers', consent may be withdrawn at any time.

Student Name	Student Signature	Date

Appendix 3 Student Consent Form (for Sixth Form students)

Photographs and videos of you actively involved in College activities can provide a valuable record of your experiences at The Spires College, as well as individual and team achievements. They can also help us to communicate these achievements to the College community and to families considering choosing The Spires College for their children. We may, therefore, take photographs of or film you while involved in school activities or events. Images or video may also be displayed or used within the College premises.

Some photographs and video are necessary for us to run the school effectively, for teaching and learning and to keep you safe. We do not need your permission to take, use or store these.

In this consent form we are asking for your permission take, store and use images or video of you for other reasons. These will include promotional activity and publicity through printed material, our website and the College's social media pages.

- ▲ Images will be carefully and sensitively chosen and will not be used out of context;
- ▲ You will not be identified by full name in the photographs without your and your parents' or carers' permission, although we may wish to refer to you by first name only.

Groups may be referred to collectively by year or form or team. If we want to use your image and/or full name in any situation not covered below, we will contact you again to request specific consent to do so.

Please note that if you do not return this consent form you will be deemed to have **not** given consent.

I give The Spires College permission to my image in the following ways:

	Yes	No
On The Spires College's website		
On The Spires College's social media pages		
In The Spires College Prospectus		
In promotional films about The Spires College		
In press articles and stories about The Spires College		
As above, after I have left the College		

I understand that my parents or carers will also be asked to give their permission to use my images in these ways and that, once images are published online, these are available around the world.

I also understand that my, or my parents' /carers', consent may be withdrawn at any time.

Student Name	Student Signature	Date

Appendix 4 Staff Consent Form

Photographs and videos of you in your role at The Spires College can provide a valuable record of students' experiences at The Spires College, as well as individual and team achievements. They can also help us to communicate these achievements to the College community and to families considering choosing The Spires College for their children. We may, therefore, take photographs of or film you while involved in school activities or events. Images or video may also be displayed or used within the College premises.

As noted in the College's *Photography and Video Consent, Use and Storage Policy* and in our Privacy Notices, some photographs and video are necessary for us to run the school effectively, for teaching and learning and for us to enter into an employment (or other work-related) contract with you and for the subsequent performance of that contract. We may also need to process images of you to ensure that we are complying with our legal obligations, such as ensuring that you have the right to work in the UK, and to defend legal claims. We do not need your permission to take, use or store these images.

In this consent form we are asking for your permission take, store and use images or video of your child for further purposes related to the College. These will include promotional activity and publicity through printed material, our website and the College's social media pages.

- ▲ Images will be carefully and sensitively chosen and will not be used out of context;
- ▲ We may wish to refer to you by name in the photographs.

If we want to use your image in any situation not covered below, we will contact you again to request specific consent to do so.

Please note that if you do not return this consent form you will be deemed to have **not** given consent.

I give The Spires College permission to my image in the following ways:

	Yes	No
On The Spires College's website		
On The Spires College's social media pages		
In The Spires College Prospectus		
In promotional films about The Spires College		
In press articles and stories about The Spires College		
As above, after I have left my employment at the College		

I understand that once images are published online, these are available around the world.

I also understand that my consent may be withdrawn at any time.

Staff Name	Staff Signature	Date

Data Protection Officer Contact Details

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