



# Photographs and Digital Images Policy

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Taken selectively from: **KCSiE 2022**

24. All staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content.

25. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead or a deputy.

26. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

Taken from, with minor adaptations:

**Welsh Government: A parents and carers guide to sharing information and images online. Sept 2020.**

- Many parents and carers like to share information about their children and families online. It is an easy way to record important milestones and keep long-distance friends and relatives up to date.
- The media has termed this 'sharenting', and according to Ofcom, 42% of parents and carers do share images of their children with half of these sharing images at least once a month.
- Sharing too much personal information including photos, videos and images online can compromise your children's right to privacy. It is important to take care about what you share and with whom.
- This article will use the term 'oversharing' to outline the effect on a family's digital footprint and provides tips on what to consider before posting information and images online.

#### **What are the issues with oversharing?**

By sharing too much information, parents and carers can compromise their children's privacy and inadvertently provide advertisers and data collectors with private information. North Wales Police warn parents and carers to keep personal information safe and there are simple steps you can take to avoid oversharing and preserve your children's digital records. These are:

- avoid tagging: tagging is a way of identifying your child or others in a social media post, as this Facebook article explains. Not tagging your children can help to protect their identity online
- turn off location sharing: most social media sites offer the ability to share your location – and some parents and carers may have this enabled without realising it. To avoid revealing where you and your family are at any given time, you can simply turn off location sharing. Once an image is posted, you have no control over how that image is shared, viewed or re-posted. That means other people can copy the image, tag it or use it – which is why it is important to take great care over what images you post.
- safeguard your family's digital footprint: before sharing information online, think about the impact it will have on your family's digital footprint. Your digital life is both public and permanent. Everything you and your children do online creates digital footprints that leave a lasting online trail.

#### **Steps to take before sharing information and images online:**

- Would I talk about this information, image or video at work?
- Given what I know about my children, will they be embarrassed if they knew I posted this?
- Would I be okay if someone stole this image, video or information?
- Does this image create a positive online identity for my child?
- If I saw this image, video or information of my child on a public notice board, would I be okay with that?

**BURNETTS – Law. People. Business**

**Taking Photos in School – March 2020**

Photos in schools: what are the rules?

- Firstly, photographs taken for personal use are not covered by data protection legislation – so family shots of children at sports day or in the school play are OK.
- Where photos are taken by the school, a legal basis for the processing of that data will be required. That might be for compliance with a legal obligation or processing that is necessary in the performance of the school's public task (maybe related to safeguarding if the photographs are to allow access to the school site or to identify a child with a severe allergy to the catering staff). Photographs will also need to be used in compliance with the data

processing principles – which would include, in the case of a photo, for example, that it is not shared more widely or for longer than the specific purpose requires.

- Where a school seeks to use pupil photographs for publicity purposes then it is likely that the child and the child's parents/guardians (depending on the age of the child) will need to be made aware this is happening and the context in which the photograph will be used.

What does the ICO recommend?

- Ensure your school has an appropriate procedure for the handling of pupils' images. Don't just rely on a single member of staff remembering to check a spreadsheet of parental permissions

- Ensure that school staff and governors receive appropriate training, updated as required, so that they are aware of and understand their obligations under the GDPR, with an emphasis on security, personal data breaches and accountability

- Keep an accurate and up-to-date record of staff training, policy updates and internal communications bringing data protection issues to the attention of staff. This will create an audit trail to evidence your school's compliance.

- Make sure to report any breach to your data protection officer as soon as it happens and consider if the incident needs to be reported to the ICO.

- Know what personal data your school holds and where – carry out a data audit (and review on a regular basis). Documentation and accountability are a key part of the GDPR and an information audit or data-mapping exercise will help with this.

- Don't stop taking photos!

The ICO stresses that fear of breaching the law should not be a reason to stop people taking photographs or videos which provide many with much pleasure. The issue here is about schools following good data protection practices, so their pupils remain protected.

#### **NSPCC      Guidance for photographing and filming**

It's important that children and young people feel happy with their achievements and have photographs and films of their special moments. Family and friends also want to be able to share the successes of their children when they have been part of a special event or activity.

However, some children, parents or carers may not be comfortable with images of themselves or their children being shared.

It's important to be aware of child protection and safeguarding issues when taking photos of or filming children and young people. The potential for misuse of images can be reduced if organisations are aware of the potential dangers and put appropriate measures in place.

You should also consider the data protection implications of making, using and storing images of children and young people for your organisation's use.

#### **NSPCC      Risks of sharing images online**

Sharing photographs and images of children on social media or other online platforms carries potential risks. For example:

- children may become vulnerable to grooming if a photograph is shared alongside information that makes them identifiable. This includes: personal details; a tag with location information; visual details such as a school uniform
- inappropriate images of children may be shared online
- images may be copied, downloaded, screenshotted or shared by anyone
- images of children may be adapted and used inappropriately
- photos or videos may appear in internet search results

Depending on the terms and conditions of using an online platform, the image may be owned by the platform once it's been posted. Platforms may then license images for use by third parties – such as for commercial purposes each photo or video, and any comments on them, become a part of a child's public image. This may affect them later in life – for example, it may affect how they see themselves, or how they are viewed when applying for a job

# Photographs and Digital Images Policy

## 1. Introduction

We live in an age in which digital technology has vastly increased the use, and potential misuse of photography. In addition, the ease and speed with which photographs and images can be posted on the internet makes it increasingly likely that individuals' images 'go viral' within minutes of them being 'snapped'.

It is important that children and young people feel happy with their achievements and have photographs and films of their special moments. Family and friends also want to share the successes of their children when they have been part of a special event or activity (NSPCC Guidance for photographing and filming.)

Myddelton College welcomes positive publicity about School life and activities. Children's photographs add colour, vitality and interest to materials and articles, promoting school activities and initiatives. This can increase pupil motivation, staff morale and help parents and the local community identify and celebrate the school's achievements.

However, in order to respect young people's, parents' and staff's rights of privacy, and because of potential safeguarding and child protection concerns, photographs must be taken and used in a responsible way. The School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and pupils to share in this commitment. This policy seeks to achieve a practical balance to secure the above.

## 2. Positive perspectives of children and young people towards family photographing:

Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride which we believe usually enhances self-esteem for children and young people and their families and the practice should continue within safe practice guidelines.

Photographs taken on camera or mobile 'phone of children and young people at school, for exclusive personal use by family members (parents, carers, grand-parents, siblings) are not covered by data protection legislation – so family shots of children at sports' day, prize-giving or in the school play are OK – providing the child or young person has agreed to these photographs! (see Burnetts' advice.)

Many parents and carers like to share information about their children and families online. It is an easy way to record important milestones and keep long-distance friends and relatives up to date (Welsh Gov't).

## 3. Advice to children and young people about agreeing to photographs being taken:

- Be careful what you allow or approve, both in terms of photographs and posts.
- Ask to see any images before agreement so you know to what you are consenting.
- Be very careful about agreeing to private photographs being stored; they could become public at a later date!
- Do NOT take candid photographs which will undermine the personal confidence and reputation of others.

## 4. Recommendations about family and / or friends photographing and posting:

- It is important to ascertain the views of children and young people involved. The non-consensual sharing of indecent images could occur (KCSiE).
- Where possible, when a family's child or young person is part of a group, use general shots of group activities rather than close up pictures of other families' children.
- Consider the camera angle; photographs taken over the subject's shoulder or from behind are less identifiable.
- Use images of children in suitable dress and take care when photographing sports' activities to maintain

modesty.

- Be aware, children can abuse other children online (KCSiE) by taking compromising photos and posts.
- Consider: could this photograph embarrass my child, or another child or young person now, and at a later age?
- By sharing too much information, parents and carers might compromise their children's privacy and inadvertently provide advertisers and data collectors with private information (Welsh Govt).
- 'Sharenting': according to Ofcom, 42% of parents and carers share images of their children with half of these sharing images at least once a month.
- Sharing too much personal information, including photos, videos and images online, can compromise your children's right to privacy. It is important to take care about what you share and with whom.
- 'Oversharing' can occur: by sharing too much information, parents and carers can compromise their children's privacy and inadvertently provide advertisers and data collectors with private information.
- Avoid tagging - identifying your child or others in a social media post; remember to turn off location sharing: most social media sites offer the ability to share your location.

#### **5. Data Protection Act:**

- The Data Protection Act 1998 affects our use of photography. This is because an image of a child or young person, or a member of staff, is personal data for the purpose of the Act.
- Under the terms of the Data Protection Act 1998, images of pupils and / or staff must not be displayed in a public place without consent.
- It is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years, or an adult, for any photographs or video recordings for the purposes beyond the activity of the organisation.
- It is always important to ascertain the views of children or young people involved. This includes publications such as the school prospectus, website or areas in the school where visitors have access. Parental Consent for the School to use of photographs is given when signing the School Contract.
- Parents and adults, however, have the option to express their disapproval of wider use of School photography and withdraw consent.

#### **6. General rules on using photographs of individual or group-shot children by the School:**

- **this pertains to photography and posts on the School premises,**
- **or when the child or young person is off-campus with the School:**

The School will hold a list of children and young people whose parents / carers have denied consent; every reasonable effort will then be made to stop photography and posts thereafter.

- Parental consent should always have been obtained by the School staff member to take the photographs and to post these. This could either be:
  - long term parental consent for photographs and posts via the Parental Consent aspect in the School Contact, or
  - one-off verbal approval at a special School event or occasion.
- Parents may deny consent, or subsequently change the Parent Consent Form details. Should a photograph have been taken and / or posted by mistake, the School will move quickly to rectify the situation once it has been identified.
- Where the School has been informed that a child is subject to a court order, then it will never use their image.
- The School will ensure that images are stored securely, especially electronic ones, and will be used only by those authorised to do so.

- The School will ensure file names given to electronic images of pupils do not identify the child.
- Images for school use will only be taken on school cameras and saved onto the school shared drive.
- Images will be stored for no longer than necessary for the purposes of marketing or publicity.
- Only authorised external personnel will be permitted to take images of pupils, staff and authorised Photographers - by prior arrangement with the Headmaster.

### **7. The storage and retention of photographs:**

Photographs are maintained securely for authorised use only and, at a later time, disposed of either by return to the child, young person or parents, or shredded as appropriate.

Whilst photographs may be held by the School (to include individual members of staff), it is important members of staff reflect on their obligations under GDPR, with an emphasis on security, personal data breaches and accountability.

The School keeps an accurate and up-to-date record of staff training and internal communications bringing data protection issues to the attention of staff.

The school endeavours to record accurately what personal data is held and where it is kept. Documentation and accountability are the key parts of GDPR (ICO recommendation).

### **8. Staged photographs to be used for internal school business:**

Where photos are taken by the school, a legal basis for the processing of that data will be required. This might be:

- for compliance with a legal obligation,
- for use to promote safeguarding - where the photograph is to allow access to the school site,
- identification of a child with a severe allergy to the catering staff,
- for use in compliance with the data processing principles.

Where the School seeks to use pupil photographs for publicity purposes, then it is likely that the child and the child's parents / guardians (depending on the age of the child) will need to be made aware this is happening and the context in which the photograph will be used.

If children are to be identified, the DfES advises the following where consent might be unclear:

- if the child is named, avoid using the photograph. If the photograph is used, avoid naming the child;
- use the minimum of information;
- when naming a child in any published text, avoid using their photograph.

#### **a. School Prospectus:**

The Conditions of Admission form explicitly includes mention of the publication of photographs in the School's magazine, on the website and in newsletters. It is best to avoid using personal details of full names of any children.

#### **b. Newspapers:**

As long as parental consent has been secured, newspapers may publish photographs of pupils but must not publish names alongside them. They may, however, refer to group photographs collectively: for example, Year 8. Pupils must not be approached or photographed whilst at school (or engaged in school activities outside school) without the permission of a member of staff.

#### **c. The School Website:**

The Parental Consent form explicitly includes publication of photographs on the school website. The child's name will not appear where a photograph is used without specific parental permission. However, it would be appropriate to check that parental consent continues before a child can appear on the website.

This is an area which gives particular concern to parents because of the potential misuse of images. There is always the remote possibility that images could be produced, manipulated and circulated without the parents' permission or children's knowledge. It is therefore very important to take care with identification and to respect parental views.

#### **d. Video & Filming:**

The appropriateness of photographic images also applies to video/film images. We recognise that parents, carers and family members wish to record events such as school plays, sports days, etc to celebrate their child's achievements. However, it is important that such records remain private and for their own personal use.

Should the school wish to use images for videos or films, it would be appropriate to recheck with parents that consent continues.

#### **9. Commercial & Outside Photographers:**

Such photographers will be given a clear brief about what is considered appropriate in terms of content and behaviour. They will be required to wear visitors' identification at all times and will not have unsupervised access to children or one-to-one photo sessions at events.

The important aspect is to be sure the people with no connection with the School do not have the opportunity to film covertly. Staff members will be aware of anyone they do not recognise using a camera or video recorder at events and productions.

The School will ensure the written contract includes this instruction in the consent form.

If the School invites an official photographer to take portraits/photographs of individual children or groups, the School will undertake a risk assessment in terms of the validity of the photographer or agency involved and establish what checks and lettings have been undertaken.

Myddelton College will also ensure procedures are in place to ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present

#### **10. Pupils' Camera Phones:**

Camera phones may be used at School events by parents / guardians to photograph their children, to include as members of a group as previously stated, with the child's or young person's agreement.

However, it is not acceptable for camera phones to be used in School under other circumstances – particularly when the subject of the 'photograph' is unaware that the photograph is being recorded, or is acting in a way or situation which will subsequently not see an 'appropriate' image recorded. To display, exchange or sell on such images would be viewed as a potential criminal act by the School.

#### **11. Parental Consent:**

On admission of a pupil to the School, parents / carers will be asked to sign a Contract which makes clear how and where photographs will be used.

#### **12. Complaints Procedures:**

Parents / guardians should follow the School's Complaints and Appeals' Policy if they have a complaint.

In most cases, however, matters can be cleared up quickly and effectively by discussing the matter with a member of the SLT.

In the case of concerns regarding the use of photographs by the press, parents / guardians should contact the Press Complaints Commission or the Office of Communications (OFCOM) in the case of TV companies.

#### **13. Review:**

This policy will be reviewed annually in line with the Child Protection Policy, in view of the continual advances in technology and in response to significant views expressed by parents, staff and pupils (if appropriate).