Use of Photographs and Videos by the Trust Policy

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Purpose	Guidance for colleagues on the use of photographs and videos by the Trust		
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If you would like this information in another language or format, please speak to the Trust Compliance Officer.

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1.0 Introduction

1.1 St Chad's Academies Trust and its academies are referred to in this policy as the **Academy Trust** or **we**.

1.2 This guidance is to help colleagues understand the Trust's approach to taking and using photos and videos (both referred to as images). Although most of this guidance concerns images of pupils, it also covers images of parents and colleagues at paragraphs 6 and 7.

1.3 If an individual can be identified from an image, it will contain their personal data. Taking and using the image is therefore covered by data protection legislation. If an individual can only be identified indirectly from the image, then data protection legislation (and this guidance) still applies. For example, a football player may be identifiable from their shirt number even if their back is to the camera or if their face is obscured.

1.4 If the Trust breaches data protection legislation, there is a risk that individuals may complain to the Information Commissioner's Office ICO (the data protection regulator) or bring a claim in court for compensation. There are also reputational consequences.

1.5 **Colleagues must always check that taking or publishing a photo, or making or publishing a video, will not put a pupil at risk. Further information on this, and how photos and videos relate to the Trust's safeguarding obligations, is set out below (see paragraph 2).**

1.6 Colleagues must make sure they have read the following policies alongside this guidance:

1.6.1 Acceptable Use of IT Policy for colleagues included in the colleagues' hand book

1.6.2 Colleagues Code of Conduct

1.6.3 Acceptable Use of IT Policy for Pupils

1.6.4 Anti-bullying Policy

1.6.5 Safeguarding and Child Protection Policy

1.6.6 Data Protection Policy: Practical Guidance for Colleagues

1.6.7 The Trust's colleagues privacy notice

1.6.8 Information Security Policy

1.7 This guidance applies when colleagues do anything in relation to an image. This includes, but is not limited to, taking, editing, and storing images.

1.8 Colleagues must abide by this guidance at all times when using images of pupils, parents or colleagues, for example, on Trust premises and off site in connection with Trust activities.

1.9 Colleagues only: this guidance does not form part of your contract of employment and may be amended by the Trust at any time.

1.10 If colleagues have any questions, they should speak to the Data Protection Officer.

2.0 The Trust's approach

2.1 The table below will help you decide what you need to do:

2.1.1 **Green** means that you can take and use the image so long as the parent or the pupil has not informed the Trust that they object to the use of the image (either at the time or before).

2.1.2 **Red** means that the image can only be used if the parent or the pupil has signed the Trust's images form. Anything falling into this category is covered by the Trust's existing images form, so you just need to check that the pupil and / or parent has signed the form (see paragraph 0).

2.1.3 To check that the Trust has not received an objection, or to check that what you propose to do is covered by an existing opt-in form, The process for checking is to speak with the Data Protection Officer or look at Pupil / Colleagues files to find the information required.

2.1.4 **Red*** means that the use is not covered by the Trust's existing form. Instead, images in the **Red*** category require a specific one-to-one conversation with the pupil / parent (followed by written confirmation), i.e., because what is proposed is unusual or especially privacy intrusive. Please speak to the Data Protection Officer if you need to do something that falls into this category.

2.2 The Trust will update the table below from time to time, so please make sure you are using the latest version of this guidance, which can always be provided by your line manager. If you plan to use an image in a way that is not described in the table, please speak to the Data Protection Officer.

Category	Examples of proposed use
●	Official school photos of the whole Academy, or class, to be purchased by parents.
●	Photos used internally to inform colleagues which pupils have allergies.
●	A recording of a lesson (in which the pupils are visible) so that pupils can re-watch it for revision purposes.
●	A video taken during a drama lesson which is only shown to the pupils in the video to provide feedback.
●	A photo of a pupil to be used internally, for example, on the pupil information management system, library cards, building passes.
●	Video recordings taken for internal pupil assessments / internal pupil coaching. For example, in music, drama or sports lessons. This assumes that

	the recording is done on an occasional basis for a specific purpose and that everyone in the room knows that the recording is taking place. The recording should also be relevant to the purpose. For example, if only a small number of pupils are being assessed it may not be appropriate to capture images of other pupils. If the recording is to be used to assess colleagues, please speak to the Data Protection Officer as extra considerations may apply.
●	The use of a webcam to broadcast images of pupils within a school, for example, to allow one class to see another as part of an IT lesson.
●	The live streaming of video footage of an event (e.g., Football match). A statement should be read out to the pupils (both to the Trust's pupils and to the pupils of any other school) explaining that they will be recorded. If another school is involved, then colleagues must follow the process set out in paragraph 0 below. The pupils (and parents as well unless, the pupils in Year 12 or above) should be given a clear opportunity to object. If a pupil objects, then the recording should not go ahead. If commentary on the match or a match report is also to be provided (which includes pupil names or other identifying information) this should be explained in advance.
●	Photos or videos of pupils taken on a school trip or during a sporting event to be used for an internal exhibition or display.
●	A photo or video sent only to the Trust or Academy community (e.g. in an internal newsletter, or on the password protected parental portal) with or without the pupil's name.
●	Photos or videos of pupils published on the Academy or Trust website or in the prospectus, with or without the pupil's name but no other information. Please note that there may be circumstances which mean that opt-in should be used, e.g. how the pupil is dressed, or if the pupil is going to feature very prominently, or if the pupil is going to feature on the website homepage or the front or back cover of the prospectus.
●	A photo or video used in social media without the pupil's name e.g. on Twitter.
●	The use of a webcam to broadcast images of a class of pupils to another school (for example, where two schools are working together on a classroom project).
●	A photo or video used in a third-party publication (e.g. the local newspaper) without the pupil's name.

●	Any photo or video that captures a pupil in revealing clothing (e.g. in relation to activities such as swimming or gymnastics). This is the case even if the image would otherwise fall within the green category.
●*	A photo or video displayed in a prominent place, with or without the pupil's name, e.g. on the side of a minibus or on a billboard.
●*	A photo published alongside a pupil's name in a local newspaper.
●*	A photo or video used in a national advertising campaign with or without the pupil's name.
●*	A case study (e.g. in the prospectus) which focuses on one particularly gifted pupil.

3.0 Key things to avoid

3.1 Colleagues must not take or use images of pupils which:

3.1.1 Put a pupil at risk (see section 0).

3.1.2 Might cause embarrassment or distress.

3.1.3 Are associated with distressing or sensitive issues.

3.1.4 Are taken during one-to-one situations; or

3.1.5 Are unnecessarily intrusive.

3.2 If there is an incident, then any photography or filming should stop immediately. For example, if filming a rugby match and a player appears to have suffered an injury then the streaming must stop in order to respect the privacy of the player involved.

3.3 Please see the Trust's Colleagues Code of Conduct for further guidance on the taking and using of photos and videos of pupils.

3.4 Colleagues must not send or show images to third parties, such as publishers or web designers, unless this has been authorised by the Data Protection Officer.

4.0 Transparency

4.1 Where possible, individuals should be given an opportunity to opt-out at the time the image is taken, regardless of whether it falls into the green or red category.

4.2 The Trust has a pupil privacy notice which includes a section on the use of images. Please familiarise yourself with this document so that you understand what parents and pupils are told. As a general guide, children are considered to have sufficient maturity to exercise their own data protection rights when they reach the age of 12. Accordingly, the Trust has decided that:

4.2.1 For pupils in Year 6 and below, the Trust will communicate only with parents. For example, the opt-in form will be signed by parents only.

4.2.2 For pupils in Years 7 to 11, the Trust will communicate with both parents and pupils; and

4.2.3 for pupils in the Sixth Form, the Trust will communicate with the pupil only, but the parents will still also be provided with the Pupil Privacy Notice.

5.0 Former pupils

5.1 Pupils and their parents are informed through the Pupil Privacy Notice that images of pupils may be used after they have left the Trust.

5.2 If the image is in the red category, then you must check that the opt-in form has been signed. Please speak to the Data Protection Officer if you are not sure.

6.0 Images of parents

6.1 The Trust has decided to use the same approach for images of parents as it does with images of pupils. Therefore, this guidance applies equally to images taken of parents.

6.2 In particular, colleagues should be aware that the safeguarding considerations that are applicable to images of pupils also apply to parents. For example, publishing an image of a parent may put both the pupil and parent at risk. Therefore, you must still check with the Designated Safeguarding Lead and Data Protection Officer.

7.0 Images of colleagues

7.1 In most cases, the Trust does not ask colleagues to opt-in before using an image of them. This is because colleagues do not require the same protection as children and will not have the same expectations of privacy when carrying out their job. However, the Trust will still seek opt-in from colleagues for uses of images that are especially privacy intrusive e.g. a photo or video used in a national advertising campaign.

7.2 The Colleagues Privacy Notice contains information about how the Trust uses images of colleagues. Please make sure that you have reviewed this. If you have any questions, or if you wish to object to the Trust taking and using images of you, please speak to the Data Protection Officer.

7.3 If you plan to use an image in a way that is not covered by the Colleagues Privacy Notice, please speak to the Data Protection Officer.

8.0 Early Years Foundation Stage

8.1 The Trust's Safeguarding and Child Protection Policy covers the use of cameras and mobile phones in the Early Years Foundation Stage. Please refer to this policy in respect of children in the Early Years Foundation Stage and ensure inclusion of this requirement within your Safeguarding policies.

9.0 Devices

9.1 Colleagues must only use Trust owned devices to take images unless there are exceptional circumstances. An example of an exceptional circumstance is if an image needs to be taken for safeguarding reasons.

9.2 Please speak to the academy Principal if you require the use of a Trust owned device.

9.3 Colleagues must comply with the acceptable use of IT for colleagues' policy and the Information Security Policy at all times.

10.0 Images taken by other organisations

10.1 There may be situations where a third party takes images of pupils. This must only happen with the authorisation of the Data Protection Officer and where there is appropriate supervision. For example:

10.1.1 The Trust might hire a professional photographer to take an official photo or to video a school play.

10.1.2 A company used to provide extra-curricular activities asks to use photos of our pupils for advertising purposes; or

10.1.3 A photographer from a media outlet might attend an event at the Trust.

10.2 If the press will be attending school events, the Trust will let parents and pupils know about this via newsletters, bulletins or on publicity materials. The Data Protection Officer is responsible for checking that the information provided is data protection compliant.

10.3 The Trust may need to provide information on the other organisation's behalf before allowing the images to be taken by that organisation, and the Data Protection Officer will be able to confirm arrangements.

10.4 The Data Protection Officer is responsible for considering other data protection issues such as ensuring that there is an appropriate agreement in place with the other organisation where necessary. You must not enter into an agreement with the other organisation without authority from the Data Protection Officer.

11.0 Taking images of pupils from other schools

11.1 Pupils from other schools attend events at a Trust school. If the Trust is taking photos and or making video recordings, similar data protection considerations will apply.

11.2 The Trust must:

11.2.1 Discuss any intended taking, recording or use of images with the other school. The other school must confirm in writing that it does not object to what you propose.

11.2.2 For photos and videos that you consider do not require opt-in:

11.2.3 check that what is intended falls under the green category in the table above.

11.2.4 ask the other school to confirm in writing that there are no specific reasons why any of their pupils cannot be included in photos or videos (e.g. no safeguarding concerns);

11.2.5 check the other school's practices, and don't do anything that would be inconsistent with their practices (even if you think they are too cautious); and

11.2.6 make sure that each individual has been given clear information about what the Trust proposes to do, so that they may object. By "individual", we mean the pupil themselves if in the Sixth Form, pupil and parents if the pupil is in Years 7 to 11 (inclusive) and just the parents if the pupil is in year 6 or below (please see paragraph 0 above). The Trust must liaise with the other school to work out how best to communicate this information.

11.2.7 For photos and videos that require opt-in then the Data Protection Officer should be consulted as to the best way to achieve this.

12.0 When other schools take images of the Trust's pupils

12.1 You must remind the other school that it must not take photos or videos without agreement from the Trust. Should permission be sought by the other school, please speak to the Data Protection Officer.

13.0 Taking images of prospective pupils at open days and taster days

13.1 If the Trust intends to take images at an open day or a taster day before the pupil has joined their academy, then parents (and the pupil if age appropriate, see paragraph 0) should be told about this (both before they attend and on the day itself).

13.2 When communicating this information on the day they attend, they can be told orally if it is not practicable to provide written information. This will be co-ordinated by the principal.

13.3 As an additional step, the photographer (whether internal or external) will be told to make pupils and parents aware of his/her presence before taking images and to explain where the images will be published in broad terms. Pupils and parents should be given the opportunity to not appear in the photos. If you consider that this might not be happening, please let the Data Protection Officer know immediately.

13.4 However, if the image is in the red category, then opt-in must be sought, and the Data Protection Officer must be consulted.

14.0 Safeguarding

14.1 Colleagues must be mindful of safeguarding issues when taking and using images. For example, there may be a very good reason why a pupil's whereabouts or presence at the academy must be kept confidential. The Trust has a system in place to notify colleagues of which children should not be photographed or videoed under any circumstances (even if the proposed image falls under the green category). Details can be found by speaking to the DSL.

14.2 Colleagues must raise any concerns about the welfare of a child in accordance with the procedures in the Trust's safeguarding and child protection policy. For example, concerns should be reported if they become aware of anyone:

14.2.1 Taking an unusually large number of images.

14.2.2 Taking images in inappropriate settings such as cloakrooms, toilets or changing areas; or

14.2.3 Taking images of children who are apparently unaware that they are being photographed or filmed.

14.3 Colleagues must not publish images of pupils on any personal social media account, personal webpage or similar platform.

14.4 If colleagues are ever unsure, they must always speak to the Designated Safeguarding Lead.

15.0 Intellectual property

15.1 If you think that your use of an image might raise intellectual property issues (e.g. videoing a play which is subject to copyright) please speak to the Data Protection Officer.

15.2 Please bear in mind that ownership of the copyright in a photo typically belongs to the person who took the photo (or their employer) rather than the person who appears in the photo.

15.3 Please also bear in mind that copyright exists in photos that are published on the internet, even if they are publicly available and are not marked with a copyright notice. It is reasonably common for schools to be charged substantial sums retrospectively for the use of photos copied from the internet by colleagues who were unaware of the financial consequences of their actions.

16.0 Objections

16.1 If a parent or pupil tells you that they object you must not use the image in question and must immediately inform the Data Protection Officer so that the Trust's records can be updated.

16.2 In the vast majority of cases, any objection will take precedence over the publicity requirements of the Trust, but the Data Protection Officer will make the final decision.

16.3 Situations may arise where the pupil and their parents disagree about the use of a photo. If a pupil objects to the use of their photo / video it should not be published, even if their parents don't object. Equally, a photo / video should not be published if a parent objects, but a pupil doesn't. The non-objecting party should be informed of the other's objection unless there is a good reason not to do this. There may be pupils at the Trust whose images cannot be used under any circumstances, even if the use would ordinarily fall under the "green" category in the examples above.

16.4 This would be relevant if, for example, the pupil had famous parents or there might be a risk that they will be abducted should their presence at the Trust become known. Please see section 0 above.

17.0 Other points to note

17.1 When parents or other visitors (such as grandparents and family friends) take photos or videos for personal use, this is not covered by data protection legislation.

17.2 However, if an event is subject to copyright or performing rights restrictions, the Trust may prevent visitors from taking images. The Data Protection Officer will co-ordinate how this is communicated to visitors. For example, by placing a statement in the invitation or by an announcement at the start of the event.

Appendix 1

Example of Photo consent form for pupils.

Add Academy Logo

I _____ grant permission for St Chad's Academies Trust and its academies to use photographs and electronic media images of my *son/daughter in any capacity.

I understand that I may revoke this authorisation at any time by contacting the academy.

The revocation will not affect any actions prior to the written notification.

Images will be stored in a secure location and only authorised colleagues will have access to them.

They will be kept as long as they are relevant and after that time destroyed or archived.

*Delete as applicable

Pupil name _____

Year group _____

Signed _____

Dated _____