

# Photography Policy

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## Monitoring and review

Staff responsible	:	Headteachers
Committee responsible	:	Local Governing Board
Links	:	
Date approved	:	July 2018
Review date*	:	July 2020

\*Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown above and re-circulated.

**The Boleyn Trust Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust.**

The Boleyn Trust is 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. Our Schools 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 School will not normally seek consent for any internal use of photographs as the processing of such personal data is in accordance with the statutory functions of the school in providing an education to the pupil and is therefore lawful on the grounds of public interest. However, the School will take into account any parental preferences expressed. The pupil may also exercise their data protection rights in respect of photographs as set out in the privacy notice for pupils and our Data protection (GDPR) Policy. We will respond appropriately to any pupil or parental request to exercise those rights.

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.

If you wish to express a preference for the school to avoid taking or publishing photographs of your child in certain circumstances, then please indicate your preferences using the attached form (**Annex1**). If no preferences are expressed, then we will act in accordance with the principles expressed in this policy.

Ordinarily the following rules will apply to photographs in this 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.

### **School Website use**

The school will only use photographs of children on the school website with consent . This consent must be the consent of the child when the child has sufficient understanding to make the decision for themselves (generally age 12 onwards) but the school will take into account any parental preference expressed and so will not ordinarily publish against the wishes of parents. In cases where both parents of the child cannot agree but the child is consenting, the school will make a decision based on the best interests of the child, after careful consideration of the circumstances and after having taken legal advice.

### **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.

## Annex 1: Expression of Parental Preferences

Name of Child: .....

Please tick any that apply:

### Unnamed Photographs:

- I would prefer that unnamed photographs of my child are not used in school.
- I would prefer that unnamed photographs of my child are not used for school use for wider publication:
  - School prospectus and similar information
  - School website
  - Display boards
- I would prefer that an unnamed photograph of my child does not appear in any external publication.

### Named Photographs:

- I would prefer that named photographs of my child are not used in school.
- I would prefer that named photographs of my child are not used in any school publication.
- I would prefer that named photographs of my child are not used on the school website.
- I would prefer that named photographs of my child do not appear in any external non-school publication.

**I understand that the school will try to take my preferences into account but that the school must comply with Data Protection Act 2018 which will give my child rights in his / her own data when he / she has adequate capacity and understanding to make decisions about the publication of his / her photographs for him / herself.**

Signed: .....

Print name: .....

Relationship to child: .....