



## Data Protection – Photograph Policy

<b>Review Due:</b>	<b>December 2022</b> Please note that to support a realignment of policies review across the Trust, the Board of Trustees have approved an amendment to the review of this policy to take place in July 2022
<b>Last Review</b>	December 2021
<b>Applicable to:</b>	All Trust Schools
<b>Reviewed By:</b>	SV
<b>Approved By:</b>	Board of Trustees 03.12.21

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## **1. Policy Statement**

The Trust and all schools within it are obliged to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 when it takes or publishes photographs of its pupils. The Trust / school 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 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 school considers that the child does not have the capacity to make such a decision the school 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.

We will re-seek consent on an annual basis and hold photographs for no longer than 2 years after you have given consent. Unless you withdraw consent upon which your photographs will be removed immediately.

## **2. Policy Procedures**

A parent can express a preference for the school to avoid taking or publishing photographs of their child in certain circumstances. If no preferences are expressed then the school will act in accordance with the principles expressed in this policy. Ordinarily the following rules will apply to photographs in school:

### **Photographs for Internal Use**

- The school will take photographs for its own use. Usually these will be unnamed photographs and will generally be for internal school use but may also include photographs for publication, such as photos for the prospectus, or to show as slides at an event for parents. Unnamed photographs may also be used on display boards which can be seen by visitors to the school.
- When the photograph is taken, the pupils will be informed that a photograph is being taken and told what it is for so that they can object if they wish.
- If the school wants to use named photographs then it will obtain specific consent first. For most pupils this will be pupil consent as explained above but parental wishes will be taken into account.

## **Media Use**

- The school 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 school or at school 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 school will make sure that pupils and their parents or carers are informed of the media presence. If no objection is received, then the school 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 school will require the media entity to check with the school before publication so that the school can check that any objections have been taken into account.

## **Family Photographs at School Events**

- It shall be at the discretion of the school whether photographs may be taken at a school event.
- Family and friends taking photographs for the family album will not be covered by Data Protection legislation.
- Where the Academy 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.

## **Evidence of Learning**

- Photographs may be used for evidence of learning and stored in accordance with our pupil records retention policy.