



Data Protection Photograph Policy

Last reviewed: August 2023

This document has been prepared in accordance with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and other related legislation, and applies to all schools and operations of the Vale Academy Trust.

www.vale-academy.org

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Photograph Policy

In this document “we” and “us” means the schools and operations of the Vale Academy Trust, and “parent” means parent, carer or other legal guardian.

1. Introduction

We take data protection very seriously and will always seek to fully comply with data protection law when using photographs and videos of pupils. We will always try to act in the best interests of the pupils and, as far as we legally can, take pupil and parent preferences into account.

2. Uses of photos and videos of pupils where WE DO NOT seek consent

Below are the purposes for which we may use photos and videos of pupils without asking for consent. We do not believe we need consent in these circumstances because we consider the purposes to be in accordance with our statutory functions of providing pupils with an education and safeguarding them.

Photos for identification and safeguarding

We will use photos of pupils for school identity passes, pupil files and school management information systems, and for identification and safeguarding purposes on school trips and other school-arranged activities.

In order to help school staff identify pupils with medical, allergy or other special needs, we may display photos of pupils, together with information about their needs, in positions in the school where staff can see them (typically on a display board in a staffroom or canteen kitchen area). In all cases we will try to ensure that a display is located in a position where only those who need to know can see it.*

**Display locations and procedures will vary depending on the physical environment and the needs of the pupil. Pupils and parents who are affected by this should contact their school if they wish to know more about how and where photos will be displayed in these circumstances.*

As a safeguarding measure we may deploy security CCTV cameras on school premises. Recordings are kept safe and only viewed when an incident requires investigation.

Photos and videos in support of teaching and learning and for enrichment of the learning environment

Photos and videos that feature pupils are often used to aid teaching and learning and to enrich the learning environment. These may be put on display on school premises (for example, photos on classroom and hallway walls, or a video on a screen in a classroom), and may also be used in school presentations*. They will primarily be seen by the school population but may sometimes be seen by visitors to the school.

**We will only identify pupils by name, on or in the photo or video, when absolutely necessary.*

If you have any concerns or questions about photos and videos used for the above purposes, please contact the headteacher in the first instance. If you are not satisfied with the response, you should contact the Vale Academy Trust’s Data Protection Officer, using the contact details under item 9 below.

3. Uses of photos and videos of pupils where WE DO seek consent

We may wish to use photos of pupils in our printed school newsletters and flyers, and in printed prospectus, marketing, fundraising and other school publications. We may also wish to publish photos and videos of pupils on our website and on our social media accounts, and in our newsletters and other materials distributed by school email.

We will only identify individuals by name, in or on a photo or video, when we consider it necessary. Also, we will always exercise an appropriate level of discretion and care when making publishing decisions and ensure that the best interests of the individual are taken into account.

The source of these images will predominantly be school staff (who are subject to policies and rules on how and when to take such images), or an external professional photographer used for marketing and promotional purposes, or occasionally pupils themselves. The images will be stored securely

We would like your consent for these purposes, and ask that you complete and return the Parent Consent Form, or the Pupil Consent Form, attached to this document.

Even when prior consent is given, we will always make it clear to pupils at the time of taking a photo or video what it will be used for so that they can withdraw their consent if they wish.

4. Third-parties wishing to photograph or video pupils

If and when a third-party (for example a newspaper, broadcaster, teacher-training provider, academic researcher) requests our permission to photograph or video pupils, we will give proper consideration to the interests of our pupils when deciding whether or not to grant permission, and if we grant permission it will be on the understanding that the third-party observes this policy, including the requirement to seek parental/pupil consent (which will normally be sought by the school on their behalf). Also, we will insist that the third-party checks with us before publishing any material.

The School may record events and training professionally (or engage a professional photographer or film company to do so). Pupils taking part in such events, or their parents as appropriate, will be asked to provide their consent.

Explicit consent on a case by case basis will always be sought in these circumstances.

5. Family photographs and videos at school events

It shall be at our discretion whether photographs and video may be taken at our events.

Family and friends taking photographs and videos at our events for their own private viewing will not be covered by data protection legislation.

Where we decide to allow such photography and video, participants are asked not to publish anything, online or otherwise, that shows any children other than their own.

Parents are reminded that copyright issues may prevent the school from permitting the filming or recording of some events. The School will provide a reminder where issues of copyright apply.

Parents may not film or take photographs in other circumstances in which photography or filming may embarrass or upset pupils, or where parents / pupils have made it known to you that they do not wish to be filmed or photographed.

The School reserves the right to refuse or withdraw permission to film or take photographs (at a specific event or more generally), from any parent who does not follow these guidelines, or is otherwise reasonably felt to be making inappropriate images.

6. Use of cameras and filming equipment by pupils

All pupils are encouraged to report any concerns about the misuse of technology, or any worrying issues to a member of staff.

The use of cameras or filming equipment (including on mobile phones) is not allowed in toilets, washing or changing areas, nor should photography or filming equipment be used by pupils covertly or otherwise in a manner that may offend or cause upset.

The misuse of images, cameras or filming equipment in a way that breaches this policy, or the school's data protection policy, safeguarding policy or the behaviour policy is always taken seriously.

7. Biometric systems

Should we intend to use facial recognition in an automated biometric recognition system we will seek express consent from pupils/parents, as detailed in our Data Protection Biometric Data Policy. This policy can be found on the school website or a copy can be obtained from the school office.

8. About consent

Consent in our primary schools/early years/nursery settings

When we seek consent relating to photos or videos in these settings the consent must be given by a parent of the pupil.

Consent in our secondary schools and sixth form settings

Data protection law gives rights to children over their personal data (which includes their photographic image) when they are considered to have adequate capacity to understand. It is considered that most children will reach this level of understanding at age 12. This means that for most pupils in a secondary school or sixth form the law says it will normally be up to the individual pupil to provide consent, rather than a parent. However, we know that parents like to be involved in these decisions and we will always try to take into account any parental preferences expressed. We will not ordinarily use photographs or videos of pupils against the known wishes of parents.

Where we consider that a pupil aged 12 or over does not have the capacity to make a consent decision, we will act in what we consider to be the best interests of the pupil and in doing so will take account of any known parental preference.

In cases where the parents of a pupil cannot agree but the pupil is consenting, we will make a decision based on the best interests of the pupil after careful consideration of the circumstances.

9. Contact

If you have any concerns or questions about this policy please contact the headteacher in the first instance. If you are not satisfied with the response, you should contact the Vale Academy Trust's Data Protection Officer, by email at InformationTeam@vale-academy.org or by telephone on **01235 754070**.

Or you can send a letter to:

**Data Protection Officer
Vale Academy Trust
The Studio, St Mary's Convent
Denchworth Road
Wantage
OX12 9AU**

PARENT CONSENT FORM

For the school's use of photos and videos in print and online publishing.

I understand the following:

- that the school may wish to use photos of my child/children in its printed school newsletters and flyers, prospectus, marketing and fundraising publications
- that the school may wish to publish photos and videos featuring my child/children on its website and social media accounts, and in newsletters and other materials distributed by school email
- that the school will only identify my child/children by name, in or on a photo or video, when it considers it necessary
- that the school will always exercise an appropriate level of discretion and care before publishing any photo or video featuring my child/children to ensure that their best interests are taken into account
- that I can change my mind at any time and withdraw my consent by writing to the headteacher

To give your consent to the use of images of your child, please complete the information overleaf and return the form to the school. Please complete the table below.

I agree to images and video of my child being used for the following purposes and in the following ways:	Indicate YES/NO
Within school, including displayed publicly within the School, as part of the curriculum, assemblies and in class.	
In printed and online School publications. This may include School information and options booklets, newsletters and magazines.	
In School marketing. This may include advertisements, leaflets, flyers, posters, videos appearing on the School's website, and prospectuses.	
On School social networking and or photograph/video sharing platforms (e.g. Facebook, Twitter, Instagram, LinkedIn, YouTube)	
In School press releases, editorial features and for School journalistic purposes (e.g. for use in the printed and online press).	

Please be aware:

1. The School will not always seek consent for use of images, for example where use is necessary for the running of the school (for example, for a security ID or CCTV).
2. If you provide consent to use of an image and later withdraw that consent, it may not be possible to change printed publications, such as a School magazine or prospectus,

or third party publications (for example where we have placed an advert or provided an image to a newspaper).

I understand that where children are age 12 and over, the school will try to take parental preferences into account but that the school must comply with data protection legislation which gives every child rights over their own personal data (including images) once they have the capacity to understand these rights.

Please complete fields below and return to the school office	
Name of school:	
Your child's/children's name(s) & class(es):	
Your relationship to child/children:	
Your signature:	
YOUR NAME (CAPS):	
Date:	

PUPIL CONSENT FORM

For the school's use of photos and videos in print and online publishing.

Only complete this form if you are a pupil at secondary school or sixth form

I understand the following:

- that the school may wish to use photos of me in its printed school newsletters and flyers, prospectus, marketing and fundraising publications
- that the school may wish to publish photos and videos featuring me on its website and social media accounts, and in newsletters and other materials distributed by school email
- that the school will only identify me by name, in or on a photo or video, when it considers it necessary
- that the school will always exercise an appropriate level of discretion and care before publishing any photo or video featuring me to ensure that my best interests are taken into account
- that these images can be viewed by people outside the school including within the UK and overseas
- that sometimes images may also appear in publications to promote the school which are controlled by people outside the school
- that I can change my mind at any time and withdraw my consent by writing to the headteacher

To make sure that the school has a record of how you would like images of you to be used, please complete the form below. Please say Yes or No for each box.

I agree to images and video of me being:	Indicate YES/NO
used within the school, displayed publicly within school, as part of the curriculum, for assemblies and in class.	
used by the school in printed and online publications. This may include information and options booklets, newsletters and magazines.	
used in school marketing to promote the school to others such as potential new pupils, e.g. within advertisements, leaflets, flyers, posters, videos appearing on the School's website, and prospectuses.	
used on the school's social media platforms e.g. Facebook, Twitter, Instagram, LinkedIn, YouTube.	
Used for the school's own journalistic purposes (e.g. in school press releases, editorial features and for use in the printed and online press).	

IMPORTANT: There are a couple of important things you need to know:

1. In some circumstances the school will not always need to ask you for your consent to use your image. For example, the school may need to have an image of you in order to run the school and to keep you and everyone in school safe and secure.
2. If you (or your parent/carer) has consented to the school using your image in a printed publication, such as a school magazine or prospectus, or publications managed by people outside the school (for example where we have placed an advert or provided an image to a newspaper), you have the right to withdraw your consent at any time to the use of your image. However, it may not be possible to remove your image from publications which have already been printed, circulated or published.

Please complete fields below and return to the school office	
Name of school:	
Your class:	
Your signature:	
YOUR NAME (CAPS):	
Today's date:	