Carr Lodge Academy
Grady Drive, Balby
Doncaster DN4 8GA
T 01302 230700
E enquiries@carrlodgeacademy.org
www.carrlodgeacademy.org

Carr Lodge Academy

PHOTOGRAPHY and FILMING at SCHOOL POLICY

Date of next review:	**September 2023**	**Owner:**	**Principal/ Academy Data Protection Lead**
Type of policy:	**Academy**	**Approving Body:**	**Local Governing Board**

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Photography and Filming at School Policy

1. Statement of intent

Carr Lodge Academy is committed to good practice with regards to the use of photography and videos in school. This policy is aimed at ensuring the application of good practice at the Academy.

The Academy uses imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the Academy and Exceed Learning Partnership Trust website. It is understood that parents may also wish to take videos or photos of their children participating in school events for personal use

Whilst the Academy recognises the benefits of photography and videos to the school community, it is also understood that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the Academy has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The Academy has implemented this 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 requirements of this policy should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

2. Legal framework

This policy has due regard to legislation, including, but not limited to, the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- The Children Act 1989
- The Children Act 2004

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- The Equality Act 2010

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'

This policy also has due regard to the school's policies, including, but not limited to, the following:

- SEND Policy
- Behaviour Policy
- Freedom of Information and General Data Protection Policy

3. Definitions

For the purpose of this policy:

"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 an Academy 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.

"Official school use" is defined as photography and videos which are used for school 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 school use.

"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.

Staff may also take photos and videos of pupils for **"educational purposes**". These are not intended for official school use, but may be used for a variety of reasons, such as Academy displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

4. Roles and responsibilities

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The Principal is responsible for:

- Submitting consent forms to parents at the beginning of the academic year with regards to photographs and videos being taken whilst at school.
- 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 school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

The designated safeguarding lead (DSL) is responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC pupils.
- Liaising with the Trust Data Protection Officer (DPO) and the academies Data Protection Lead, 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.

Parents are responsible for:

- Completing the Consent Form on an annual basis.
- Informing the Academy in writing where there are any changes to their consent.
- Acting in accordance with this policy.

The Trust DPO and the Academies Data Protection Lead are responsible for:

- Informing and advising the Academy and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the school'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 the Academy.
- Conducting internal audits, in regards to the Academy's procedures for obtaining, processing and

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using photographs and videos.

- Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at the Academy.

5. Parental consent

5.1 The Academy understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

5.2 Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

5.3 Where consent is given, a record will be kept documenting how and when consent was given and last updated.

5.4 The Academy 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.

5.5 The data protection laws give children rights over their own data where they are considered to have the required capacity to understand their data rights. Most children will reach this level of understanding from the age of 12 and so it may be necessary for the school to obtain this consent from the child directly. If this is not suitable, the school will consider preferences set out below.

5.6 All parents will be asked to complete a Consent Form on an annual basis, (***please see Appendix 1 for a template wording)*** which will determine whether or not they allow their child to participate in photographs and videos.

5.7 The Consent Form will be valid for the full academic year, 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.

5.8 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.

5.9 All parents are entitled to withdraw or change their consent at any time during the school year.

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5.10 Parents will be required to confirm on the Consent Form, in writing, that they will notify the school if their child's circumstances change in any way, or if they wish to withdraw their consent.

5.11 For any LAC pupils, or pupils who are adopted, the DSL 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.

5.12 Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL 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.

5.13 A list of all the names of pupils for whom consent was not given will be created by the Academy's Data Protection Lead and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

5.14 If any parent withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.

6. General procedures

6.1 Where photographs and videos of pupils may be taken in an activity, this will be carefully considered in the planning of that activity.

6.2 The Academy's Data Protection Lead will be consulted in the planning of any events where photographs and videos will be taken.

6.3 Where photographs and videos will involve LAC pupils, adopted pupils, or pupils for whom there are security concerns, the DSL will be consulted to determine the steps involved.

6.4 When organising photography and videos of pupils, the event organiser, in consultation with the Principal, or other relevant SLT member, 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?

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- 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?

6.5 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.

6.6 School equipment will be used to take photographs and videos of pupils.

6.7 Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.

6.8 Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.

6.9 The school will not use images or footage of any pupil who is subject to a court order.

6.10 The school will not use photographs of children or staff members who have left the school, without appropriate consent.

6.11 Photos and videos that may cause any distress, upset or embarrassment will not be used.

6.12 Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the Principal, the DSL and the DPO.

7. Additional safeguarding procedures

7.1 The Academy 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.

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7.2 The DSL 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.

7.3 Any measures required will be determined between the DSL, social worker, carers, adoptive parents,and the Academy Data Protection Lead 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 Academy procedures
- Photos and videos can be taken within school for educational purposes and official school 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

7.4 Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photographs will be updated accordingly. This list will be maintained by Data Protection Lead.

8. School-owned devices

8.1 Where photos or videos of pupils are taken by staff, this must be for an appropriate reason as set out in the policy and school-owned equipment must be used. This is subject to the Academy Data Protection Lead having been consulted and consent having been given under the Principal's authority prior to the activity.

8.2 Images and videos should be downloaded and removed from the device at the earliest opportunity. Unless otherwise agreed, they would be downloaded to an appropriate place on the Academy's drive.

8.3 Digital photographs and videos held on the Academy's drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos. Files are password protected, and only staff members have access to these passwords – these are updated termly to minimise the risk of access by unauthorised individuals.

8.4 Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

8.5 Photographs and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.

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9. Use of a professional photographer

If the school decides to use a professional photographer for official school photos and school events, under the Principal's authority the Academy will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both conten 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 school'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, such as a parent or governor, 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 Academy.

10. Permissible photography and videos during school events

If the Principal permits parents to take photographs or videos during a school event, parents will be notified of relevant protocols. These may include the following which may beadjusted, subject to the nature of the event:

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 Academy 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 taken at Academy events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.

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- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

11. Storage and retention

11.1 Images obtained by the Academy will not be kept for longer than necessary.

11.2 Hard copies of images will be shredded or pulped, and electronic memories of photos or videos will be deleted or destroyed, once the data should no longer be retained.

11.3 The Academy Data Protection Lead will oversee a review of all stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

11.4 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 school drive immediately.

11.5 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.

11.6 Where a pupil's security risk has changed, the DSL will inform the Principal immediately. If required, any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning to their parents or by shredding, as appropriate.

11.7 Official school photos are held on the Academy Management Information System alongside other personal information, and are retained for the length of the pupil's attendance at the Academy, or longer, if necessary, e.g. due to a police investigation.

11.8 Some educational records relating to former pupils of the Academy may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

12. Monitoring

The Academy will monitor the effectiveness of this and all of its policies and procedures and conduct a full review and update as appropriate. Normally this will be on a two year cycle but, where necessary, interim reviews will be undertaken,

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The monitoring and review will include looking at how policies and procedures are working in practice to reduce the risks posed to the Academy.

Why do we need your consent?
The Academy requests the consent of parents on an annual basis to use images and videos of their child for a variety of different purposes.

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

When your child starts at Carr Lodge Academy you will receive correspondence for your consent.

Why do we use images and videos of your child?
The Academy uses images and videos of pupils as part of school displays to celebrate Academy 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 school website, in school prospectuses and other printed publications,such as a newsletter.

Who else uses images and videos of your child?
It is common that the school is visited by local media and press, who take images or videos of school 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.
Where any organisations other than those above intend to use images or videos of your child,
additional consent will be sought before any image or video is used.

What are the conditions of use?

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- This consent form is valid for as long as the student attends the Academy
- It is the responsibility of parents to inform the Academy via the SIMS Parent App, 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 school 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 school 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.

Refreshing your consent

This consent is valid for the time the students attends the Academy

Where you would like to amend the provisions for which consent has been provided, you must submit this request in writing to the academy.

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 academy.

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Appendix 1

Photograph/Video Consent Form

Name of child: _____

Class: _____

Age: _____

Information for parents and carers

Carr Lodge Academy aims to provide a safe and enjoyable experience for every child or young person. To help us do this, please note the following important information:

- We recognise the need to ensure the welfare and safety of all children.
- This consent form is written in line with our Privacy Notice which sets out how data is processed by the school. A copy of this is enclosed.
- We will take all steps to ensure images of children are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately you should inform Carr Lodge Academy immediately.
- For children and young people under 12 years of age, we will not take or share photographs, video or other images of children and young people without the consent of their parents or carers.
- For children and young people between 12 and 18 years of age, who have sufficient understanding of the consent process and its implications for them, the child/young person should be involved in completing the form and their consent should be sought. The child/young person may also sign the form.

This agreement fits with Exceed Learning Partnership's overarching Online Safety Policy.

"Parent" means someone with parental responsibilities for the child.

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The purpose and scope of this consent form

Occasionally, we may take photographs of the children at our school. We use these images as part of our school displays and sometimes in other printed publications. We will also use them on our school website, Facebook page and Twitter account.

If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption. If we name a pupil in the text, we will not use a photograph of that child to accompany the article. If a child has won an award and the parent would like the name of their child to accompany their picture we will obtain permission from the parent before using the image.

Learning Journeys and Records of Achievement are used to celebrate your child's progress throughout school. These are sent home at the end of Reception and Year 6. Photographs of individuals, groups or classes of children may appear in these records.

To comply with the Data Protection regulations, we need your consent before we can photograph or make any recordings of your child. Please fill in the form below, then sign and date where shown before returning the completed form to the school.

You have the right to modify or withdraw your consent at any time by contacting Carr Lodge Academy directly and requesting a Parental Consent Withdrawal Form.

Third Parties

Occasionally third parties will be invited on site to run events or do talks with students. Every third party that comes on site is fully checked in line with Safeguarding and Child Protection Policy.

When arriving on the site, every third party will be given clear instructions. These instructions will outline Carr Lodge Academy's approach to data, image/video capturing and consent. Some of these third parties may wish to take photographs or videos of the activity they are running within school. The Principal of the School, or the teacher responsible for the third party, will not allow them to do so unless there is consent from parents/carers or the child. The below consent form includes questions regarding the use of third party data. Should you have any questions, please contact Carr Lodge Academy for more details about the Trust's approach to the use of data by third parties.

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Parents and carers: please read and discuss this consent form with your child and then fill it in and return it to the school. If you have any questions or concerns please speak to Jane Slee Karim, Carr Lodge Academy Business Manager.

Parents/carers

□ **I confirm** that I have read Carr Lodge Academy's photography and filming policy [please tick].
□ **I confirm** that I have read Carr Lodge Academy's Conditions of Use as included at page 4 of the photograph/video consent Form [please tick]

I agree to [please tick]:
□ my child's photograph being used within Carr Lodge Academy for display purposes
□ my child's photograph being used within other printed publications
□ my child's photograph being used in print and online media
□ my child having a school photograph taken.
□ my child's photograph being used on the Carr Lodge Academy's website
□ my child being videoed for use on Carr Lodge Academy's website
□ my child's photograph being used on Carr Lodge Academy's social media pages
□ my child being videoed for use on Carr Lodge Academy's social media pages
□ my child's photograph being use on a third party's website in accordance with the school's approach to photography and videography
□ my child being videoed for use on a third party's website in accordance with the school's approach to photography and videography
□ my child's photograph being use on a third party's social media page in accordance with the school's approach to photography and videography
□ my child being videoed for use on a third party's social media page in accordance with the school's approach to photography and videography
□ my child's image being used in Learning Journeys/Records of Achievements belonging to other children.

I understand [please tick]:
□ the potential risks associated with the use and distribution of these images
□ how these images or videos will be stored within the organisation and how long for.
Please our Privacy Notice for Carr Lodge Academy's policy on the storing of data

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- □ that if I withdraw consent for my child's image to be used or shared in the future, it may not be possible to remove images that have already been published or distributed
- □ that at many events, Carr Lodge Academy and others will reasonably wish to take wide angle, general photos during or at specific points in the event
- □ that I must gain permission before sharing photographs/videos of other people's children on social media
- □ that if I share images of my child with friends and family, I should check the privacy settings of my social media account first to understand who else will be able to view

Parent/guardian signature_____ Date: _____

Please print name_____

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Conditions of use

1. This form is valid indefinitely from the date that you sign it until such time as you update or withdraw consent.
2. Historic photographs will remain on our school website and social media feeds.
3. We will not use the personal details or full names (which means first name and surname) of any child or adult in a photographic image or video, on our website, on our social media platforms in our school prospectus or in any of our other printed publications.
4. If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption.
5. If we name a pupil in the text, we will not use an individual photograph of that child to accompany the article.
6. We may include pictures of pupils and teachers that have been drawn by the pupils.
7. We may use group or class photographs or footage with very general labels, such as ‘a science lesson’ or ‘making Christmas decorations’.
8. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.
9. Websites and social media platforms can be viewed throughout the world and not just in the United Kingdom where UK law applies.