



## **USING IMAGES OF CHILDREN: PHOTOGRAPHS, VIDEOS, WEBSITES AND WEBCAMS**

The following guidelines have been adopted by the governors of Riverview C of E Primary & Nursery School. They are based upon Surrey guidelines which were drawn up in consultation with the Investigation and Referrals Support Co-ordinator, the Development Manager for Welfare and Protection, representatives from the County Council's Legal Services and Corporate Communications Unit, Surrey Police, Surrey Children's Service and Trinity Mirror Newspapers, representing the local press.

### **1. ISSUES OF CONSENT**

The Data Protection Act 1998 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act, and it is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the school's core educational function (e.g. school web sites, school productions). It is also important to ascertain the views of the child.

As it is likely that there will be a number of occasions during a pupil's school life when the school may wish to photograph or video that pupil, we recommend that consent is sought when the pupil starts at the school, to last for the duration of their stay.

A consent form is sent out via ParentMail to gain parental consent from the child's parent/guardian, as attached to this guidance, and kept on ParentMail, covering all cases where images of children are to be published beyond the parameters of school use.

Where children are "Looked After" consent must be sought on the corporate parent's behalf with the social worker, and there may be other situations (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care.

Parents retain the right to withdraw consent at any stage, but they need to do so in writing.

### **2. PLANNING PHOTOGRAPHS OF CHILDREN**

Images published together with names and details of pupils allow for the remote possibility that people outside the school could identify, and then attempt to contact, pupils directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of classrooms or group activities, rather than close-up pictures of individual children. Consider the camera angle; photographs taken over the shoulder, or from behind are less identifiable.
- Use images of children in suitable dress, and take care in photographing PE or swimming



events to maintain modesty, using team tracksuits if appropriate, for example.

- Remember to include images of children from different ethnic backgrounds in communications wherever possible, and positive images of children with disabilities to promote our school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, consider airbrushing logos.
- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work, for example?

### 3. IDENTIFYING PUPILS

The DfE advises the following, as a broad rule of thumb, where consent is unclear:

- If the pupil is named, avoid using their photograph. If the photograph is used, avoid naming the pupil.

In school communications, we recommend that:

- You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the pupils' names, the year group or the school.
- When **fully** naming pupils in any published text, whether in the school's brochure or website, avoid using their photograph, unless you have parental consent to do so. However, **pupils' first names** may be used, and their full names may be given in group situations where they cannot be linked to individuals in the photograph.

For guidelines on allowing access to the Press, please see Section 5.

### 4. USING PHOTOGRAPHS OF CHILDREN SUPPLIED BY A THIRD PARTY

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the Internet are also subject to copyright.



Third parties will generally be under the same obligations as your school to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the image.

## 5. **BROCHURES, PROSPECTUS AND PUBLICITY MATERIAL**

Personal details or full names of any child should not be used in any promotional material. Follow the DfES advice above.

## 6. **VIDEOS**

You must have parental consent before and child can appear in a video. Parents can video recordings of events for their own personal and family use as they are not covered by the Data Protection Act. (Please also refer to Section 9).

Parents/carers are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use. They would not, for example, be permitted to sell videos of a school event (unless authorised/commissioned to do so by the Headteacher/Governors for the purpose of fund-raising on behalf of the school and in a fashion that had already met the requirements for such sales). Recording and/or photographing other than for private use would require the consent of all the other parents/carers whose children may be included in the images. To make sales or pass copies on without this could be a breach of the Data Protection Act.

When hosting an event where parents are permitted to take photographs or videos, it should be made clear from the start that any images taken must be for private use only and if they include others, they must not be put on the web/internet without their consent, otherwise Data Protection legislation may be contravened.

In relation to child protection considerations, the school needs to be as certain as possible that images reproduced are appropriate and they are not reproduced elsewhere without consent. It is important, therefore, to be sure that people with no connection with the school do not have any opportunity to film covertly. School staff should be prepared to quiz anyone they do not recognise who is using a camera or video recorder at events and productions and information regarding this possibility should be included in the school's own consent form, and/or any event ticket sold.

Those parents and carers known to the school and helping with the event, such as assisting with children dressing or changing, should not take photos or videos while doing so.



## 7. WEBSITES

With digital photography there is the remote possibility that images of children can be produced, manipulated and circulated without the parent's permission or children's knowledge. The dual concern which follows such a risk is that children might be exploited and an organisation may be criticised or face action.

Parent permission must be sought before any photography is used on a website. We recommend that you visit the *Child Exploitation and Online Protection Centre* [www.ceop.gov.uk](http://www.ceop.gov.uk)

## 8. WEBCAMS

The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area in order to consent to being viewed in this way. Children should be consulted and adults would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is a response to a specific threat or difficulty in relation to either crime or health and safety, it may pose more difficulties for organisations than it would actually resolve. If you use a webcam we would advise careful parental, staff and legal consultation.

## 9. PARENTAL RIGHTS TO TAKE PHOTOGRAPHS & VIDEOS

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not therefore stop parents from taking photographs or making video recordings at such events as plays or sports events.

Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of an event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form reminds parents of this fact.

Staff/members should report to the Senior Management Team anyone they do not recognise who is using a camera or video recorder at events and productions.

### **A checklist for schools**

- Decide if the event is one at which you will permit photography and videoing. If you feel it



advisable, ask the Governors to formally endorse the decision. If custom and practice has been that you have allowed it in the past, obtain legal advice if you are going to ban it.

- When informing parents/carers of the event, also inform them of your decision on photography and videoing.
- Send a copy to all parents/carers of the "Use your camera and video courteously" code (see below).
- Remind parents/carers with a verbal announcement at the start of the event that any images must be taken for personal use only and remind them that such images must not be put on the web/internet, otherwise Data Protection legislation is likely to be contravened.
- Be sure that people with no connection with your school do not have any opportunity to film covertly – remember to ask your staff to quiz anyone they do not recognise who is using a camera and/or video recorder at events and productions.
- If a video is produced by the school of a production, which includes a cast list in the credits, remember to revisit the parents of the cast to seek consent for names to appear, as this will enable children to be identified and could breach your policy.

### **"Use your camera and video courteously" code – a guide for parents who wish to photograph and/or video a school event.**

Generally photographs and videos for school and family use are a source of innocent pleasure and pride, which can enhance self-esteem for children and young people and their families. By following some simple guidelines we can proceed safely and with regard to the law.

- Remember that parents and carers attend school events at the invitation of the Head and Governors.
- The Head and Governors have the responsibility to decide if photography and videoing of school performances is permitted.
- The Head and Governors have the responsibility to decide the conditions that will apply in order that the children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at a school event for their own personal use only. Such photos and videos cannot be sold and must not be put on the web/internet due to Data Protection legislation, which in such circumstances is likely to be contravened.
- Recording or photographing other than for private use would require the consent of all the other parents whose children may be included in the images.
- Parents and carers must follow guidelines from staff as to when the photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performance or events.
- If you are accompanied or represented by people that school staff do not recognise, they



may need to check out who they are if they are using a camera or video recorder.

## 10. **THE STORAGE OF PHOTOGRAPHS**

Photographs must be maintained securely for authorised use only and disposed of either by return to the child, parents or shredded as appropriate.

## 11. **OFFICIAL PHOTOGRAPHS**

The photographer used for formal school photographs should be vetted to establish the validity of the photographer/agency involved and establish what checks and vetting has been undertaken. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present.

## 12. **USEFUL SOURCES OF INFORMATION**

The Information Commission

[www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)

Press Complaints Commission

[www.pcc.org.uk](http://www.pcc.org.uk)

Internet Watch Foundation

[www.internetwatch.org.uk](http://www.internetwatch.org.uk)

Department for Education & Skills

[www.dfe.gov.uk](http://www.dfe.gov.uk)