



**Better futures
for children &
young people.**

The Charter Schools Educational Trust

Photography and Images Policy

Author	Trust Head of Compliance	Version	03
Functional area	Data Protection and Safeguarding	Scope	Trust-wide
Approver	Trust CEO		
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Statement of intent

The Charter Schools Educational Trust (the 'Trust') and its schools use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, newsletters and the school websites. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

Our schools use of images of everyday school life and activities as a positive way to celebrate and share the wide range of wonderful work that our pupils and staff do every day. They provide a valuable insight for both current parents who enjoy seeing what their children are doing in school and for prospective parents exploring the options for their child's education. They also serve to illustrate life in the school as part of our vibrant local community.

Whilst we recognise the benefits of photography and videos to our school communities, we also understand that these can have significant risks for those involved. Under the legal obligations of the UK GDPR and the Data Protection Act (DPA) 2018, the Trust has specific responsibilities in terms of how photos and videos are taken, stored and retained.

In order to ensure that, as far as possible, the use of photography and video is safe at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites and should be used along side the Trust's Social Media Content Guide and Safeguarding Pupil Images Guide.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR) The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- DfE 'Keeping children safe in education'

This policy operates in conjunction with the following Trust and school policies:

- Data Protection Policy
- Technology Acceptable Use Agreement
- Records Management Policy
- Anti-bullying policy
- Social Media Content Guidance
- Safeguarding Pupil Images Guidance

2. Roles and responsibilities

The headteacher (read also principal) is responsible for:

- Submitting consent forms to parents, and pupils where appropriate, at the beginning of the academic year when the pupil starts at the school with regard to photos and videos being taken whilst at the school.
- Ensuring that consent is recorded accurately on the school's MIS system for each pupil.
Ensuring that all photos and videos are stored and disposed of correctly, in line with the UK

GDPR and the DPA 2018 and the Trust Records Retention Policy.

- Deciding whether parents are permitted to take photos and videos during school events. Communicating this policy to all the relevant staff members and the wider school community, such as parents.

The DSL is responsible for:

- Liaising with the relevant local authority, social worker, carers, adoptive parents and other professionals, where appropriate, to determine whether photographic consent can be provided and whether additional safeguards are required.
- Liaising with the Trust DPO when there are any data protection breaches involving pupils who are LAC or PLAC.
- Informing the headteacher 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 and pupils where relevant are responsible for:

- Completing a photography consent form on admission of the pupil to the school.
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

3. Definitions

“Camera” is used to refer to mobile phones, tablets, webcams, portable gaming devices, and any other equipment or devices which may be used to take photos.

“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 a school 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 UK GDPR and the DPA 2018 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 school registers, building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the UK GDPR and the DPA 2018 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. photos of children taken for school newsletters, social media or local newspapers. The principles of the UK GDPR and the DPA 2018 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 school displays, special events, assessment and workbooks. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

4. Consent

The Trust will identify and document an appropriate lawful basis under Article 6 UK GDPR before

processing photographs or videos. Depending on the purpose, this may include Public Task, Legal Obligation, Legitimate Interests (where applicable), or Consent. Consent will be relied upon only where it is the most appropriate lawful basis.

Staff, pupils and parents will be encouraged to read the Trust Data Protection Policy and relevant privacy notices for more information on the Trust's approach to data protection.

Primary schools only: Parents will be required to provide consent on their child's behalf.

Secondary schools only: Where the child is aged 13 or over, and the child understands what they will be consenting to, the school will obtain consent directly from the child; otherwise, consent will be obtained from whoever holds parental responsibility for the child. In all other instances with regard to obtaining consent, an appropriate age of consent will be considered by the school on a case-by-case basis, taking into account whether the child understands what they will be consenting to.

Parents and pupils will be aware that their child/they may be photographed at school and they have the right to withdraw consent for:

- Photos or videos taken by members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.
- Photos or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.
- Withdrawal of consent will not automatically require deletion of photographs already incorporated into official educational, safeguarding, historic archive, legal, regulatory or statutory records where another lawful basis applies.

The school will recognise that consent must be a positive indication (as in 'opt-in'). It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Where consent is given, a record will be kept documenting how and when consent was given and last updated.

The school will ensure that consent mechanisms meet the standards of the UK GDPR and the DPA 2018. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

Parents and pupils, as applicable, will be asked to complete the photography consent form on admission to the school, which will determine whether they allow their child/themselves to participate in photos and videos.

The photography consent form will be valid for the duration of the pupils time at the school, 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.

If there is a disagreement over consent, or if a parent/pupil does not respond to a consent request, it will be treated as if consent has not been given and photos and videos will not be taken or published of the pupil without consent.

All parents and pupils will be entitled to withdraw or change their consent at any time during the school year. Parents or pupils who wish to withdraw their consent must notify the school in writing.

If any parent or pupil 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.

For any pupils who are LAC, PLAC, or adopted, the DSL will liaise with the relevant local authority, social worker, carers, adoptive parents and other professionals, where appropriate, to determine whether photographic consent can be provided and whether additional safeguards are required.

Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photos and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of pupils for whom consent was not given will be created by the Data lead in each school and access to pupil image permissions and restrictions will be limited to staff who require this information to perform their duties.

This list will be updated annually, when new cohorts join the school.

5. General procedures

Photos and videos of pupils will be carefully planned before any activity and the Headteacher will ensure that a senior member of staff will oversee the planning of any events where photos and videos will be taken.

Where photos and videos will involve pupils who are LAC, PLAC, or adopted, or pupils for whom there are security concerns, the headteacher/staff involved in the activity will liaise with the DSL to determine the steps involved.

The list of all pupils who have not consented to being photographed or recorded will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.

A school/Trust-authorized digital camera or mobile device will be used to take photos and videos of pupils. Staff will ensure that all pupils are suitably dressed before taking any photos or videos.

Where possible, staff will avoid identifying pupils by name or any other identifiable data. If names are required, only first names will be used.

The school will not use photos or videos of:

- Any pupil who is subject to a court order.
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.
- Staff members who have left the school, without their consent.

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

Any concern relating to inappropriate or intrusive photography or publication of content will be reported to the Trust Head of Compliance.

6. Additional safeguarding procedures

The school will consider certain circumstances that may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

Any measures required will be determined between the DSL, social worker, and carer and/or adoptive

parent with a view to minimising 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 school 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

Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photos, held in the school office, will be updated accordingly.

The Trust's filtering and monitoring systems may identify inappropriate storage, transmission or sharing of images. Such activity may be investigated in accordance with safeguarding, disciplinary and data protection procedures.

Please refer to the Safeguarding Pupil Images Guidance.

Artificial Intelligence and Digitally Altered Images

The Trust recognises the safeguarding risks associated with AI-generated, synthetic or digitally manipulated images.

Staff, pupils, volunteers and visitors must not create, distribute or publish AI-generated, edited or manipulated images of pupils or staff where this could cause distress, reputational damage, bullying, harassment, exploitation or safeguarding concerns.

Any concerns regarding synthetic imagery, deepfakes or manipulated content will be treated as a safeguarding concern and referred to the DSL.

7. Use of digital cameras

Staff members may be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils. Photos and videos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.

The use of personal cameras, mobile phone cameras or other recording equipment will be prohibited on school premises at all times unless specific permission has been granted by the headteacher.

The school-owned cameras will be located and stored securely in specific areas identified in the school. Members of staff will be responsible for making sure that the camera is locked away after use in these areas at the end of the day. Members of staff will not be allowed to take school cameras or memory cards home unless permission has been given, for example in the situation of a school Trip.

Members of staff will not be allowed to bring in personal cameras without prior permission. If personal cameras are allowed to be brought in due to a specialist requirement or defective equipment, the memory card should be shown to be empty and images downloaded to the school's server.

Staff or other adults will not be permitted to take photos of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the school community will be required to report inappropriate use of digital cameras and images to the headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.

The school will not take responsibility for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the individual who has borrowed the equipment.

8. Other school-owned devices

Staff will only be permitted to take photos and videos of pupils using the school's digital cameras; however, they may use other school-owned or authorised devices, such as mobile phones and tablets, where the Headteacher has been consulted and consent has been sought from the headteacher prior to the activity. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils unless or until this permission has been given.

Where school-owned or authorised devices other than school owned digital cameras are used, images and videos will be provided to the school at the earliest opportunity and then removed from the devices.

Photos 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.

9. Storage and retention

As per the UK GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the Trust Records Management Policy.

Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored securely in the specific designated area. They will not be used other than for their original purpose, unless permission is sought from the headteacher and parents of the pupils/the pupils involved and the DPO has been consulted.

Digital photos and videos held on the school's drive are accessible to staff only. Photos and videos are stored in labelled files, annotated with the date, and are only identifiable by year group or class number – no names are associated with images and videos. Files are password protected and only staff members have access to these passwords – these should be updated regularly to minimise the risk of access by unauthorised individuals.

Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended. The Data protection lead in the school will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted.

Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately. 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.

Where a pupil's security risk has changed, the DSL will inform the headteacher 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 them to the parent/pupil or by shredding, as appropriate.

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

Images taken on school cameras will be downloaded as soon as possible on to the appropriate and

limited access school drive.

Members of staff will maintain responsibility for ensuring that images are safely stored as soon as possible on school systems and should avoid saving images any longer than necessary on removable memory sticks and hard drives. They will take all reasonable measures to ensure that they do not come into the possession of unauthorised persons.

No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the headteacher to do so. The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met. Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.

If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered. Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card must be appropriately disposed of to ensure that no imprint remains.

10. Appropriate use of images under UK GDPR and the DPA 2018

Please refer to the Safeguarding Pupil Images Guidance.

Photos will be used in school for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.

As a public body, the school will consider whether the processing is taking place in the performance of its duties as a public authority. Where this is the case, the legal basis for processing will be recorded as 'public task', not 'legitimate interests' – public authorities cannot use legitimate interests as a lawful basis if the processing is in the performance of their tasks as a public authority.

The school will use privacy notices with declarations attached to inform staff, pupils and parents about how their personal data may be collected and as one method of gaining consent.

To judge whether legitimate interest can be used as the basis for processing data, the school will carry out three different tests. These are:

- A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
- A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
- A balance test – establishing the impact it will have on the data subject by processing the data for said reason.

These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out an LIA prior to obtaining the data and it will be recorded in compliance with the UK GDPR and the DPA 2018.

Where new technologies, online platforms, monitoring tools, biometric systems or large-scale image processing activities are proposed that require the use of pupil or staff images, the Trust will undertake a Data Protection Impact Assessment (DPIA) where required.

Any loss, theft, unauthorised disclosure, accidental publication or inappropriate sharing of images must

be reported immediately to the Headteacher, DSL and Trust DPO in accordance with the Data Breach Procedure.

Photos used in identity management

These are likely to be essential for performing the public task of the school, but they will be deleted once the child is no longer in attendance – as they are no longer needed for the purpose for which they were held.

Photos used for marketing purposes

Photos will not be used for marketing purposes unless the school has specific informed consent for the images and the images are only used in line with the consent provided.

The school will recognise that when images are posted on the school website anyone may view the images, and consequently this may result in a greater risk of misuse of images. The school will therefore give specific consideration to the suitability of images for use on the school's website in line with the safeguarding pupil images guidance.

Photos in the school environment relating to education

These photos may be essential for performing the public task of the school, but once the pupil has left the school this argument is insufficient. If the school wishes to display the image beyond the pupil's time at the school, the school will obtain the pupil's permission. If permission is not granted, the image will be removed.

When gaining consent, including when initially taking the photograph or when the purpose of the image has changed, the pupil, or where appropriate their parents, will be informed of the retention period pertaining to the use of the image. If the image is still on display after the retention period stated in the privacy notice used to gain consent, the school will be in breach of data protection obligations and may be subject to a fine.

11. Use of cameras and filming equipment by parents

Parents or family members will be welcome to take photos of (and where appropriate, film) their own children taking part in school events, subject to the following guidelines, which the schools expects all parents to follow. Parents will:

- Remain seated while taking photos or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photos and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photos or recording videos.
- Parents are strongly advised not to upload images containing other children to social media or public websites without the permission of the individuals concerned.
- Refrain from taking further photos and/or videos if and when requested to do so by staff.

12. Use of cameras and filming equipment by pupils

All pupils will be encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of the pastoral staff.

The use of cameras, or filming equipment, including on mobile phones, will not be allowed in school unless this is a necessary element of the curriculum (for example in Art and Photography qualifications), nor should photography or filming equipment be used by pupils in a manner that may offend or cause upset.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the school's Anti-bullying Policy, Technology Acceptable Use Agreement, and Social Media Guidance will always be taken seriously and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

13. Sharing of images

All images taken by members of staff or volunteers at school or during school activities remain the property of the school and images must not be shared with anyone outside the school or held for private use.

No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent. Unless specific prior consent has been obtained, members of staff and volunteers will not post school images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

The creation, sharing or possession of inappropriate images of pupils may constitute child-on-child abuse and will be managed in accordance with the Trust Safeguarding and Child Protection Policy.

14. Use of a professional photographer

If the school decides to use a professional photographer for official school photos and school events, the headteacher will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with an identification badge or card, 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 and/or photos.
- 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 photos for any other purpose.
- Ensure that the photographer will comply with the requirements set out in the UK GDPR and the DPA 2018.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school.

In all cases where an external photographer is used the following considerations will be part of the contract:

- Data Processing Agreement where appropriate.
- DBS checks.
- Secure deletion arrangements.
- Retention limits.

15. Monitoring and review

This policy will be reviewed at least every three years, with interim updates whenever legislation, ICO guidance, KCSIE or Trust procedures change, by the Trust Head of Compliance. The next scheduled review date for this policy is July 2029.

Any changes to this policy will be communicated to all staff, parents and, where appropriate, pupils.