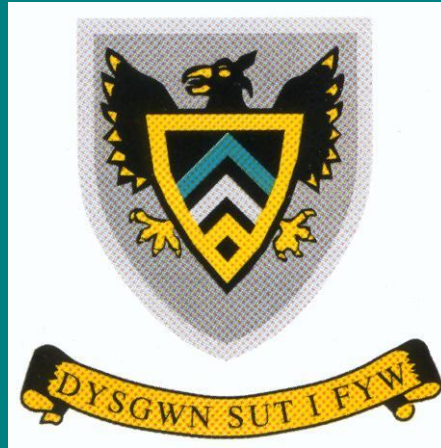


# BRYNTIRION SAFE USE OF IMAGES POLICY



# BRYNTIRION COMPREHENSIVE SCHOOL

## INTRODUCTION

Increasingly, technology is making it easier to use pictures and images in printed materials or on the web and other broadcasting or publishing media such as pod casts and mobile phones. It is self-evident that we as a school must take best advantage of these developments to enhance both learning and the capacity of the school to serve its community.

This document is being issued to ensure that the safety of children is not compromised, and that neither the school nor Bridgend County Council leaves itself open to litigation regarding the misuse of images.

In the past, many schools have kept collections of images and when the need arose (e.g. for a newsletter), we searched through them and found one that looked the best. Some of these images were old or no history of the image was traceable. Now, if schools wish to produce a leaflet, report, exhibition, display or poster and want to include an original image of people (i.e. one that is not obviously from a picture library), it is necessary to obtain permission from those individuals in the picture. The one exception to this is an image taken of people in a public place. But even here, there are issues to bear in mind. For example a photo of a person on a bench in a park alongside information about mental illness.

### 1998 Data Protection Act

Most people think of this Act as being associated with computer databases only. However over time, more of the Act's provisions have been introduced, and now also covers the use of images.

The Data Protection Act 1998 lists the following eight principles which require that data is:

1. Processed fairly and lawfully
2. Obtained only for one or more specified purposes, and not processed incompatibly with them
3. Adequate, relevant and not excessive in relation to the purpose(s)
4. Accurate and kept up to date
5. Not kept for longer than necessary for the purpose(s)
6. Processed in accordance with the rights of the data subjects
7. Kept secure
8. Not transferred to a country outside the European Economic Area which does not have adequate data protection rules.

There are several key terms used in the Data Protection Act. These are outlined below together with definitions of how these apply when taking images within schools.

**Personal Data** Photos or images of pupils are classed as personal data.

**Data Subject** This is the child (or adult, eg. a member of school staff) who is the subject of the personal data.

**Data Controller** This is the person or body who determines why and how personal data is to be "processed".

There can be joint Data Controllers where two Data Controllers act together in determining the purposes and manner of processing or Data Controllers “in common” where a pool of personal data is shared and each controller acts independently of each other.

The School, the LEA, and the Photographer are all Data Controllers.

### School Policy

The purpose of this policy is protect the pupils of Bryntirion Comprehensive School from the inappropriate use of camera/video equipment and to ensure that their safety is not compromised.

The following good practice exists at Bryntirion Comprehensive School to ensure compliance with government legislation.

- A plan must exist for the filming of school performances so that any parent who has an objection to their children being included in any photographs may withdraw them from the performance. Consent from any parents will be obtained for any production to be officially filmed by the school
- Thought must be given to whether there will be any issues arising if a specific child is identifiable
- A record is kept of any changes in a child’s domestic circumstances which may make a previously signed consent form invalid.
- The school is aware that if consent is not given but a child is photographed/filmed and the image of the child is used without permission, the parent could refer the matter to the Information Commissioner and Data Controller(s) could be prosecuted and fined.
- Signs are displayed at the school premises telling people that they are entering an area where they are likely to be filmed due to the installation of C.C.T.V.
- Images will not be used for any subject area that may cause offence, embarrassment or upset
- If an external photographer the approval of the Governing Body will be gained, and that any external photographer has had a CRB check and an agreement has been made with the photographer about what will happen to the master copies of any pictures/films that are produced
- BCBC recommends the following general guidelines should be followed once images have been taken:
  - A name is not published alongside a picture
  - The full names and addresses of pupils should not be published
  - E-mail addresses of pupils should not be published
  - When publishing pupils’ work it should be simply labelled as “by John in Year 3”
  - Staff should be given the opportunity to request that their contact information is not included in any material published

- If the Press attend an event parents/carers should be informed to give them the opportunity to let the school know if they do not want images of their child appearing in the press/media
- The press is exempt from the Data Protection Act. When a press image has been captured the data controller for that image is the media organisation concerned and not the school. Any objections/representations about that image should be made to that organisation rather than the school.
- Mobile phones with integrated cameras will not be used be used in school and the school reserves the right to confiscate the camera. The use of such equipment has potential dangers in a school environment particularly from changing rooms and swimming pools where they pose a serious risk. Pictures taken in the school environment will not be tolerated and the school reserves the right to take legal advice if this occurs.

### **Videotaping of school plays, sporting and other events by parents and carers**

According to the Data Protection Act, parents are not required to comply with this legislation when taking photographs of their children, for their own private use, at an organised event. As long as the parents have been invited to the event and the subsequent pictures are intended for family or private use, there is, therefore, no breach of the Act.

The parents are there at the invitation of the school and it is up to the headteacher to decide whether or not to allow videos or photographs to be taken by parents during the event. However if the headteacher is aware of any children who may be at risk and who are participating in the event, a restriction may apply.

When an event is being hosted by the school parents are permitted to take photographs or videos, but any images taken must be for private use only

## **Advice from the Information Commissioner**

### **Policy outline - taking photographs in schools**

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

### **Recommended Good Practice**

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Act.

### **Examples - Personal use:**

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

### **Examples - Official school use:**

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This is unlikely to be personal data and the Act wouldn't apply.

### **Examples - Media use:**

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act

### **Further Information**

Further information about Data Protection can be obtained from:

Web: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

Telephone: 01625 545700

Source: Information Commissioner – Data Protection Good Practice Guidelines

## **APPENDICES**

### **Appendix 1: Consent form for use by Bryntirion Comprehensive School**

This form is intended to be used this school when pupils first start attending Bryntirion.  
It can then be kept on file for the duration of the child's attendance at the school

### **Appendix 2: Consent form for use when taking an image of anyone aged 18 years plus.**

This form is intended to be used by Bryntirion Comprehensive School if we need to take a picture of an adult

(e.g. a member of staff or a visitor).



## BRYNTIRION COMPREHENSIVE SCHOOL

Merlin Crescent  
Cefn Glas  
Bridgend  
CF31 4QR



Dear Parent,

Occasionally, we may take photographs of the children at our school. We may use these images in our school prospectus or in other printed publications that we produce, as well as on our website. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use. From time to time, our school may be visited by the media who will take photographs or film footage of a visiting dignitary or other high profile event. Pupils will often appear in these images, which may appear in local or national newspapers, or on televised news programmes.

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child.

Please answer questions 1 to 4 below, then sign and date the form where shown.

**Please return the completed form to the school as soon as possible.**

*Please note that websites can be viewed throughout the world and not just in the United Kingdom where UK law applies.*

*Please also note that the conditions for use of these photographs are on reverse of this form: "Conditions of Use".*



*Please remove this section and return it to School*

	<i>Please circle your answer</i>
1. May we use your child's photograph in the school prospectus and other printed publications that we produce for promotional purposes?	<b>Yes / No</b>
2. May we use your child's image on our website?	<b>Yes / No</b>
3. May we record your child's image on video or webcam?	<b>Yes / No</b>
4. Are you happy for your child to appear in the media? - e.g. if a newspaper photographer or television film crew attend an event.	<b>Yes / No</b>

I have read and understood the conditions of use on the back of this form.

**Name of the child's parent or carer:** \_\_\_\_\_

**Name of child:** \_\_\_\_\_ **Form:** \_\_\_\_\_

**School:** **BRYNTIRION COMPREHENSIVE SCHOOL**

**Parent's or carer's signature:** \_\_\_\_\_ **Date** \_\_\_\_\_



## BRYNTIRION COMPREHENSIVE SCHOOL

### Conditions of use

- This form is valid for the period of time your child attends this school. The consent will automatically expire after this time. Please contact the school at any time if you wish to withdraw your consent.
- We will not re-use any photographs or recordings after your child leaves this school.
- We will not use the personal details or full names (which means first name **and** surname) of any child or adult in a photographic image on video, on our website, in our school prospectus or in any of our other printed publications.
- We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website, in our school prospectus or in other printed publications.
- If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption.
- If we name a pupil in the text, we will not use a photograph of that child to accompany the article.
- We may include pictures of pupils and teachers that have been drawn by the pupils.
- We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”.
- We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.





## BRYNTIRION COMPREHENSIVE SCHOOL

Merlin Crescent  
Cefn Glas  
Bridgend  
CF31 4QR



We take the issue of data protection very seriously and we would never knowingly use an image of you without your prior consent. We would therefore ask you to look at the accompanying image with this document and then read through the information below.

I understand that this image will only be used for the following purposes:

- Electronic and printed information, displays and exhibitions relating to the activity shown in the picture
- Any similar campaign or related area
- I understand that this image will **NOT** be used for:
  - Anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress, e.g. drug/alcohol abuse.
- I understand that this image will only be used for a period of up to 2 years after the date that the image was taken. After that time, it will be destroyed.
- Please fill in the details below, remove and return the slip to us.
- Ensure that you sign both this form and the space on the accompanying photograph sheet.
- Please print all details in the space below, except where otherwise stated.

*Please remove this section and return it to School*

**Your Name (Block Capitals):** \_\_\_\_\_

Please put a tick in appropriate box

- YES**, I give my consent for the picture to be used having read the statement above.
- NO**, I do not give my consent for the picture to be used.

**Signature:** \_\_\_\_\_

Date (Day/Month/Year): \_\_\_\_\_