



Dame Alice Owen's School
The Dame Alice Owen Foundation - 1613

SAFE USE OF IMAGES POLICY

Approved by the
Governing Body Personnel & Remuneration Committee: May 2020
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(reviewed every 2 years)

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1 Scope of the Policy

This Policy ensures the regulations laid out in the General Data Protection Regulation (GDPR) 2018 are followed when allowing images to be taken, stored or published by the school. With the increasing use of social media, it is important to consider how and what images are published by the school and how these might be used. It is much easier for people to amend, manipulate or copy images, which makes them more open to abuse, so the relevant safeguards must be in place.

1.1 Aims

The aim for this Policy is to meet the requirements of the law whilst avoiding unnecessary restrictions regarding the use of images. The filming and photographing of children in schools is an increasingly complex issue and so it is important all stakeholders understand that images should be used responsibly at all times.

It should be noted that the previous guidance (Spring 2012) states that the Data Protection Act 1998 is unlikely to apply in many cases where photographs are taken in schools and that fear of breaching the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. This still applies.

It is also clarified in the guidance, that photographs taken purely for personal use are exempt from GDPR regulations. The Governors are in agreement (unless specified at the outset of an event), that parents, friends and family members can take images of their children and friends participating in school activities, as long as images are for private use only and will not appear **publicly** on the internet or in any form of social media. This information is posted on the school website and in School Productions programmes and parents are advised to ensure that

the relevant privacy settings are used on web photo stores and other shareware software.

2. The General Data Protection Regulation 2018

The General Data Protection Regulations 2018 requires us to ensure that we have relevant personal consent to take and publish images of individuals in the school and that we keep all data, including images, secure.

2.1 Obtaining permission to publish

It is our policy for staff to check that consent has been obtained for all the students, staff, visitors and volunteers who will appear in an image before it is published. Staff must ensure that they check whether there are reasons that a particular individual cannot be photographed or identified, especially if the individual is a student. This is done by referencing consent data obtained in the following way:

- a) All new parents in relation to their child, new staff and school visitors and volunteers (if relevant) are requested to complete a consent form using a google form – **an example is shown in appendix 1 of this policy**. Students over the age of 18 can give their own consent or update their consent if required.
- b) The consent forms clearly state conditions of use of images and new parents, new staff, visitors and volunteers are provided with a range of options to decline use. If parents require help to complete the form, they can contact the School Office.
- c) A spreadsheet generated by the completion of the google consent forms is kept by the School Office. A report can be produced from SIMS on request for a list of those who have not given consent. If consent is not given, staff are aware to make every effort to comply sensitively and that it may be necessary to liaise with staff from other schools for inter-school events.
- d) **Note** In the situation of images taken at an event attended by large crowds, such as a sports event or concert, this may be regarded as a public area, so staff do not need to obtain consent of everyone in a crowd shot, with the exception of any image in which individuals are intended to be clearly identified.

2.2 Storage of data

It is a requirement of GDPR that we safeguard our images (both digital and hard copies) by storing them securely on school computers and only allow use by school staff.

It is our policy that when staff have finished with images, they are destroyed or deleted. Staff recognise that an image taken at a specific time and in specific circumstances with specific consent can not necessarily be used again at a later date or in a different context and know that doing so can result in legal action. News items on the school website are archived electronically for historical purposes.

2.3 Publishing images

When publishing images of students, staff, visitors and volunteers, we will not associate full names with images or publish individual close-up portraits, unless specific permission has been given. Faces will not be pixellated (blurred) – alternative images will be used.

We have a duty of care to ensure images are used in the right context and are appropriate.

If a range of student images is displayed, they will aim to be representative of the diversity of the school community by reflecting gender, ethnicity and disability.

3. Copyright

Copyright law applies to almost everything, and can be complex and ambiguous. Our policy is to adhere to guidelines from HCC:

- a) We recognise that it is our responsibility to check with the owner of the copyright of any work that we want to publish as copyright automatically belongs to the person who created the work and to give credit/acknowledge their details.
- b) If we want to use images which are commissioned, we recognise that it is our responsibility to obtain a written copyright agreement with the freelance worker or supplier concerned, which assigns the rights to our school.
- c) Staff understand that if an image is created by a School employee in the course of their work for Dame Alice Owen's School, copyright rests with the Governors of Dame Alice Owen's School.
- d) We recognise that if images are provided by an outside source, we need written permission to publish and to credit the artist with the work. We acknowledge that images are protected for the lifetime of the creator and for 70 years after their death.
- e) We will not download images from the internet for use on our school website without the copyright owners consent as this may breach copyright laws, could be considered a criminal offence and may lead to heavy fines. We are aware that picture agencies and photographers are increasingly using software to track their images.
- f) We understand that if we publish outsourced digital images on our website, we must

obtain global broadcasting rights from the owner of the copyright.

4. Releasing images to the Media

It is our policy to only release images to the media if all relevant permissions have been obtained and the owner of the copyright agrees to the image being published.

As newspapers do not publish anonymous photos, specific consent will be obtained from parents of students in images where full names will be associated with the photo and made aware that when the press has captured an image, they - and not the school - become the data controller of it. Any objections/ representations about the image will therefore need to be made to the media organisation rather than the school; we do not have jurisdiction over the media.

We recognise that there is an understandable anxiety surrounding the use of images of children in newspapers. We also recognise that local newspapers play an important part in reporting the achievements and challenges facing local schools and their pupils, and therefore a co-operative arrangement is beneficial and we manage our relationship with the local press and parents accordingly.

If stakeholders have concerns regarding the use of photographs by the press they can contact the new Independent Press Standards Organisation, set up in September 2014 – see their website at: <https://www.ipso.co.uk/IPSO/>

5. External photographers

When hiring external photographer/film-makers, it is our policy to obtain a written contract that sets out mutually agreed terms and conditions where the photographer:

- Agrees to take appropriate measures to prevent unauthorised or unlawful processing of personal data
- Complies with the requirements set out in GDPR and uses a secure storage area if storing photographs electronically
- Abides by the school's safeguarding procedures when on the school premises.

If we have a photographer who will be visiting the school on a regular basis then appropriate checks will be made by the staff co-ordinator that the relevant DBS (Disclosure Barring Service) documentation is sought. If for any reason we use a photographer on a one-off basis, then they will be supervised at all times.

If a third party is nominated by us to take images, then they are "acting on our behalf" and therefore considered to be a data controller under the terms of GDPR

6. Webcams

Our school does use webcams for security reasons (CCTV) and has them installed around the school in selected areas. Video footage captured in this way is for school use only. The footage can only be viewed by designated School staff and the company we employ. CCTV is not available to be viewed by parents or carers. Teachers may use a webcam or video conferencing in lessons to aid teaching - permission for this is included on the consent forms collected by Google Forms. Teachers are aware of those students who have opted out of using images taken in this way.

7. Digital Devices

Sometimes teachers may encourage students to incorporate video footage or images taken on digital devices (such as mobile phones or tablets) to feedback homework or make demonstrations in class. Students should download such images onto the school network and should delete from their personal device and any cloud-based storage.

This use of technology is directed by the teacher and students follow the teacher's instructions. Mobile phones are permitted in school and are turned off in lessons unless otherwise instructed. Staff are not permitted to use personal digital equipment, such as mobile phones and cameras to record images of pupils, this includes when on field trips.

However, with the express permission of the Headteacher, images can be taken provided they are transferred as soon as possible and solely to the school's network and deleted from the staff device. In such cases, staff are permitted to take photographs of students for whom we have appropriate parental consent, using their own personal devices. These photos must be downloaded to an appropriate folder on the shared area and deleted from the personal device as soon as reasonably possible.

8. School Website

The School Office is responsible for monitoring the safe use of images and copy on the school website and will only publish photographs for which staff can confirm permission has been sought. Stakeholders may submit images or articles for publication which are reviewed carefully before publication and do not use students full names unless permission is given.

It is also our policy to not save images to the website using student's full names and every one is resized appropriately for use on the website, with regard to the fact that high resolution images can be manipulated in a way to change their meaning or context.