



The Blue Coat School

# **Policy for Staff on the Use of Cameras, Mobile Devices, Photographs and Videos of Pupils**

Approved by the Governors' Safeguarding, Health and Safety Committee

Signed: \_\_\_\_\_

(H Andrews – Chair of Safeguarding, Health and Safety Committee)

Date: \_\_\_\_\_

This Policy was devised by the Designated Safeguarding Lead and the Director of Marketing & Admissions in consultation with colleagues in the School.

Date of Next Review: Lent 2027

## **Policy for Staff on the Use of Cameras, Mobile Devices, Photographs and Videos of Pupils**

### **1. AIMS AND OBJECTIVES**

#### **1.1**

The purpose of this and allied policies is to ensure the safety and security of all members of the school community. In particular the aims of this Policy are to:

- Ensure that the teaching and learning environment is free from distraction.
- Ensure that there is no opportunity for inappropriate or unprofessional communication between members of staff, pupils and parents.
- Provide an environment in which pupils, parents and staff are safe from images being recorded and used inappropriately.

### **2. GUIDANCE FOR STAFF ON THE USE OF PHOTOGRAPHS AND VIDEOS OF PUPILS**

#### **2.1**

This Guidance note for staff covers the data protection points to consider when the School is using photographs and videos of pupils. It applies to all pupils in the school including those in the Early Years Foundation Stage (Nursery and Reception).

#### **2.2**

Where a pupil can be identified from a photograph or a video it will contain their personal data. Its use is therefore covered by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. This Guidance on the Use of Photographs and Videos sets out the measures that the School should take to comply with this legislation in respect of taking and using photographs and videos of pupils.

#### **2.3**

A photograph or video will also be subject to data protection legislation if it is possible to work out the identity of individuals even if not obvious from the photograph or video itself. For example, a football player may be identifiable from his or her shirt number even if their back is to the camera or if their face is obscured.

#### **2.4**

If the School breaches data protection legislation there is a risk that parents or pupils may complain to the Information Commissioner's Office (the data protection regulator) or bring a claim in court for compensation. There are also reputational consequences if the School is seen to not understand its data protection obligations.

#### **2.5**

Where parents or other visitors (such as grandparents and family friends) take photographs or videos for personal use this is not covered by data protection legislation. However, if an event is subject to copyright or performing rights restrictions the School may prevent visitors from taking images. The Headmaster will co-ordinate how this is communicated to visitors. For example, by placing a statement in the invitations or by an announcement at the start of the event.

#### **2.6**

It is important that the following policies and documents are read in conjunction with this guidance:

- ICT Acceptable Use Policy for Staff
- Staff Code of Conduct
- Social Media Policy
- Online Safety Policy
- ICT Acceptable Use Policy for KS2 pupils

- Anti-bullying Policy
- Safeguarding and Child Protection Policy
- Data Protection Policy.
- Information and Records Retention Policy

## **2.7**

The policies and documents above contain specific information on points which are not detailed in this Guidance. For example, the School Data Protection Policy explains the measures that must be taken to keep personal data (including photographs and videos) secure, particularly when away from the School premises.

## **2.8**

All staff members who have responsibility for using photographs and videos of pupils are provided with this Guidance. If staff have any questions they should speak to the Director of Marketing and Admissions.

## **2.9**

This Guidance does not cover intellectual property considerations, such as copyright. Staff members who consider that their use of photographs or videos might raise intellectual property issues (e.g. videoing a play which is subject to copyright) should discuss this with the Director of Marketing and Admissions.

## **3. SCOPE OF THIS GUIDANCE**

### **3.1**

This Guidance applies when staff (including Governors and volunteers) do anything in relation to a photograph or video of a pupil. This includes but is not limited to taking, editing and storing photographs and videos.

### **3.2**

Staff must abide by this Guidance at all times, for example, on the School premises and off-site in connection with School activities.

### **3.3**

This Guidance does not form part of contracts of employment and may be amended by the School at any time.

## **4. THE FAIR PROCESSING OF PERSONAL DATA AND PRIVACY NOTICES**

### **4.1**

The School is required under data protection legislation to process personal data fairly. A key part of this obligation involves providing individuals with an explanation of how the School uses their personal data.

### **4.2**

This information is provided in a document known as a 'Privacy Notice'. The School has a Pupil Privacy Notice which mentions the use of photographs and videos. Staff should familiarise themselves with this document so that they understand what parents are told about the School's use of pupil information.

## **5. WHEN SHOULD CONSENT BE SOUGHT**

### **5.1**

Broadly speaking, consent should be sought if the photograph, or the use of the photograph, is more privacy intrusive. The table at paragraph 15.4 below contains examples of when consent should be sought.

### **5.2**

If consent is to be sought, the procedures set out in 5.3 below should be followed. If consent is not sought (i.e. because what is proposed is less privacy intrusive) then the School can usually rely on "legitimate interests" instead. This is explained at Paragraph 5.4 below.

### **5.3 Consent**

### **5.3.1**

A written record of how and when the consent was obtained from parents must be kept. This may be by obtaining consent in writing (e.g. by email) or by making a note of the conversation which is kept on the pupil's file / in the pupil section of ISAMS. In particular, the following should be noted:

- who consented?
- when did he/she consent?
- what was he/she told?
- how did he/she consent e.g. by email or verbally?

### **5.3.2**

There may be situations where consent was originally obtained from a parent and the School would like to continue using the privacy intrusive photograph/video after the pupil has left the School and has gained the maturity to exercise their own data protection rights (usually aged 12 years old). In these cases, the consent should be refreshed to also come from the child and this should be documented as explained at 5.3.1.

### **5.3.3**

An individual must be able to withdraw their consent at any time and they should be told about their right to do so when the consent is requested. When more than one individual holds parental responsibility, and either one of those individuals does not give their consent, or wishes to withdraw their consent, the removal of consent must be applied.

### **5.3.4**

Consent must also be:

- Freely given: this means, for example, that the consent must be a genuine choice. Consent cannot be a condition of taking part in an activity.
- Specific and informed: this means that it must be very clear what the consent relates to. In addition, a "general consent" which would cover all of the different scenarios in which a school may conceivably take or use photographs is unlikely to be compliant.
- Unambiguous: there must be a clear positive action that the individual has consented, for example, by them returning a completed consent form, verbally agreeing or sending an email with their agreement. If tickboxes are used these must be "opt-in" tickboxes rather than "opt-out" tickboxes. Verbal consent can be valid but again, this must be accompanied by a positive statement on the part of the individual that they consent. Silence or inactivity does not count as valid consent.

### **5.3.5**

If consent is withdrawn this should be recorded on the written record referred to at 4.3.1 above so that all relevant staff are aware of the change. The date of withdrawal should be noted together with any other relevant information, such as, any reason given for withdrawing the consent.

### **5.3.6**

The withdrawal of consent does not apply retrospectively. This means that any use of an image before the consent was withdrawn is still valid.

### **5.3.7**

If a photograph or video is published before consent is withdrawn, then the School should stop using the image as soon as possible. In many cases this will be straightforward but for some types of publications it may take more time.

### **5.3.8**

Any consent obtained is valid only for a finite period and must be reviewed regularly. The appropriate duration will depend on the context and purpose for which the photograph or video is used. Staff should ensure that consent is refreshed if the intended use extends beyond the originally agreed period, or if a pupil reaches an age at which they can exercise their own data protection rights. The School's Information and Record Retention Policy and Privacy Notice provide guidance on appropriate retention periods for photographs and videos.

## **5.4 Legitimate interests**

### **5.4.1**

The School will rely on the legitimate interests legal ground for taking and using photographs and videos which are less privacy intrusive. Legitimate interests is the appropriate legal ground when the use of the photograph or video is:

- within the reasonable expectations of the pupil and their parents; and
- they are unlikely to object to its use.

### **5.4.2**

In order to rely on legitimate interests in compliance with the General Data Protection Regulation (GDPR), the School has documented its decision as to why this is the appropriate ground for using less privacy intrusive photographs and videos.

### **5.4.3**

Any questions about consent or legitimate interests should be addressed to the Director of Marketing and Admissions.

## **6. FORMER PUPILS**

### **6.1**

The School can rely on the information provided in the privacy notice about photographs and videos for a reasonable period after the pupil has left the School. The pupil privacy notice stipulates that photographs and videos of their child may be used after they have left the School.

### **6.2**

The key point to consider is the parents' expectations and these expectations can be managed using the privacy notice. If a parent (or pupil) would not expect a photograph or video to be used years after it was taken then the School should consider discontinuing its use.

### **6.3**

If a photograph or video is more privacy intrusive, consent should be obtained as explained at Section 4 above.

## **7. YOUNGER PUPILS**

### **7.1**

The School recognises that where a pupil is younger, photographs and videos should be treated with greater caution particularly when published externally e.g. on the School's website. The School may therefore choose to obtain consent in the vast majority of cases but this is not a legal requirement.

## **8. EARLY YEARS FOUNDATION STAGE**

### **8.1**

The School's Safeguarding and Child Protection Policy covers the use of cameras and mobile phones in the Early Years Foundation Stage. This policy should be referred to in respect of children in the Early Years Foundation Stage.

## **9. DEVICES**

### **9.1 Mobile Devices**

- The use of personal mobile devices must not impinge on professional duties. Personal mobile devices should not be used whilst supervising pupil's activities or in the presence of pupils unless for a work-related purpose.
- Staff must never use their own mobile devices to contact or be contacted by pupils.

- Mobile devices provided by the school are specifically for school business and are available from the IT Department for trips and outings. The intention is that these devices are for emergency situations or if the school needs to communicate with the Trip Leader whilst off site; they should not be used for personal communication. Additionally, these devices may be used to take photographs, videos or send updates for approved marketing purposes. Any images or videos posted must be taken in accordance with the Guidance for Staff on the Use of Photographs and Videos of Pupils by the School.
- On any Trip the teacher in charge must, if appropriate, have a school mobile device, which is the only number pupils and parents are given.
- Certain members of staff (e.g. members of the Senior Leadership Team and those i/c Games) will be given school mobile devices to use as necessary for school business only.

## **9.2 Photography**

- There are school devices to borrow for trips, events, etc., and these should be used to take such images.
- Staff must never use their own cameras or mobile devices to photograph or film pupils unless written permission has been given by the Headmaster.
- If members of staff have a high-quality camera of their own that they would like to use, the school will lend them a memory card for use at school or off-site.
- Images taken must be stored centrally and in accordance with school policy [see Guidance for Staff on the Use of Photographs and Videos of Pupils by the School].
- Photographs or videos of pupils must not be uploaded to artificial intelligence platforms, facial recognition systems, or generative AI services (including for editing, transcription, captioning or content creation purposes) unless expressly authorised by the Headmaster.

## **10. TAKING PHOTOGRAPHS AND VIDEOS**

### **10.1**

Staff must not take photographs or videos (including live streaming) of pupils which:

- might cause embarrassment or distress;
- are associated with distressing or sensitive issues;
- are taken during one-to-one situations; or
- are unnecessarily intrusive.

#### **10.1.1**

Photographs or videos must never be taken in areas where pupils have a reasonable expectation of privacy. This includes, but is not limited to, toilets, changing rooms, medical rooms, dormitories (on residential trips) or any similar setting. This prohibition applies regardless of consent.

### **10.2**

Further guidance on the taking of photographs and videos of pupils is set out in the Staff Code of Conduct.

### **10.3**

The School uses third party organisations for marketing functions such as graphic design, pay-per-click advertising, social media advertising, videography and printing. In order to fulfil these services, photographs, videos and names of pupils may be shared. The School has data handling agreements in place with all third party service providers and personal information shared is limited to what is essential and is only held for the duration of fulfilling the contract of work.

### **10.4**

Photographs and videos of pupils constitute personal data and will only be retained for as long as necessary for the purpose for which they were taken. The retention of photographs and videos is governed by the School's Data Retention Schedule. Where photographs or videos are published externally (for example, in printed prospectuses or archived publications), it may not be possible to fully remove historical material. However, the School will cease further use once the retention period expires or consent is withdrawn.

## **11. PHOTOGRAPHS AND VIDEOS OF PUPILS TAKEN BY OTHER ORGANISATIONS**

### **11.1**

There may be situations where a third party takes photographs or videos of pupils. This should only happen with the consent of a senior member of staff and where there is appropriate supervision. For example:

- the School might hire a professional photographer to take official School photographs or to video a school play;
- a company used by the School to provide extra-curricular activities asks to use photographs of the School's pupils for advertising purposes; or
- a photographer from a media outlet might attend an event at the School.

### **11.2**

If external media (e.g. the press) will be attending school events, the School will let parents know about this via newsletters, bulletins or on publicity materials. Informing parents in this way will need to be done in a sufficiently clear way in order to meet the privacy notice requirements mentioned at Section 3 above. Staff should consult with the Bursar to check that the information provided is sufficient to constitute a privacy notice.

### **11.3**

The same principles apply here as set out in Section 4 in respect of fair processing and obtaining consent. Therefore, the School may need to seek consent before allowing the photographs and videos to be taken by another organisation. Any questions should be addressed to the Director of Marketing and Admissions.

### **10.4**

The Bursar is responsible for considering other data protection issues such as ensuring that there is an appropriate agreement in place with the other organisation where necessary.

## **12. TAKING PHOTOGRAPHS AND VIDEOS OF PUPILS FROM OTHER SCHOOLS**

### **12.1**

There will be situations where pupils from other schools attend events at the School. If the School is taking photographs and videos there are data protection considerations.

### **12.2**

Other schools should be told in advance that photographs and videos will be taken of their pupils and asked if there are any pupils for whom this will be a problem, for example, because of safeguarding concerns.

### **12.3**

For those uses which are more privacy intrusive (e.g. those in the red category), the other school should be asked to obtain consent on the School's behalf from either the parent and / or pupil, as age appropriate, and to provide written confirmation that this consent has been obtained.

## **13. WHEN OTHER SCHOOLS TAKE PHOTOGRAPHS AND VIDEOS OF THE SCHOOL'S PUPILS**

### **13.1**

Other schools should also follow the guidance provided at Section 11 above. If there are any concerns that another school is photographing and / or videoing pupils from the School without speaking to a member of staff first, then the Headmaster should be informed immediately.

## **14. TAKING PHOTOGRAPHS OF PROSPECTIVE PUPILS AT OPEN DAYS AND TASTER DAYS**

### **14.1**

If the School intends to take photographs and videos at an open day or a taster day before the pupil has joined the School then parents should be told about this, either when they tell the School they will be attending or on the day itself. This can be done verbally if it is not practicable to provide written information.

#### **14.2**

The School also recommends that the photographer (whether internal or external) is told to make pupils and parents aware of his / her presence before taking photographs and to explain where the photographs will be published in broad terms. Pupils and parents should be given the opportunity to not appear in the photographs.

#### **14.3**

If the School does want to use a photograph of a prospective pupil in a privacy intrusive way, then consent should be sought as explained at Section 4 above.

### **15. SAFEGUARDING**

#### **15.1**

Staff must be mindful of safeguarding issues when taking and using photographs and videos of pupils.

#### **15.2**

Staff must raise any concerns about the welfare of a child in accordance with the procedures in the School's Safeguarding and Child Protection Policy. For example, concerns should be reported if they become aware of anyone:

- taking an unusually large number of images;
- taking images in inappropriate settings such as cloakrooms, toilets or changing areas; or
- taking images of children who are apparently unaware that they are being photographed or filmed.

#### **15.3**

If staff are ever unsure, they must always speak to the Designated Safeguarding Lead.

### **16. PRACTICAL EXAMPLES**

#### **16.1**

The table below includes practical examples which are colour coded to illustrate whether or not consent should be obtained. If staff have any questions they should speak to the Director of Marketing and Admissions.

#### **16.2**

**Green** denotes that there is no need to obtain consent for the use provided that the use is covered in the privacy notice.

#### **16.3**

**Amber** suggests a borderline case where it is not possible to be prescriptive.

##### **16.3.1**

Staff should decide whether consent is needed taking into account relevant factors, such as:

- (a) where the photograph is published.
- (b) the age of the pupil - the younger the pupil the greater the need for consent; and
- (c) how the pupil is dressed e.g. if the pupil is dressed for swimming or gymnastics and prominently displayed in the photograph this suggests that consent should be sought.

##### **16.3.2**

A member of staff may decide that consent is not required in the particular circumstances albeit that there is more of a risk of a complaint than under green. In particular a member of staff may wish to dispense with consent if it is considered that pupils and parents would not expect to be asked for consent and are unlikely to object if the image is used without their consent for the specific use.

## 16.4

**Red** means that staff must obtain consent before publishing the photograph or video.

Where a use is amber or red but the pupil cannot be identified because the photograph or video is taken from far away then consent is not required.

Status	Examples of proposed uses
•	A photograph of a group of pupils, without their names, published on the school website or in the prospectus, which does not raise any of the factors listed at Paragraph 15.3 which would make the use more privacy intrusive. Other online platforms, such as social media, are considered as falling under the amber category.
•	Photographs of pupils taken on a school trip or a sporting event to be used for an internal exhibition or display.
•	Official school photographs of the whole School, or class, to be purchased by parents.
•	A photograph of a pupil to be used internally, for example on iSAMS, classroom displays and assessment.
•	<p>Video recordings taken for internal pupil assessments / internal pupil coaching. For example, in music, drama or sports lessons. This assumes that the recording is done on an occasional basis for a specific purpose and that everyone in the room knows that the recording is taking place.</p> <p>The recording should also be relevant to the purpose. For example, if only a small number of pupils are being assessed it may not be appropriate to capture images of other pupils. If the recording is to be used as a revision tool for those pupils who were not able to attend, or if the recording is made to assess staff, this should be discussed with the Bursar as extra considerations may apply.</p>
•	The use of a webcam to broadcast images of pupils internally, for example, to allow one class to see another as part of an IT lesson.
•	A photograph sent only to the School community (e.g. in an internal newsletter, or on the password protected parental portal) with or without the pupil's name.
•	A photograph used in a third-party publication (e.g. the local newspaper) without the pupil's name.
•	A photograph used in social media without the pupil's name e.g. on Instagram. Staff must recognise that once images are published on social media, control over further distribution may be lost.
•	<p>The streaming of video footage of sports matches or music recitals.</p> <p>A statement should be read out to the pupils (both to the School's pupils and to the pupils of any other school) explaining that they will be recorded.</p> <p>If another school is involved they should be told about the recording in advance and asked to notify the participants.</p> <p>The pupils should be given the opportunity to object. If a pupil objects they should be given the option to not take part in the match. If they still wish to take part in the match then the recording should not go ahead.</p> <p>If commentary on the match or a match report is also to be provided (which includes pupil names or other identifying information) this should be explained in advance.</p>

•	The use of a webcam or live streaming of images of a class of pupils to another school (for example, where two schools are working together on a classroom project) or on the School's social media sites/website.  The parents should be told that their child's image will be broadcast and given the opportunity to object.
•	A photograph published alongside a pupil's name in a local newspaper.
•	A photograph or video published alongside a pupil's town of residence.
•	A photograph in the School's prospectus or on the School's website with the pupil's first name.
•	A photograph used in social media with the pupil's first name.
•	A photograph or video used in an advertising campaign with or without the pupil's name.
•	A case study published externally which focuses on one particularly gifted pupil or a specific subject matter.

## **17. OBJECTIONS**

### **17.1**

Parents have the right to object to the School's use of photographs and videos of a pupil. Details of how to raise an objection are set out in the School's Privacy Notice. Objections should be submitted in writing to the member of staff identified in the relevant Privacy Notice.

### **17.2**

If a pupil raises a concern or objection this should be respected.

### **17.3**

Any objection will take precedence over the publicity requirements of the School. This is the case even if this Guidance states that consent is not required for the proposed use.

### **17.4**

There may be pupils at the School whose images cannot be used under any circumstances, even if the use would ordinarily fall under the "green" category in the examples above.

### **17.5**

This would be relevant if, for example, the pupil had famous parents or there might be a risk that they will be abducted should their presence at the School become known. The Director of Marketing and Admissions keeps a list of such individuals and staff should make sure that they are aware not to use photographs or videos of them.

## **18. PERMISSIONS**

### **18.1**

The following staff members have received written permission from the Headmaster to use their own cameras and mobile devices to photograph or film pupils of The Blue Coat School when deemed appropriate by their professional judgement. Such permission has been granted in keeping with the Policy for Staff on the Use of Cameras, Mobile Devices, Photographs and Videos of Pupils and all of its stated conditions.

Noel Neeson  
Robbie Newman  
Helen West  
Lindsay James  
Sacha Benjamin-Coker

April Franklin  
Elliot Brown  
Emma Stanley  
Tammy Bennett  
Pete Melia  
Liz Somerville  
Dan Protherough  
Simon Gregory  
Pippa Crews  
Mike Brookes  
Dan Moore

### **18.2**

All photography and film captured on a personal camera or mobile device, including any photographs or film backed up to cloud storage, must be deleted within 24 hours once it has been shared to the appropriate staff member's school device or to any relevant parents.

### **18.3**

Staff attending day or residential trips will inherently be granted permission to use their own cameras and mobile devices to photograph or film pupils during the duration of the trip under their professional judgement.

### **18.4**

The permissions will be reviewed annually to ensure that any changes in staff details and practices are accurately reflected.

## **19. RELATED POLICIES, MONITORING AND POLICY REVIEW**

### **19.1**

This Guidance should be read in conjunction with related whole school policies and documents including those set out in 2.6 above. The Staff Code of Conduct also sets out procedural guidance including guidance on the use of mobile phones and cameras. All staff are expected to sign this Code of Conduct annually.

### **19.2**

The Guidance will be reviewed annually to ensure that it complies with statutory requirements and to ensure that any changes in practices are accurately reflected. It will be presented to the Governors' Safeguarding and Health and Safety Committee for approval in the Lent Term each year. The minutes of this meeting will be presented to the Governors.