



Horizons Specialist Academy Trust

Photograph and Video policy

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Responsible Officer: Data Protection Officer

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Statement of intent

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

Whilst we recognise the benefits of photography and videos to our Trust 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 Trust has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The Trust has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the Trust 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.

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) (2016)
 - The Freedom of Information Act 2000
 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
 - The Trust 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 (GDPR)'
 - 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 Trust'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 Trust 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 Trust use" is defined as photography and videos which are used for Trust 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 Trust 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 may be used for a variety of reasons, such as Trust 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 of each academy is responsible for:

- Submitting consent forms to parents at their child's point of admission with regards to photographs and videos being taken whilst at Trust.
- 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 Trust events.
- Communicating this policy to all the relevant staff members and the wider Trust community, such as parents.

3.2. The designated safeguarding Officer (DSO) is responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC 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.
- Informing the Trust in writing where there are any changes to their consent.
- Acting in accordance with this policy.

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

- Informing and advising the Trust and its employees about their obligations to comply with the GDPR in relation to photographs and videos at Trust.
- Monitoring the Trust'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 Trust
- Conducting internal audits, in regards to the Trust'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 Trust.

4. Parental consent

- 4.1. The Trust 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 Trust 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. All parents will be asked to complete the Consent Form, which will determine whether or not they allow their child to participate in photographs and videos.
- 4.6. The Consent Form will be valid for the whole time that a pupil is with the academy, 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.
- 4.7. 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.
- 4.8. All parents are entitled to withdraw or change their consent at any time.
- 4.9. Parents will be required to confirm on the Consent Form, in writing, that they will notify the Trust if their child's circumstances change in any way, or if they wish to withdraw their consent.
- 4.10. For any Looked After Children (LAC), or pupils who are adopted, the DSO 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 an LAC pupil, or pupils who are adopted, would risk their security in any way.
- 4.11. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSO 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.
- 4.12. A list of all the names of pupils for whom consent was not given will be created by the individual academies and will be circulated to all staff members. This list will be reviewed on an annual basis and also updated when changes are required.

- 4.13. If any parent withdraws or changes their consent, or there are reports of any changes to a pupil's security risk, or 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 Principal will oversee the planning of any events where photographs and videos will be taken.
- 5.3. Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the Principal will liaise with the DSO 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 DSO if any LAC pupil, adopted pupil, or a pupil for whom there are security concerns is involved. (see section 6 of this policy)
- 5.7. Trust 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 Trust will not use images or footage of any pupil who is subject to a court order.
- 5.11. The Trust will not use photographs of children or staff members who have left the Trust, 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 Trust 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 DSO will, in known cases of a pupil who is an LAC 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 DSO, 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 Trust procedures
 - Photos and videos can be taken within Trust for educational purposes and official Trust 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 Trust office, will be updated accordingly.

7. Trust-owned devices

- 7.1. Staff are encouraged to take photos and videos of pupils using Trust equipment; however, they may use other equipment, such as Trust-owned mobile devices, where the DPO has been consulted and consent has been sought from the Principal prior to the activity.
- 7.2. Where Trust-owned devices are used, images and videos will be provided to the Trust at the earliest opportunity, and removed from any other devices.

- 7.3. Staff must 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 Trust visits may be used for educational purposes, e.g. on displays or to illustrate the work of the Trust, where consent has been obtained.
- 7.5. Digital photographs and videos held on the Trust's drive are accessible to staff only.

8. Use of a professional photographer

8.1. If the Trust decides to use a professional photographer for official Trust photos and Trust 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 Trust'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 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 Trust.

9. Permissible photography and videos during Trust events

9.1. If the Principal permits parents to take photographs or videos during a Trust 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 Trust 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 of a child other than their own 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 Trust will be kept in line with the Trust's Records Management Policy.
- 10.2. Hard copies of photos and video recordings held by the Trust will be annotated with the date on which they were taken and will be stored in the Academy office. 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 Principals will ensure that stored images and videos will be reviewed on an annual basis to ensure that all unwanted material has been deleted in line with the Trust data retention policy.
- 10.5. Parents must inform the Academy 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 Trust 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 DSO will inform the Principal immediately. If required, any related imagery and videos involving the pupil will be removed from the Trust drive immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.
- 10.8. Official photos are held on SIMS alongside other personal information, and are retained according to the Trust information retention policy, or longer, if necessary, e.g. due to a police investigation.
- 10.9. Some educational records relating to former pupils of the Trust may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

Consent Form

This form explains the reasons why and how _____ Academy 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/carers:	

Why do we need your consent?

_____ Academy requests the consent of parents/carers to use images and videos of their child for a variety of different purposes.

Without your consent, the Academy 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 Academy will abide by the conditions you outline in this form.

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

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

Where the Academy 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.

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

Who else uses images and videos of your child?

On occasion that the Academy is visited by local media and press, who take images or videos of Academy 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 from the period signed until your child leaves the Academy
- It is the responsibility of parents/carers to inform the Academy, in writing, if consent needs to be withdrawn or amended.
- The Academy will not use the personal details or full names of any pupil in an image or video, on our website, in our Academy prospectuses or any other printed publications.
- The Academy will not include personal emails or postal addresses, telephone or fax numbers on images or videos on our website, in our Academy prospectuses or any other printed publications.
- The Academy may use pictures of pupils and teachers that have been drawn by pupils.
- The Academy may use work created by pupils.
- The Academy may use group or class images or videos with general labels, e.g. 'sports day'.
- The Academy 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 Trust 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.		
Photographing and videoing my child solely for educational purposes.		
Using images of my child on the Academy website.		
Using videos of my child on the Academy website.		
Using images of my child on social media, including the following: <ul style="list-style-type: none">• Twitter		
Using videos of my child on social media, including the following: <ul style="list-style-type: none">• Twitter		
The local media using images of my child to publicise Academy events and activities (only including the organisations outlined above).		
The local media using videos of my child to publicise Academy events and activities.		
Using images of my child in marketing material, e.g. the Academy brochure and prospectus.		
Sharing my child's data with a Trust-appointed external photography company for official Trust images.		
Using images of my child in marketing material, website and displays when they are no longer a pupil of the academy.		

Refreshing your consent

Consent will 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 Principal. 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 Principal.

Declaration

I, _____ (name of parent/carer), understand:

- Why my consent is required.
- The reasons why name of Academy uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the Academy uses images and videos of my child.
- I have provided my consent above as appropriate, and the Academy will use images and videos of my child in line with my requirements.
- 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/carer: _____

Signature: _____

Date: _____