



AMCIS

Admissions, Marketing and Communications
in Independent Schools

RESOURCE: DRAFT PHOTOGRAPHY POLICY

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PHOTOGRAPHY POLICY

This Policy covers all photography taken in school, on school trips or at school events. It is based on guidance provided by the Information Commissioner's Office, the Data Protection Act and the General Data Protection Regulations (GDPR) which came into force in 2018.

The regulations will always guide our actions in this area, although it is hoped that common sense and goodwill will be applied by all parties. It is often the case that unjustified fear of breaching the provisions of Data Protection legislation stops people taking photographs or videos of school activities. We believe that, subject to sensible and legal constraints as set out below, taking photographs of children is part of school life and is something we are happy for parents to do. Parents have important rights in relation to this area, and we are committed to respecting them.

It is important to remember that whilst in the past an "opt out" approach was often used in this area, that is no longer lawful following the introduction of the GDPR; parents and, where appropriate, pupils must specifically and actively "opt in". This leads to the overall principle which underlies this policy, namely that **the school will never use a photograph of any child unless that level of permission has been received in writing, and that permission must be based on a full understanding of the context and purpose of the photograph.**

For the purposes of this Policy, the word "photograph" includes any kind of still or moving image with or without sound and whether stored/transmitted electronically or as hard copy. Where the Act does apply, a common sense approach suggests that the photographer asks for permission to take a photograph, which will usually be enough to ensure compliance.

Photographs taken **for official use** by the school may be covered by the law and pupils and parents should be advised that they are being taken. Photographs taken purely **for personal use** are exempt from the terms of the legislation.

For example:

- a parent takes a photograph of his or her child with some friends during School Sports Day to be put in the family album – these images are for personal use and Data Protection legislation **does not** apply as far as the school is concerned.
- the school decides to take a photograph of each student for the school database or similar purpose – wherever and however these images are stored, the relevant legislation **does** apply
- a small group of pupils are photographed in a lesson and the photograph will be used in a school publication – this will be personal data, but will **not** breach the law so long as the students and/or their parents are aware this is happening and understand the context in which the photograph will be used *and have given their express permission for it to be used.*
- a photograph is taken by a local newspaper of a school event: as long as the School has agreed to this, and the students and/or their parents are aware that photographs of the event may appear in the newspaper, this will **not** be a breach of the legislation. Again, as much information will be shared with parents as possible before such an event.

The above examples cover data protection issues, but staff should also be sensitive to the views of students who are included in photographs. The following good practice will be adopted by all staff:

- it should not be possible to identify any student appearing in a photograph from any text associated with the photograph (e.g. a caption or comment) unless consent has been actively given and is based on a full understanding of the context
- it is important to be particularly sensitive when photographing children participating in activities such as swimming and gymnastics
- even where there is no text identifying the student appearing in the photograph, if it is to appear in a high profile location (e.g. on the website homepage or an advertisement for the school) then specific and active consent must be obtained first;

With regard to consent, for a child under 16 years of age it should be obtained from his/her parent(s). *(Note: it appears, in advance of the implementation of the GDPR, that that age limit may be lower in the UK and may be as low as 13 years of age).*

No photographs will be retained within school for more than a year. This applies to physical, printed photographs as well as to photographs stored electronically. There are obvious exceptions: where photographs are part of documents and publications which the school wishes to keep for archive purposes photographs contained within them will of course be kept. In such cases, parents will have been advised at the outset of the purpose and long-term nature of the publication concerned.

For information, this is the relevant clause in the Parental Commitment document signed by parents when a child enters the school:

The school takes personal data very seriously, particularly in light of the General Data Protection Regulations which came into force in 2018. Among other things, this means that a) we will not publish any photograph of your child without your active consent and will never assume that consent to have been given unless it is in writing; and b) we will destroy all photographs upon request or within one year, whichever comes first. In general, parents should be prepared to be asked to agree that a student's photograph or image may appear with his/her name attached in printed or electronically transmitted internal school publications. When such images are offered for publication in the public domain (including the school's website, newsletters, etc.) you will be consulted about the specific images of your child and must give active consent before we can use them. In such cases, your child's name will not appear in association with the image unless you have also given your specific consent (or your child, if he/she is aged 16 or over, has given consent). All photographs, other than those used

in internal school publications (booklets, prospectuses etc.), which might be retained for longer periods, will be destroyed, physically and electronically, one year after being used. Parents are asked to cooperate where possible and act reasonably in allowing the school to use photographs of their child - although it is always the case that you have the right to refuse us permission to do so and we will always respect that without question.

