



## Data Protection – Photograph Policy

<b>Review Due:</b>	September 2024
<b>Last Review</b>	September 2023
<b>Applicable to:</b>	All Trust Schools
<b>Reviewed By:</b>	SV
<b>Approved By:</b>	Board of Trustees September 2023

### Contents

1. Policy Statement.....	2
2. Policy Procedures.....	2
3. Appendices.....	4

## **1. Policy Statement**

The Trust and all its schools within it are obliged to comply with the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) 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 DPA 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 review consents on an annual basis and hold photographs in accordance with the Trust's Retention Schedule unless you withdraw consent upon which your photographs will be removed immediately.

## **2. Policy Procedures**

A parent (or pupil with adequate capacity to understand their information rights) can consent for the school to avoid taking or publishing photographs of their child in certain circumstances. Ordinarily the following rules will apply to photographs in school:

### **Internal Use - School**

- The school will take photographs for its own use. Usually these will be unnamed photographs and will generally be for internal school use for example to evidence learning and educational development. 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 first obtain specific consent from those pupils with capacity to consent or the parents of those without capacity.

### **External Use - School and Trust**

- The school may take photographs for its own promotional purposes for example for their website, their social media sites, or for their prospectus.

### **External Use - Media**

- 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.

#### **External Use - 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 personal use is exempt for parts of Data Protection legislation.
- Where the school 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 or social media sites.