



Data Protection Photograph Policy

Last reviewed: December 2020

This document has been prepared in accordance with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and other related legislation, and applies to all schools and operations of the Vale Academy Trust.

www.vale-academy.org

Document Control			
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Owner	Data Protection Officer	Approver	Board of Directors
Category	Public	Type	Global

Photograph Policy

In this document “we” and “us” means the schools and operations of the Vale Academy Trust, and “parent” means parent, carer or other guardian, registered as such with the school.

1. Introduction

We take data protection very seriously and will always seek to fully comply with data protection law when using photographs and videos of pupils. We will always try to act in the best interests of the pupils and, as far as we legally can, take pupil and parent preferences into account.

2. Uses of photos and videos of pupils where WE DO NOT seek consent

Below are the purposes for which we may use photos and videos of pupils without asking for consent. We do not believe we need consent in these circumstances because we consider the purposes to be in accordance with our statutory functions of providing pupils with an education and safeguarding them.

Photos for identification and safeguarding

We will use photos of pupils for school identity passes, pupil files and school management information systems, and for identification and safeguarding purposes on school trips and other school-arranged activities.

In order to help school staff identify pupils with medical, allergy or other special needs, we may display photos of pupils, together with information about their needs, in positions in the school where staff can see them (typically on a display board in a staffroom or canteen kitchen area). In all cases we will try to ensure that a display is located in a position where only those who need to know can see it.*

**Display locations and procedures will vary depending on the physical environment and the needs of the pupil. Pupils and parents who are affected by this should contact their school if they wish to know more about how and where photos will be displayed in these circumstances.*

As a safeguarding measure we may deploy security CCTV cameras on school premises. Recordings are kept safe and only viewed when an incident requires investigation.

Photos and videos in support of teaching and learning and for enrichment of the learning environment

Photos and videos that feature pupils are often used to aid teaching and learning and to enrich the learning environment. These may be put on display on school premises (for example, photos on classroom and hallway walls, or a video on a screen in a classroom), and may also be used in school presentations*. They will primarily be seen by the school population but may sometimes be seen by visitors to the school.

**We will only identify pupils by name, on or in the photo or video, when absolutely necessary.*

If you have any concerns or questions about photos and videos used for the above purposes, please contact the headteacher in the first instance. If you are not satisfied with the response, you should contact the Vale Academy Trust’s Data Protection Officer, using the contact detail under item 8 below.

3. Uses of photos and videos of pupils where WE DO seek consent

We may wish to use photos of pupils in our printed school newsletters and flyers, and in printed prospectus, marketing, fundraising and other school publications. We may also wish to publish photos and videos of pupils on our website and on our social media accounts, and in our newsletters and other materials distributed by school email.

We will only identify individuals by name, in or on a photo or video, when we consider it necessary. Also, we will always exercise an appropriate level of discretion and care when making publishing decisions and ensure that the best interests of the individual are taken into account.

We would like your consent for these purposes, and ask that you complete and return the Parent Consent Form, or the Pupil Consent Form, attached to this document.

Even when prior consent is given, we will always make it clear to pupils at the time of taking a photo or video what it will be used for so that they can object if they wish.

4. Third-parties wishing to photograph or video pupils

If and when a third-party (for example a newspaper, broadcaster, teacher-training provider, academic researcher) requests our permission to photograph or video pupils. We will give proper consideration to the interests of our pupils when deciding whether or not to grant permission, and if we grant permission it will be on the understanding that the third-party observes this policy, including the requirement to seek parental/pupil consent (which will normally be sought by the school on their behalf). Also, we will insist that the third-party checks with us before publishing any material.

Explicit consent on a case by case basis will always be sought in these circumstances.

5. Family photographs and videos at school events

It shall be at our discretion whether photographs and video may be taken at our events.

Family and friends taking photographs and videos at our events for their own private viewing will not be covered by data protection legislation.

Where we decide to allow such photography and video, participants are asked not to publish anything, online or otherwise, that shows any children other than their own.

6. Biometric systems

Should we intend to use facial recognition in an automated biometric recognition system we will seek express consent from pupils/parents, as detailed in our Data Protection Biometric Data Policy. This policy can be found on the school website or a copy can be obtained from the school office.

7. About consent

Consent in our primary schools

When we seek consent relating to photos or videos of a primary school pupil, the consent must be given by a parent of the pupil.

Consent in our secondary schools and sixth forms

Data protection law gives rights to children over their personal data (which includes their photographic image) when they are considered to have adequate capacity to understand. It is considered that most children will reach this level of understanding at age 12. This means that for most pupils in a secondary school or sixth form the law says it will normally be up to the individual pupil to provide consent, rather than a parent. However, we know that parents like to be involved in these decisions and we will always try to take into account any parental preferences expressed. We will not ordinarily use photographs or videos of pupils against the known wishes of parents.

Where we consider that a pupil aged 12 or over does not have the capacity to make a consent decision, we will act in what we consider to be the best interests of the pupil and in doing so will take account of any known parental preference.

In cases where the parents of a pupil cannot agree but the pupil is consenting, we will make a decision based on the best interests of the pupil after careful consideration of the circumstances.

8. Contact

If you have any concerns or questions about this policy please contact the headteacher in the first instance. If you are not satisfied with the response, you should contact the Vale Academy Trust's Data Protection Officer, by email at InformationTeam@vale-academy.org or by telephone on **01235 754070**.

Or you can send a letter to:

**Data Protection Officer
Vale Academy Trust
The Studio, St Mary's Convent
Denchworth Road
Wantage
OX12 9AU**

PARENT CONSENT FORM

For the school's use of photos and videos in print and online publishing.

I understand the following:

- that the school may wish to use photos of my child/children in its printed school newsletters and flyers, prospectus, marketing and fundraising publications
- that the school may wish to publish photos and videos featuring my child/children on its website and social media accounts, and in newsletters and other materials distributed by school email
- that the school will only identify my child/children by name, in or on a photo or video, when it considers it necessary
- that the school will always exercise an appropriate level of discretion and care before publishing any photo or video featuring my child/children to ensure that their best interests are taken into account
- that I can change my mind at any time and withdraw my consent by writing to the headteacher

Parent Consent

I am happy that photos and videos featuring my child/children may be used for the purposes outlined above.

I understand that where children are age 12 and over, the school will try to take parental preferences into account but that the school must comply with the Data Protection Act 2018 and the UK GDPR which gives every child rights over their own personal data (including images) once they have the capacity to understand.

Please complete fields below and return to the school office	
Name of school:	
Your child's/children's name(s) & class(es):	
Your relationship to child/children:	
Your signature:	
YOUR NAME (CAPS):	
Date:	

PUPIL CONSENT FORM

For the school's use of photos and videos in print and online publishing.

Only complete this form if you are a pupil at secondary school or sixth form

I understand the following:

- that the school may wish to use photos of me in its printed school newsletters and flyers, prospectus, marketing and fundraising publications
- that the school may wish to publish photos and videos featuring me on its website and social media accounts, and in newsletters and other materials distributed by school email
- that the school will only identify me by name, in or on a photo or video, when it considers it necessary
- that the school will always exercise an appropriate level of discretion and care before publishing any photo or video featuring me to ensure that my best interests are taken into account
- that I can change my mind at any time and withdraw my consent by writing to the headteacher

Pupil Consent

I am happy that photos and videos featuring me may be used for the purposes outlined above. I understand that the school will also take into account the views of parents when making decisions about pupil photos and videos.

Please complete fields below and return to the school office	
Name of school:	
Your class:	
Your signature:	
YOUR NAME (CAPS):	
Today's date:	