
DIGITAL IMAGES POLICY

Introduction

Photography of pupils in schools is subject to the Data Protection Act 1998 regarding the rights of individuals to have information of a personal nature treated in an appropriate manner and the Human Rights Act 1998, protecting the privacy of individuals and families. As well as these statutory rights, restrictions on photography arise from issues of child protection and copyright in performances (paragraph 4.4).

In this policy, '*photography*' includes photographic prints and transparencies, video, film and digital imaging and '*in school*' is whenever and wherever pupils and young people are the responsibility of the School Governors/Children's Services. '*Parent*' means anyone with parental rights and responsibilities in relation to a pupil.

This policy is intended to:

- facilitate photography for the business purposes of the council;
- respect the rights of the individual;
- safeguard child protection;
- allow personal family photography where possible.

School handbooks can make it clear that the school recognises the issues of child protection and personal privacy and that a policy aimed at safeguarding pupils exists.

Sensitivity is as important in dealing with photography as it is in processing other personal data. Court cases have occurred because photographs have been used inappropriately. For example, parents objected to a picture of their child with special needs, taken without their knowledge or permission and used to illustrate an 'aids strategy' document. Objections have arisen as a result of photographs being used many years later when the subject's circumstances had significantly changed.

Our prospectus outlines the use of mobile camera phones, during school time as not being acceptable. This is in view of the risks inherent in such use, possibly but not necessarily covert, which include the existence and/or distribution of photographs contrary to the wishes, welfare and privacy of pupils, young people and staff.

Photography by School Staff

The business of the council can involve schools staff in the photography of pupils and young people for the following main purposes:

- a) Pupil administration
- b) Curriculum and course work
- c) Corporate and community

Copyright and use of these photographs is carefully controlled by the authority, i.e. retained safely by the school or issued to the pupil concerned or safeguarded by an officer of the council.

Photographs held in school must be annotated with the date on which they were taken and stored securely. They should not normally be used other than for their original purpose, unless permission of subject obtained.

Photographs must be destroyed or deleted from databases once they are no longer required for the purpose for which they were taken. For example, a photograph for identification purposes may endure for several years but should not be retained when replaced or expired. Photographs taken for publicity and promotional purposes should be retained for a maximum of two years. Photographs contributing to the history of the school, its pupils, activities or the community can be retained indefinitely.

Photographs by other Authorised Agencies

The involvement of other agencies may only be authorised by the Headteacher, by Children's Services or by Corporate Communications Manager/Press Office. The other agencies are:

- Children's Services (0191 553 1355)

- Commercial photographers commissioned by the council or Headteacher
Copyright rests with the photographer
- The press and other media. Copyright rests with the photographer.
- Officers of the council, including Children's Services. The authority controls copyright.

The purpose of the pictures must be explained to the parents or the students themselves (if over school leaving age) and written permission sought on each and every occasion. Pupils or students must not be photographed for these purposes under any circumstances unless written permission has been obtained.

Parents should be made aware that, when class or group photographs are taken by a commercial agency, the photographer retains copyright. Parents must be given contact details of the agency used.

Parental Photography

Photography in schools traditionally forms an enduring part of each family's record of their child's progress and a celebration of success and achievement as well as being an established social practice.

Where practical, arrangements should allow photographs to be taken by parents and other guests attending school sports, concerts and similar events. Photography must not, though, be allowed to upset the performance or smooth running of the event or affect the health and safety of pupils and others.

A digital images form is be issued to parents at first enrolment and renewed annually registered their permission/non-permission for parental photography.

Parental photography must not include any child whose parent has refused consent for any reason. This may mean offering photography opportunities before or after the event or those who wish to be involved. Parental photography is secondary to the main aims and purposes of performances and must not be allowed to interfere with the opportunities for pupil participation.

Commercial copyright in a dramatic performance or musical will normally exclude any audio or video recording by the public (i.e. other than the Authority or the school for internal purposes) and in that event parents and their guests must be informed that the infringement of copyright is strictly forbidden.

APPENDIX 1

Photography Policy Statement

Sunderland schools have a photography policy, which is in accordance with data protection and human rights legislation.

Photographs taken for curricular, assessment, security, registration, training and development or travel reasons will not be used for any other purpose.

Publicity photography is helpful in publicising the success of the school and in promoting educational initiatives. From time to time members of the press and media are invited into schools to cover events celebrating success. However, the views of parents who, for any reason, do not wish their children to appear in such photographs will be respected at all times, as will the views of the senior students, themselves, in secondary schools.

School Trips

Photography by staff on school trips and visits may be used in the curriculum and displayed within the school or at parents' evenings to illustrate the work of the school. Parents may be allowed to purchase a copy of a photograph of their individual child, or as part of a group, if the parents of the other children in the group are in agreement.

Concerts/Plays/Prize-giving/Sports Days

If photography is permitted, parents and guests should take care to avoid distracting pupils and the audience. They should observe any constraints imposed by school staff. Video or sound recording of a copyright musical or theatrical performance is normally forbidden and photography may also be restricted for reasons of child protection or out of respect for the rights and privacy of individuals. If so, photography opportunities will, instead, be arranged before or after a performance or an event, if possible.

If parents are unsure whether or not permission has been given by staff to record a particular performance or event, parents should ask the Headteacher.

School Photographer

Class and individual or group photographs are annual school events. Parents are asked in advance whether or not they wish their children to be included in these events. Reputable commercial photographers are involved and the law allows them to retain the copyright in the photographs.

APPENDIX 2



Parent consent form for use of pupil images

At Shiney Row Primary School we take the issue of child safety very seriously, and this includes the use of images of pupils in school publications and on the school website. Use of pupil images can be motivating for the pupils involved and provide a good opportunity to promote the work of the school.

Schools have a duty of care towards pupils, which means that pupils must remain unidentifiable, reducing the risk of inappropriate contact, if images are used in this way. No individual child will be contacted by visitors to the school website or by appearance in any school publication.

We ask that parents consent to the school taking and using photographs and images of their children. Any use of pupil images at Shiney Row Primary School is underpinned by our internet safety and website policies. We will never include the full name of the pupil alongside an image.

Please complete, sign and return this form to school.

I consent to photographs and digital images of the child named below, appearing in Shiney Row Primary School's printed publications or on the school website. I understand that the images will be used only for educational purposes and that the identity of my child will be protected. I also acknowledge that the images may also be used in and distributed by other media, such as CD-ROM, as part of the promotional activities of the school.

Name of child:..... Class:

Name of parent or guardian:

Address:

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.....

Signature: Date:

Queries regarding this form should be directed to Mr Ashton, Headteacher.