



ANGLIAN LEARNING

PHOTOGRAPH AND MEDIA POLICY

THIS POLICY WAS APPROVED:	SUMMER 2020
POLICY VERSION:	2.0
THIS POLICY WILL BE REVIEWED:	SUMMER 2021
MEMBER OF STAFF WITH RESPONSIBILITY FOR REVIEW:	DIRECTOR OF HR
THIS POLICY WAS CONSULTED WITH:	DIRECTOR OF ICT
THIS POLICY WAS DISTRIBUTED TO:	

1.0 Introduction

Anglian Learning is obliged to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act when it takes or publishes photographs of its pupils. The Trust will always try to act in the best interest of the pupils and, as far as it legally can, it will take parental preferences into account.

The Trust will not normally seek consent for any internal use of photographs or media as the processing of such personal data is in accordance with the statutory functions of the school in providing an education to the pupil and is therefore lawful on the grounds of public interest. However the Trust will take into account any parental preferences expressed. The pupil may also exercise their data protection rights in respect of photographs and other media as set out in the privacy notice for Pupils and our Data Protection Policy. We will respond appropriately to any pupil or parental request to exercise these rights.

The Data Protection Act gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 12. For this reason, for most pupils in a secondary school, it will normally be up to the individual child to decide whether or not to be photographed. Where the Trust considers that the child does not have the capacity to make such a decision the Trust will act as it considers to be in the best interests of the child and in doing so will take account of any stated parental preference.

If you wish to express a preference for the Trust to avoid taking or publishing photographs of your child in certain circumstances then please indicate your preferences using the attached form. If no preferences are expressed then we will act in accordance with the principles expressed in this policy.

Ordinarily the following rules will apply to photographs in this Trust:

2.0 Photographs for Internal Use

- The Trust will take photographs for its own use. These will be used for:
 - Safeguarding and identification purposes
 - Identification of pupils with severe medical needs
 - The operation of the school and promotion of learning
- The legal basis for holding such information will be public interest or vital interest.
- Any photographs displayed in areas where visitors may have access to will not identify the pupil by name.

3.0 Photographs for External Use

- The Trust will take photographs for publication, such as photos for the prospectus, or to show as slides at an event for parents or for use on a website (please refer to the Website Policy).
- Written consent of at least one parent/carer will usually be obtained before the photograph is used externally.
- Should one parent/carer provide written consent and another parent/carer object for a pupil under the age of 12 then the photograph will not be used externally.

- When these photographs are taken, pupils over the age of 12 will be informed that a photograph is being taken for use externally and told what it may be used for, so that they can either opt in to the photograph or object to the photograph being taken. If they object the photograph will not be taken.
- Should a pupil over the age of 12 consent to a photograph being used externally against the parental preferences, then the school will make a decision based on the best interests of the child, after careful consideration of the circumstances and having taken advice.
- Consent can be withdrawn at any time by the parent/carer or by the pupil and if so, the photograph will not be used in any future publications. However, any publications already printed the consent will still be valid for.
- If the Trust wants to use named photographs for internal use then it will obtain specific consent first. For most pupils this will be pupil consent as explained above.

3.0 Media Use

- The Trust will give proper consideration to the interests of its pupils when deciding whether to allow external organisations to take photographs or to film.
- When the media are allowed to be present in the schools or at Trust events, this will be on the condition that they observe this policy.
- Where the media are allowed to be present at a particular event the Trust will make sure that pupils and their parents or carers are informed of the media presence. If no objection is received, then the Trust will assume that unnamed photographs may be published.
- If the media entity wants to publish named photographs then they must obtain specific consent from those pupils with capacity to consent or the parents of those without capacity. The Trust will require the media entity to check with the Trust before publication so that the Trust can check that any objections have been taken into account.

4.0 Family Photographs at Trust Events

- It shall be at the discretion of the Trust /school whether photographs may be taken at a Trust/school event.
- Family and friends taking photographs for the family album will not be covered by Data Protection legislation.
- Where the Trust decides to allow such photography, the family and friends will be asked not to publish any photographs showing children other than their own on the internet.

5.0 Deletion and Retention

- The Trust may continue to hold a limited number of photographs or media for historical purposes. These images will be linked to historical events that have taken place at the school and the pupils within them will not be named. The legal basis for holding such information will be Public Task.
- Publications and the Trust's websites will be reviewed annually and any photographs which relate to pupils who have not been a pupil within the Trust within the last 5 years will be removed.

- Photographs that have been produced for internal use will be reviewed annually and any photograph which relates to a pupil who has not been a pupil within the Trust for over 1 year will be deleted.

6.0 Complaints procedure

- Complaints concerning an academy's use of photographs and media or the disclosure of photographic images should be made in writing to the relevant academy's headteacher; for images that appear on the Trust's website or publications complaints should be made in writing to the CEO.

7.0 Monitoring Compliance

- All staff involved in taking and using photographs and media will be made aware of this policy and will only be authorised to use the images in a way that is consistent with the purposes and procedures contained therein.
- All staff with responsibility for accessing, recording, disclosing or otherwise processing photographic images will be required to undertake data protection training.

8.0 Policy review

- The Trust's usage of photographic and media images and the content of this policy shall be reviewed annually with reference to the relevant legislation or guidance in effect at the time. Further reviews will take place as required.

9.0 Expression of Parental Preferences

In order to achieve this relevance and contemporary feel we use the photographs / recordings of school activities and achievements that we regularly take. These media are also used within the school for display as well as in school and Trust regular newsletters and for distribution to newspapers etc. at our discretion.

In using images / video on the website we follow a clear set of guidelines as laid out below:

- Website images that include pupils will be selected carefully for suitable content.
- The Trust, at its discretion, may agree to 'blur' an individual face in a website photograph of a school or group activity.
- Pupils' surnames will not be published alongside website photographs.

These guidelines have been in place now for a number of years and have ensured that we have never had any problems in this area.

We require parental consent to use pupil images external to the school and Trust sites and therefore if you are willing to allow the Trust to use images of your son/daughter in publications in this controlled way. Should you wish to withdraw consent at any time then you may do this by contacting the school. We will then remove the image from any future publications, although the consent will still be valid for any publications already printed.

I give permission for my child's photograph to be used on the school or Trust websites

I give permission for my child's photograph to be in school and Trust literature and publications

I give permission for my child's photograph to be in the media

Parent/carer

Signature _____ **Date** _____

Print Name _____

I understand that my consent may be overridden by my child as the Data Protection Act gives my child rights in his / her own data when he / she has adequate capacity and understanding to make decisions about the publication of his / her photographs for him / herself