



THE ST. BART'S ACADEMY

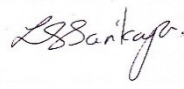
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Photography and Images Policy

January 2024

The St. Bart's Multi-Academy Trust

Photography and Images Policy

Produced Date:	January 2024	
Approved by Trust Board:		Lisa Sarikaya Chief Executive Officer
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Date	Section Amended	Signature
18 January 2023	TSB Policy Adopted – v7	S. Jones
29 January 2024	TSB Policy Adopted – v9 This policy has been reviewed and updated to ensure it is complaint with the latest guidance from KCSIE 2023.	S. Jones



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Statement of intent

At St. Bart's Multi-Academy Trust, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the Trust and Academy websites. We understand that parents may also wish to take videos or photos of their children participating in Academy events for personal use.

Whilst we recognise the benefits of photography and videos to our Trust community, we also understand that these can have significant risks for those involved. Under the legal obligations of the UK GDPR and the Data Protection Act (DPA) 2018, each Academy has specific responsibilities in terms of how photos and videos are taken, stored and retained.

In order to ensure that, as far as possible, the use of photography and video is safe at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR) The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- DfE (2023) 'Keeping children safe in education 2023'

2. Roles and responsibilities

The **Principal** is responsible for:

- Submitting consent forms to parents, upon admission to the Academy with regard to photos and videos being taken whilst at the Academy.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the UK GDPR and the DPA 2018.
- Deciding whether parents are permitted to take photos and videos during Academy events.
- Communicating this policy to all the relevant staff members and the wider Academy community, such as parents.

The **Designated Safeguarding Lead (DSL)** is responsible for:

- Liaising with social workers to gain consent for the use of photos and videos of pupils who are Looked After (LAC)
- Liaising with the Principal and / or Data Protection Officer (DPO) to ensure there are no data protection breaches.
- Informing the Principal of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

Parents are responsible for:

- Completing a photography consent form on their child's admission to the Academy.
- Informing the Academy in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

3. Definitions

"Camera" is used to refer to mobile phones, tablets, webcams, portable gaming devices, and any other equipment or devices which may be used to be take photos or videos.

"Personal use" of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at an Academy event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of the UK GDPR and the DPA 2018 do not apply to images and videos taken for personal use.

"Official Academy use" is defined as photography and videos which are used for Academy purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for official academy use.

“**Media use**” is defined as photography and videos which are intended for a wide audience, e.g. photos of children taken for a local newspaper. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

Staff may also take photos and videos of pupils for “**educational purposes**”. These are not intended for official academy use, but may be used for a variety of reasons, such as displays, special events, assessment and workbooks. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

4. Consent

All photos and video content are classified as personal data under the UK GDPR and the DPA 2018; images or video content may be used for publicity or other purposes only once informed consent has been provided, and it has not been withdrawn.

Staff, pupils and parents are encouraged to read the **Data Protection Policy** for more information on the Academy’s approach to data protection.

Parents are responsible for providing consent on their child’s behalf.

Parents are required to be aware that their child may be photographed at the Academy and they have the right to withdraw consent for:

- Photos or videos taken by members of staff for Academy/Trust-based publicity and promotional purposes or for anonymous use on the Academy/Trust website.
- Photos or videos taken by parents and other family members of children at the Academy during concerts, performances, sports events and other similar events organised by the Academy.
- Photos or video taken by members of the press who are on the Academy premises by invitation in order to celebrate individual, group or Academy success.

The Academy understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual’s wishes. Where consent is given, a record will be kept documenting how and when consent was given and last updated.

The Academy ensures that consent mechanisms meet the standards of the UK GDPR and the DPA 2018. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

Parents will be asked to complete the photography consent form upon their child’s admission to the Academy which will determine whether or not they allow their child to participate in photos and videos.

The photography consent will be valid for the period the pupil remains registered at the Academy, unless the pupil’s circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil’s circumstances change.

If there is a disagreement over consent, or if a parent does not respond to a consent request, it will be treated as if consent has not been given and photos and videos will not be taken or published of the pupil without consent.

All parents are entitled to withdraw or change their consent at any time during the academic year. Parents who wish to withdraw their consent must notify the Academy in writing.

If any parent withdraws or changes their consent, or the Designated Safeguarding Lead (DSL) reports any changes to a pupil’s security risk, or there are any other changes to consent, the list will also be updated and re-circulated.

For any pupils who are LAC, PLAC, or adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of pupils who are LAC, PLAC, or adopted would risk their security in any way.

Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photos and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.

A list of all the names of pupils for whom consent was not given will be circulated to all staff members by the Academy administration team. This list will be updated annually or when new / amended consent forms are provided.

5. General procedures

Photos and videos of pupils will be carefully planned before any activity. The Principal will oversee the planning of any events where photos and videos will be taken.

Where photos and videos will involve pupils who are LAC, PLAC, or adopted, or pupils for whom there are security concerns, the Principal will liaise with the DSL to determine the steps involved.

The list of all pupils who have not consented to being photographed or recorded will be checked prior to the activity. If consent has not been provided for all pupils, the Academy will not be permitted to make a recording of the event or take photographs of those individuals. In certain circumstances, for example, photographs or recordings for external use, the pupil(s) will not be able to participate.

The staff members involved, alongside the Principal and DPO, will liaise with the DSL if any pupil who is LAC, PLAC, adopted, or for whom there are security concerns is involved.

An Academy-owned camera / device will be used to take photos and videos of pupils.

Staff will ensure that all pupils are suitably dressed before taking any photos or videos.

Where possible, staff will avoid identifying pupils by name or any other identifiable data. If names are required, only first names will be used.

The Academy will not use photos or videos of:

- Any pupil who is subject to a court order.
- Children who have left the Academy, without the consent of their parents.
- Staff members who have left the Academy, without their consent.

Photos and videos that may cause any distress or embarrassment will not be used.

Any concern relating to inappropriate or intrusive photography or publication of content will be reported to the DPO.

6. Use of digital cameras and other Academy owned devices

Staff members may be provided with a camera, mobile phone or tablet to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils. Photos and videos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.

The use of personal cameras, mobile phone cameras or other recording equipment is prohibited on Academy premises at all times.

Cameras / devices are not permitted to be taken into toilets, swimming pools or changing areas. If necessary (e.g. photos of pupils washing their hands), then prior permission needs to be sought from the Principal. Staff members are required to be supervised while carrying out this activity.

Staff or other adults are not permitted to take photos of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the Academy community are required to report inappropriate use of digital cameras and images to the Principal. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.

The Academy is not responsible for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the individual who has borrowed the equipment.

7. Storage and retention

As per the UK GDPR and the DPA 2018, images obtained by the Academy will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the **SBMAT Records Management Policy**.

Hard copies of photos and video recordings held by the Academy will be annotated with the date on which they were taken and will be stored securely. They will not be used other than for their original purpose, unless permission is sought from the Principal and parents of the pupils involved.

Digital photos and videos held securely on the Academy server are accessible to staff only. Photos and videos are stored in labelled files, annotated with the date, and are only identifiable by the activity, year group or class name or number – no names are associated with images and videos.

Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended. The Principal or designated member of staff will review stored images and videos on an annual basis to ensure that all unwanted material has been deleted.

Where a parent has withdrawn their consent, any related imagery and videos involving their child will be removed from the server immediately. When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.

Where a pupil's security risk has changed, the DSL will inform the Principal immediately. If required, any related imagery and videos involving the pupil will be removed from the server immediately. Hard copies will be removed by shredding, as appropriate.

Official school photos are held on Arbor alongside other personal information and are retained for the length of the pupil's attendance at the Academy, or longer if necessary, e.g. due to a police investigation.

Images taken on Academy cameras/devices must be downloaded as soon as possible on to an Academy computer or laptop, ideally once a week.

No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the Principal to do so. The Academy may require images to be deleted or edited as appropriate. Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.

If the memory card for individual academy cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered. Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card must be appropriately disposed of to ensure that no imprint remains.

8. Appropriate use of images under UK GDPR and the DPA 2018

Photos are used in schools for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.

As a public body, the Academy **must** consider whether the processing is taking place in the performance of its duties as a public authority. Where this is the case, the legal basis for processing will be recorded as 'public task', not 'legitimate interests' – public authorities cannot use legitimate interests as a lawful basis if the processing is in the performance of their tasks as a public authority.

The Academy uses privacy notices with declarations attached to inform staff, pupils and parents about how their personal data may be collected and as one method of gaining consent.

To judge whether legitimate interest can be used as the basis for processing data, the Academy will carry out three different tests. These are:

- A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
- A necessity test – establishing whether the processing of pupils' data will be useful and whether there is a less intrusive way of reaching a means to an end.
- A balance test – establishing the impact it will have on the data subject by processing the data for said reason.

These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out an LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the UK GDPR and the DPA 2018.

8.1. Photos used in identity management

These are likely to be essential for performing the public task of the Academy but they will be deleted once the child is no longer in attendance – as they are no longer needed for the purpose for which they were held.

8.2. Photos used for marketing purposes

Photos will not be used for marketing purposes unless the Academy has specific informed consent for the images and the images are only used in line with the consent provided.

The Academy recognises that when images are posted on the Academy/Trust website anyone may view the images, and consequently this may result in a greater risk of misuse of images. The Academy will therefore give specific consideration to the suitability of images for use on its/ the Trust website.

8.3. Photos in the school environment relating to education

These photos may be essential for performing the public task of the Academy, but once the pupil has left the Academy this argument is insufficient. If the Academy wishes to display the image beyond the pupil's time at the Academy, they will obtain specific permission from the parent(s). If permission is not granted, the image will be removed.

When gaining consent, including when initially taking the photograph or when the purpose of the image has changed, the pupil's parents, will be informed of the retention period pertaining to the use of the image. If the image is still on display after the retention period stated in the privacy notice used to gain consent, the Academy will be in breach of data protection obligations and may be subject to a fine.

9. Use of cameras and filming equipment by parents

Parents or family members are welcome to take photos of (and where appropriate, film) their own children taking part in Academy events, at the discretion of the Principal and subject to the following guidelines, which the Academy expects all parents to follow. Parents will:

- Remain seated while taking photos or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all Academy events, make the focus of any photos and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photos or recording videos.
- Ensure that any images and recordings taken at Academy events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photos and/or videos if and when requested to do so by staff.

10. Use of cameras and filming equipment by pupils

All pupils are encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of staff.

The use of cameras, or filming equipment, including on mobile phones, is not allowed in toilets or changing areas, nor should photography or filming equipment be used by pupils in a manner that may offend or cause upset.

Misuse of images, cameras, or filming equipment in a way that breaches this policy, or the school's **Anti-bullying Policy, SBMAT Acceptable Use Agreement, and SBMAT Social Media Policy** is always taken seriously and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate

11. Sharing of images

All images taken by members of staff or during Academy activities remain the property of the Academy and images must not be shared with anyone outside the Academy or held for private use.

No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent. Unless specific prior consent has been obtained, members of staff will not post Academy images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

12. Use of a professional photographer

If the Academy decides to use a professional photographer for official photos and Academy events, the Principal will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with an identification badge or card, which must be worn at all times.

- Let pupils and parents know that a photographer will be in attendance at an event and ensure they have previously provided consent to both the taking and publication of videos and/or photos.
- Not allow unsupervised access to pupils or one-to-one photo sessions at events.
- Communicate to the photographer that the material may only be used for the Academy's own purposes and that permission has not been given to use the photos for any other purpose.
- Ensure that the photographer will comply with the requirements set out in the UK GDPR and the DPA 2018.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the Academy.

13. Monitoring and review

This policy will be reviewed **every two years** by the Trust.

Any changes to this policy will be communicated to all staff, parents and, where appropriate, pupils.

Appendix 1 – Photography and video parental consent form

This form explains the reasons why and how the academy may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

The St. Bart's Multi-Academy Trust Consent Form – Photography and Videos



Academy:	Choose an item.
Child's Name:	
Year Group:	

Why do we need your consent?

We request the consent of parents when their child is enrolled at the Academy to use images and videos of their child for a variety of different purposes.

Without your consent, the Academy/Trust will not use images and videos of your child. Similarly, if there are only certain conditions under which you would like images and videos of your child to be used, the Academy/Trust will abide by the conditions you outline in this form.

Why do we use images and videos of your child?

We use images and videos of pupils as part of Academy displays to celebrate Academy life and pupils' achievements; to promote the Academy/Trust on social media and on the Academy/Trust website; and for other publicity purposes in printed publications, such as newspapers.

Where the Academy/Trust uses images of individual pupils, the name of the pupil will not be disclosed. Where an individual pupil is named in a written publication, a photograph of the pupil will not be used to accompany the text.

If, for example, a pupil has won an award and their parent would like their name to be published alongside their image, separate consent will be obtained prior to this.

We may take images or videos of individual pupils and groups of pupils to use on social media, the Academy/Trust website, in Academy/Trust prospectuses and other printed publications, such as a newsletter.

Who else uses images and videos of your child?

It is common that the Academy is visited by local media and press, who take images or videos of events, such as sports days or performances. Pupils will appear in these images and videos, and these may be published in local or national newspapers, or on approved websites.

What are the conditions of use?

- This consent form is valid for the time your child is enrolled as a pupil of the Academy.
- It is the responsibility of parents to inform the Academy, in writing, if consent needs to be withdrawn or amended.
- The Academy/Trust will not use the personal details or full names of any pupil in an image or video, on our website, in our Academy/Trust prospectuses or any other printed publications.
- The Academy/Trust will not include personal emails, postal addresses, telephone numbers or fax numbers on images or videos on our website, in our Academy/Trust prospectuses or any other printed publications.
- The Academy/Trust may use pictures of pupils and teachers that have been drawn by pupils.
- The Academy/Trust may use work created by pupils.
- The Academy/Trust may use group or class images or videos with general labels, e.g. 'sports day'.
- The Academy/Trust will only use images and videos of pupils who are suitably dressed, i.e. it would not be suitable to display an image of a pupil in swimwear.
- The Academy will take images of your child including whole class/Academy photographs which are available to purchase annually by parents.

Providing your consent

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criteria.

The Academy/Trust will **only** publish images and videos of your child for the conditions that you provide consent for.

I provide consent to:	Yes	No
the academy photographing my child.	<input type="checkbox"/>	<input type="checkbox"/>
the academy videoing my child.	<input type="checkbox"/>	<input type="checkbox"/>
my child being included in class/whole academy photographs/videos	<input type="checkbox"/>	<input type="checkbox"/>
my child being included in official academy images, whole class/academy photographs/videos and for these to be made available, on occasion, to parents to purchase.	<input type="checkbox"/>	<input type="checkbox"/>
the academy using images of my child on the academy/trust website.	<input type="checkbox"/>	<input type="checkbox"/>
the academy using videos of my child on the academy/trust website.	<input type="checkbox"/>	<input type="checkbox"/>
the academy/trust using images of my child on social media, including the following: X/Facebook/Instagram/YouTube	<input type="checkbox"/>	<input type="checkbox"/>
the academy/trust using videos of my child on social media, including the following: X/Facebook/Instagram/YouTube	<input type="checkbox"/>	<input type="checkbox"/>
the local media using images of my child to publicise academy events and activities.	<input type="checkbox"/>	<input type="checkbox"/>
the local media using videos of my child to publicise academy events and activities.	<input type="checkbox"/>	<input type="checkbox"/>
the academy/trust using images of my child in marketing material, e.g. in the academy brochure/prospectus.	<input type="checkbox"/>	<input type="checkbox"/>
the academy sharing my child's data with an academy-appointed external photography company for official academy images. This includes the following: Name/Class.	<input type="checkbox"/>	<input type="checkbox"/>

Refreshing your consent

- This form is valid for the entire time your child is a pupil of this Academy.

Consent will be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. an additional social media account being used to share pupil images and videos
- Changes to a pupil's circumstances, e.g. safeguarding requirements mean a pupil's image cannot be used
- Changes to parental consent, e.g. amending the provisions for which consent has been provided for

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Principal. A new form will be supplied to you to amend your consent accordingly and provide a signature.

Withdrawing your consent

Parents have the right to withdraw their consent at any time. Withdrawing your consent will not affect any images or videos that have been shared prior to withdrawal.

If you would like to withdraw your consent, you must submit your request in writing to the Principal.

Declaration

I,		(name of parent/carer),	understand:
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- Why my consent is required.
- The reasons why the Academy/Trust uses images and videos of my child.
- Which other organisations may use images and videos of my child.
- The conditions under which the Academy/Trust uses images and videos of my child.
- I have provided my consent above as appropriate, and the Academy/Trust will use images and videos of my child in line with my requirements.
- I will be required to re-provide consent where any circumstances change.
- I can amend or withdraw my consent at any time and must do so in writing to the school office.

Parent/Carer	Name	Date		
	Signature			
Do you have Parental Responsibility?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

If you have any questions regarding this form, please do not hesitate to contact the Academy office



THE ST. BART'S ACADEMY

— TRUST —

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