



## **PHOTOGRAPH POLICY**

**UPDATED OCTOBER 2018**

## Guidance

Under the GDPR, consent should only be used as the justification for processing personal data when there is no other alternative. Most ordinary academy uses (i.e. the academy taking photos for its own use for education purposes) will not require consent as other justifications will be available. Usually the relevant justification under the GDPR will be the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (e.g. the statutory function of providing an education - this is lawful on the grounds of public interest)

The use of photos for educational purposes for which consent is unlikely to be required are covered in the Policy. N.B – although consent may not be needed, the policy does allow for parental **preference** to be taken into account.

The policy refers to unnamed photos but please note there is the possibility of using named photos if you can justify a named photo for the statutory education function (however always consider safeguarding as mentioned below).

Where consent is required a consent form should be used setting out exactly what the proposed use is. Make sure that it is to clearly opt in consent. Individualise each consent use separately rather than lumping things together. Follow the ICO consent guidance: <https://ico.org.uk/about-the-ico/ico-and-stakeholder-consultations/gdpr-consent-guidance> That guidance contains a checklist which you can use.

## Safeguarding

Safeguarding must be considered in all cases and overrides the provisions of the Policy (e.g. if there is a risk to a child's safety, regardless of any preferences / consent obtained from a parent / carer, you must ensure that photographs of them are not used).

It is generally accepted that the external publication of photographs accompanied by the name of the child may increase the safeguarding risk to the child. Therefore you may want to consider whether to do this or not, even where parents are happy with it.

The policy is considered to give the academy / Trust a workable position whilst complying with data protection law.

Previously the ICO has issued guidance about photographs and schools. This has not been updated to take into account the GDPR. If the ICO does issue more guidance, then you will be informed.

## Photograph Policy

Peterborough Diocese Education Trust (“the Trust”), and the academies within the Trust (the “academy”), is obliged to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 when it takes or publishes photographs of its pupils. The Academy Trust / academy will always try to act in the best interest of the pupils and, and as far as it legally can, it will take parental preferences into account.

The Academy Trust will not normally seek consent for the use of photographs at the academy where the processing of such personal data is in accordance with the statutory functions of the Academy Trust in providing an education to the pupil and is therefore lawful on the grounds of public interest. However the Academy Trust will take into account any parental preferences expressed. Parents may also exercise their data protection rights in respect of photographs as set out in the privacy notice for pupils and our Combined Data Protection and Freedom of Information Policy (i.e. the right to restrict processing, the right to object) and we will respond appropriately to any parental request to exercise those rights.

The Data Protection Act gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 12.

If you wish to express a preference for the Academy Trust / academy to avoid taking or publishing photographs of your child in certain circumstances then please indicate your preferences using the attached form and ensure you return the signed form to the academy. If no preferences are expressed, or the form is not returned, then we will act in accordance with the principles expressed in this policy. Any preferences expressed by a parent / carer will be used for the duration of the pupil’s time at the academy. If a parent / carer wishes to change their preference at any time they must inform the academy in writing.

Ordinarily the following rules will apply to photographs in this Academy Trust / academy:

### Photographs for Academy Trust / Academy Use

- The Academy Trust / academy will take photographs for its own use. Usually these will be unnamed photographs and will generally be for Academy Trust / academy use but may also include photographs for publication, such as photographs for the prospectus, or to show as slides at an event for parents / carers. Unnamed photographs may also be used on display boards which can be seen by visitors to the Academy Trust / academy.
- The photos used for academy / Trust purposes will include (this list is not exhaustive):
  - To document children’s learning / achievements (electronic and paper based systems)
  - As part of a child’s online learning journal (Early Years)
  - Within children’s workbooks

- For display purposes within the child's classroom or academy building i.e. reward systems, birthday boards.
- Individual pupil profiles
- Trust / Academy website
- Academy social media platforms such as Twitter and Facebook

## **Photographs by External Organisations**

### **Media Use**

- The Academy Trust / academy will give proper consideration to the interests of its pupils when deciding whether to allow external organisations to take photographs or to film.
- When the media are allowed to be present in the Academy Trust / academy or at Academy Trust / academy events, this will be on the condition that they observe this policy.
- Where the media are allowed to be present at a particular event the Academy Trust / academy will make sure that pupils and their parents /carers are informed of the media presence. If no objection is received, then the Academy Trust / academy will assume that unnamed photographs may be published.
- If the media entity wants to publish named photographs then they must obtain specific consent from the parents/carers. The Academy Trust / academy will require the media entity to check with the Academy Trust / academy before publication so that the Academy Trust / academy can check that any objections have been taken into account.

### **Family Photographs at Academy Trust / Academy Events**

- It will be at the discretion of the Academy Trust / academy whether photographs may be taken at an Academy Trust/academy event.
- Family and friends taking photographs for the family album will not be covered by this policy and Data Protection legislation.
- Where the Academy Trust / academy decides to allow such photography, the family and friends will be asked not to publish (e.g. internet, Facebook, Twitter) any photographs showing children other than their own.

**For further information please refer to the Combined Data Protection and Freedom of Information Policy on the Academy Trust/academy website.**

## EXPRESSION OF PARENTAL/CARER PREFERENCES FOR PHOTOGRAPHS

Name of Child: \_\_\_\_\_

Class No./Name: \_\_\_\_\_

Please tick any that apply:

Unnamed Photographs	Yes
I would prefer that unnamed photographs of my child are <b>not used</b> in the academy	
I would prefer that unnamed photographs of my child are <b>not used</b> in the Academy Trust	
I would prefer that unnamed photographs of my child are <b>not used</b> for academy use for wider publication: <ul style="list-style-type: none"> <li>• Academy prospectus and similar information</li> <li>• Academy/Academy Trust Display Boards</li> </ul>	
I would prefer that an unnamed photograph of my child <b>does not</b> appear on the Trust/Academy website and their social media platforms	
Named Photographs	Yes
I would prefer that named photographs of my child are <b>not used</b> in the academy	
I would prefer that named photographs of my child are <b>not used</b> in the Academy Trust	
I would prefer that named photographs of my child are <b>not used</b> in any Academy publication	
I would prefer that named photographs of my child are <b>not used</b> in any Academy Trust publication	
I would prefer that named photographs of my child <b>did not</b> appear on the Trust/ academy website and their social media platforms	

**I understand that the academy/Academy Trust will try to take my preferences into account but that the academy/Academy Trust must comply with Data Protection Act 2018 which will give my child rights in his/her own data when he/she has adequate capacity and understanding to make decisions about the publication of his/her photographs for him/herself.**

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Date: \_\_\_\_\_