

## DIGITAL IMAGE POLICY

### TAKING, DISPLAYING AND PUBLISHING IMAGES OF PUPILS (FILMS, PHOTOGRAPHS AND VIDEOS) ON SCHOOL PREMISES OR ON SCHOOL ACTIVITIES

#### 1. CONTEXT

Schools take images of pupils for various reasons e.g. the prospectus; ceremonies (recognition of achievement, Prize giving, Sports Day etc.); functions (discos, charity events etc.); curricular activities (Communication Passports, performance in sport/dance, field trips etc.); extra-curricular activities (school sports fixtures, school excursions, class outings etc.).

Such images are used to publicise the many activities in which pupils participate and to create a record of an event to show to participants, other pupils and parents/carers. To do this, photographs are displayed throughout the school; videos and photographs are shown to parents/carers, staff and others; media coverage is arranged; prospectuses are published and distributed.

Digital technology has vastly increased the use, and potential opportunities for misuse, of photography. Publicity concerning such matters has prompted the publication of a Council policy on taking and using images of people and a series of guidelines for services and service users.

Dumfries and Galloway Council is committed to the protection of children and young people. However, the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing reasonable precautions are taken, the practice of photography, for school events by families and the media, should be allowed. Furthermore, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.

Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride which usually enhance self-esteem for children and young people and their families; the practice should continue, within safe practice guidelines.

#### 2. CONSENT

An image of a person is personal data under the terms of the Data Protection Act 1998 and it is a requirement of the Act that consent from the parent of a child or young person under the age of 18 years (the views of the child are also important – see below) is obtained to process<sup>1</sup> any photograph or video recording.

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<sup>1</sup> The Data protection Act 1998 defines processing as obtaining, recording or holding information or data or carrying out any operation or set of operations on the data including:

- a) Organisation, adaptation or alteration of the information/data
- b) Retrieval, consultation or use of the information/data
- c) Disclosure of the information/data
- d) Alignment, combination, blocking, erasure or destruction of information/data

In accordance with the Council's Child Protection Policy and Procedures, the Council will not permit, wherever possible, photographs, film, video or other images of children and young people to be taken or used without the prior consent of the parent/carer and, when appropriate, the child/young person.

The consent of the pupil/young person must also be obtained if the pupil is in attendance at secondary school (i.e. a pupil able to form a view on the matter of consent, usually about 12 years of age).

The consent of the parent/carer is sufficient during the child's time in primary school. **But on attaining secondary school age, the consent of both parent/carer and young person is required.**

In those cases where the wishes of the child/young person clash with those of the parent/carer, it is the child's/young person's wishes which prevail. **In an effort to avoid such conflict, parents/carers and children/young persons are asked to reach a consensus over whether consent is given and signed for, by both parties, on the form issued along with these guidelines.**

Where a pupil has additional support needs and it is anticipated that, on entering secondary school, the pupil lacks the capacity by reason of mental illness, development disorder or learning disability to form a view on the matter of consent, this will be dealt with at the transitional review.

The form issued along with these guidelines asks for your consent and, when appropriate, that of the child/young person to take and use images of the child/young person. A summary of the conditions of use of these images, should consent be given, is included below.

**Parents/carers should reach a consensus about whether consent is given and, under normal circumstances, consent given by one parent/carer will be assumed to embrace the consent of both parents/carers. Where parents/carers disagree over consent and convey this disagreement to the school, it will be treated as consent not having been given. (But see above concerning disagreement between the parent/carer and a child/young person at secondary school).**

Where a parent/carer has given consent but a pupil declines to have an image taken or withdraws his/her personal consent, it will be treated as consent not having been given and other arrangements will be made to ensure that the pupil is not photographed/filmed.

We register whether consent has been given on enrolment to school and at each new school the pupil attends. The parent/carer, as well as the child/young person, retains the right to withdraw consent at any stage. The parent/guardian needs to do so in writing, whereas the child/young person has simply to decline to have the image taken (that is, withdraws consent).

### 3. SUMMARY OF THE CONTENT OF THE CONSENT FORM FOR TAKING AND USING IMAGES OF THE PUPIL

If you give consent for a digital image of your child to be taken and used by the school, this means;

- a) The **School** may use and transfer, without alteration, your child's photograph in the school prospectus; in other printed publications which it produces for promotional purposes; and on project display boards, without identification.
- b) The **School** may use and transfer, without alteration, your child's image on or to its website, without identification.

**However specific conditions on the use of images of children are as follows;**

- No school will publish a photograph or image of a pupil any more than **three** years after the date on which it was taken.
- If the school wishes to publish a photograph or image of a pupil more than three years after the date on which it was taken (e.g. for the school archive) explicit<sup>2</sup> permission will be sought.
- The **personal details** or full names of any child will not be used in any digital image<sup>3</sup> without explicit consent to do so.  
This includes: individuals; class activities; extra-curricular activities; competition or prize winners etc.
- Group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations" may be used

### 4. VERBAL CONSENT FORM

Events attended by large crowds, such as a sports event or musical concert, are regarded as taking place in a public area. If images are to be taken, it is not necessary to get the permission of everyone in a crowd shot. People in the foreground who may be identifiable are also considered to be in a public area. However, wherever practical, the photographer should address those within earshot, stating where the photograph will be published and giving them the opportunity to move away.

However, there are exceptions to this rule. An example of such an exception would be an image of the winner of a race at a sports event, with the crowd in the background. In this instance, the race winner's verbal consent must be gained and this fact recorded either when the photograph is taken or shortly thereafter. Before publication, it would also be necessary to ascertain that parental consent has been given for such use.

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<sup>2</sup> Explicit consent means that an individual is clearly presented with an option to agree or disagree with the collection, use, or disclosure of personal information. Explicit consent can be provided verbally or in writing.

<sup>3</sup> Digital image includes photographs, video, on the website, in the school prospectus or other printed publications.

## 5. ADVICE AND INFORMATION

### Parental right to take photographs and videos

Parents or carers are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use.

The Act does not, therefore, stop parents or carers, other family members and friends from taking photographs or making video recordings at school events, such as nativity plays.

Parents or carers, other family members and friends are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a school event, or uploading to Social Media). Recording and/or photographing other than for private use would require the consent of the other parents/carers whose children may be captured on film. **Without this consent the Data Protection Act 1998 would be breached.**

**It would be good practice for schools at public events to make a statement reminding parents about responsible personal use of images they take.**

[e.g. "Parents and Carers are welcome to take photographs and videos for your own personal use, however, in line with the Data Protection Act, we would remind you that this is for **personal use** and does not include uploading these to Social Media or selling copies of video.]

### School Equipment

Use of school equipment is encouraged, but on the occasions that staff use their own technology, images should be transferred to the school network and deleted from the individual's device as soon as possible.

### Storage of images

The Council and its schools have a duty of care to safeguard images so that they cannot be used inappropriately, or outwith the agreed terms under which consent has been obtained. Digital images should be kept in a secure area on the school network. Photographs must be maintained securely for authorised school use only and disposed of by shredding/deleting.

To ensure network capacity is maintained, schools must manage the number of digital images held, (i.e. keep a selection from a trip rather than all)

### Transfer of images

There is a risk, however small, that images may be lost while in the process of being transferred by either traditional or electronic methods. Therefore, there is the risk that an individual who would use them inappropriately may obtain the images. Schools should make every effort to ensure that any transfer of images deemed necessary is carried out as safely as possible and must be by use of an Encrypted pen drive.

## **Use of images**

Images will only be used in those situations for which the parent or carer have given consent. Image should normally only be held whilst the child is a pupil in your school.

Images will not be altered or manipulated (e.g. adding additional people or changing the context or background), without explicit written consent, prior to publication but, they may be cropped to fit a specific area of a design.

## **Use of images of children by the media**

There may be occasions when the media take photographs or film pupils in a school.

As well as highlighting the potential risks of photography in general terms, the consent form enables parents/carers to decide whether to agree to their children being featured in the media and whether the child's full name should accompany the image.

## **Using digital video**

Digital video as a medium can be used to enhance learning and can motivate and inspire pupils. Whilst the risks of digital video in education are minimal, as with other images, schools have a duty of care to ensure that pupils remain unidentifiable if examples of digital video work are shown on a school website, thus reducing the risk of inappropriate contact from outside the school.

### **Video Projects**

There is a legal requirement to obtain the consent of an individual who will be appearing on a video project for educational purposes. This is covered by the Parental consent Permission obtained on enrolment.

When making and editing digital video, there are a number of considerations for protecting the identity of pupils:

- Avoid referring to children by name when filming, or use a sound effect to 'bleep' it out of the web version.
- Where possible, focus on the actions of the children rather than on individuals, for example, a video about the class project taken at the seaside could focus on the seashells collected or the different seaweeds found, rather than on the children in the class.
- Use character names rather than real names if possible.
- In credits, consider using only the teacher's name as a contact. Alternatively, refer to the video as a class project, for example 'This video was produced by Class P4'.
- If you wish to use pupils' names in credits, use only their first names, and do not attribute individuals to specific roles. Alternatively, consider using two versions of the film with different credits – one with full credits for internal school use, and one without credits for external activities such as publishing on the school website or showing at parents/carers' evenings.

## **Web cams**

There is a legal requirement to obtain the consent of an individual who will be appearing on a web cam for video conferencing or for educational purposes. This is covered by the Parental Consent Permission obtained on enrolment.

## **Web sites/Blogs/Portfolios**

Increasingly schools are embracing current technology and communicating with their parent body using a School Website, Blog, or Portfolio.

This is an area that gives particular concern to parents/carers because of the potential misuse of the images of the children. With digital photography there is the remote possibility that images of children could be produced, manipulated, and circulated without the parents'/carers' or children's knowledge.

Schools should consider the risk to individual pupils, especially those who may be vulnerable to particular risks before using images (e.g. families with protected addresses).

Including images of pupils on a school website, Blog or Portfolio can be motivating for the pupils involved and provide a good opportunity to promote the work of the school. Schools are reminded that images of learning are encouraged, but that individual pupils should not be identified by name.

## **School Photographer**

The official school photographer photographs constitute a separate contract between the photographer and parent and **do not form part of this policy**.

However, the following points for consideration are by way of providing some guidance for schools and or Parent Councils.

Parent Councils could be asked to ensure that the necessary checks are in place on behalf of the parent body and should communicate the details with them. Items they may wish to check might include:

- Name and a brief professional description of the photographer
- Insurance – has the individual for insurance for their equipment? Do they have Public liability insurance?
- Arrangements for contacting parents for permission to take photos and details of what the parents request to be taken
- Arrangements for the 'Photograph Day' – who will be in attendance? Who will 'manage' the process from the school staff? (ie ties on, collars out, hair brushed etc)
- Arrangements for distribution of prints
- Arrangements for collection of monies

NB: This list is not exhaustive – further checks may be required