



BROCKHURST & MARLSTON HOUSE SCHOOLS
Including all of the Pre-Prep Department and Early Years
Foundation Stage



PHOTOGRAPHY & VIDEO POLICY

Brockhurst & Marlston House Schools (the School) is committed to providing the best possible care and education to its pupils, and to safeguarding and promoting the welfare of children and young people. This policy is written with that commitment in mind, and in accordance with KCSIE September 2024

Last review: September 2024

Next review: September 2026

Introduction

This policy applies to Brockhurst & Marlston House Schools and all activities that take place within the school grounds and buildings. The school uses imagery and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school website.

The school has constructed this policy to govern the safe use of cameras by staff and parents to reflect the balance between the requirement to maintain the upmost regard to pupil and staff safety with the protective ethos of the school.

To ensure that, as far as possible, the use of photography and video is conducted safely at all times, the policy provided within this document should be followed. This policy is applicable to all forms of visual media, including film, print, video and online publication.

Statement of Intent

The school fully understands that parents may also wish to take videos or photos of their children participating in school events for personal use. Whilst the school acknowledges the benefits that photography and videos have to the wider school community, we also understand that these can have significant risks for those involved.

Under the legal obligations of the General Data Protection Regulation (GDPR), the school has specific responsibilities in terms of how photographs and videos are taken, stored and retained. These are addressed within this document.

1 Legal Framework

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

- (EU) 2016/679 - The General Data Protection Regulation (GDPR) (2016);
- The Data Protection Act (2018);
- The Freedom of Information Act (2000);
- The Children Act (1989);
- The Children Act (2004);
- The Equality Act 2010;
- The Education (Independent School Standards) Regulations 2014.

This policy has also been created with regard to the following guidance:

- Information Commissioners Office (2018) *'Guide to the General Data Protection Regulation (GDPR)'*;
- Department of Education (2018) *'Data protection: A toolkit for schools'*;
- Department of Education (2018) *'Keeping Children Safe in Education (KCIE) September 2018'*
- Independent Schools Bursar's Association (2018) *'GDPR: Where you should be now'*.

This policy also has due regard to the school's policies, including, but not limited to, the following:

- GDPR Privacy Policy;
- GDPR Data Protection Policy;
- Behaviour Policy.

2. Definitions

For the purpose of this policy:

"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 a school event. These photos and videos are only for personal use only by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.

"Official School Use" is defined as photography and videos which are used for school purposes, e.g. for internal information. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use. Examples of official school use include internal information documents created to provide staff in provide first response to an allergic attack experienced by a pupil.

"Media Use" is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the GDPR apply to images and videos taken for media use.

"Educational Purposes" Staff may also take photos and videos of pupils for "educational purposes". These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

3 Roles and Responsibilities

The **'Headteacher'** is responsible for:

- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR;
- Deciding whether parents are permitted to take photographs and videos during school events;
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

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

- Liaising with social workers to gain consent for photography and videos of Brockhurst & Marlston House School pupils;

- Liaising with the Data Protection Officer (DPO), to ensure there are no data protection breaches;
- Informing the Headteacher 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 the child at significant risk.

'Parents' (which includes Guardians and individuals with Parental Responsibility) are responsible for:

- Completing the Consent Form and maintaining its accuracy when requested;
- Informing the school in writing where there are any changes to their consent;
- Acting in accordance with this policy.

The **'Data Protection Officer (DPO)'**, in accordance with the school's regulatory obligations under the GDPR, is responsible for:

- Informing and advising the school and its employees about their regulatory obligations to comply with the GDPR in relation to photographs and videos at school;
- Monitoring the school's compliance with the GDPR regarding processing photographs and videos;
- Advising on data protection impact assessments in relation to photographs and videos at school;
- Conducting internal audits regarding the school's procedures for obtaining, processing and using photographs and videos;
- Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at school.

School **'Data Compliance Co-Ordinator's (DCC)'** are local representatives of the Data Protection Officer and are responsible for:

- Providing the school and its employees, local guidance on their regulatory obligations to comply with the GDPR in relation to photographs and videos at school;
- Overseeing the school's compliance with the GDPR regarding processing photographs and videos;
- Conducting and reviewing data protection impact assessments in relation to photographs and videos at school;
- Management of consent forms for both parents and staff regarding the school's procedures for obtaining, processing and using photographs and videos;
- Providing guidance and direction to staff members, in relation to how the GDPR impacts photographs and videos at school.

4 **Parental Consent**

- a. The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- b. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- c. Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- d. The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be

sought and presented, or the processing will cease.

- e. As all children at the school are under the age of 13, the consent of parents will always have been sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.
- f. All parents are required to complete the Consent Form whilst their child is a pupil at Brockhurst & Marlston House Schools, which will determine whether or not they allow their child to participate in photographs and videos.
- g. The Consent Form will be valid for the duration your child attends the school, 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.
- h. 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 photographs and videos will not be taken or published of the pupil whose parents have not consented.
- i. All parents are entitled to withdraw or change their consent at any time during their child's tenure at the school.
- j. Parents will be required to confirm on the Consent Form, in writing, that they will notify the school if their child's circumstances change in any way, or if they wish to withdraw their consent
- k. For any pupils subject to a care order, or pupils who are legally adopted, the Designated Safeguarding Lead will liaise with the pupil's social worker, care providers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of a pupil subject to a care order, or pupils who are adopted, would risk their security in any way.
- l. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the Designated Safeguarding Lead believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.
- m. A list of all the names of pupils for whom consent was not given will be collated by the Data Compliance Co-Ordinator's and checked by the DPO and made available to staff members. This list will be updated annually, when new consent forms are provided.
- n. If any parent withdraws or changes their consent, or the Designated Safeguarding Lead reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated, and staff notified.

5 Staff Consent

- a. The school acknowledges and respects that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- b. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- c. Where consent is given, a record will be kept by the school documenting how and when consent was given and last updated.
- d. The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be sought and presented, or the processing will cease.
- e. All staff are required to complete the GDPR Staff Consent Form whilst employed by Brockhurst

& Marlston House Schools, which will determine whether or not they allow their recognisable image in photographs and videos, to be used by the school.

- f. The GDPR Staff Consent Form will be valid for the duration of a staff member's employment at Brockhurst & Marlston House Schools, unless the staff member's circumstances change in any way, e.g. if consent is withdrawn. Additional consent forms will be required if the staff member's circumstances change.
- g. If there is a disagreement over consent, or if a staff member does not respond to a consent request, it will be treated as if consent has not been given, and photographs and videos will not be taken or published of the staff member who has failed to provide consent.
- h. All staff are entitled to withdraw or change their consent at any time during their child's tenure at the school.
- i. Staff will be required to confirm on the Consent Form, in writing, that they will notify the school if their circumstances change in any way, or if they wish to withdraw their consent
- j. A list of all the names of staff for whom consent was not given will be collated by the Data Compliance Co-Ordinator's and checked by the DPO. This list will be updated annually, when new consent forms are provided.
- k. If any staff member withdraws or changes their consent, or there are any other changes to consent, the list will also be updated, and the DPO notified.

6 General Procedures

- a. Where photographs and videos will involve pupils subject to care orders, adopted pupils, or pupils for whom there are security concerns, the Headteacher will liaise with the Designated Safeguarding Lead to determine the steps involved.
- b. When organising photography and videos of pupils, the Headteacher, as well as any other relevant staff members involved, will consider the following:
 - i. Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
 - ii. Could the camera angle be amended in any way to avoid pupils being identified?
 - iii. Will pupils be suitably dressed to be photographed and videoed?
 - iv. Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
 - v. Would it be appropriate to edit the photos or videos in any way? e.g. to remove logos which may identify pupils?
 - vi. Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? e.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- c. The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.
- d. Any relevant staff members involved, alongside the Headteacher and a Data Compliance Co-Ordinator, will liaise with the Designated Safeguarding Lead if any pupil subject to a care order, adopted pupil, or a pupil for whom there are security concerns is involved. (please refer to section 7 of this policy)
- e. School equipment will be used to take photographs and videos of pupils for official school use wherever possible. Exceptions to this are outlined in section 8 of this policy.

- f. Staff will ensure that all pupils are suitably dressed for the activity being depicted in the proposed images before any photographs or videos are taken.
- g. Where appropriate, the school may use full names with any photographs or videos that are taken where appropriate.
- h. Where practicable, the school will endeavour not use any photographs of children or staff members after they have left the school, for longer than is necessary. Historic school photographs may remain on display internally within the school and may be represented on the school website.
- i. Photos and videos that are considered to have the potential to cause any distress, upset or embarrassment, will not be used.
- j. Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the Headteacher, a Data Compliance Co-Ordinator and/or the Data Protection Officer.

7 Additional Safeguarding Procedures

- a. The school understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.
- b. The Designated Safeguarding Lead will, in known cases of a pupil who is subject to a care order or who has been adopted, liaise with the pupil's social worker, care givers or adoptive parents to assess the needs and risks associated with the pupil.
- c. Any measures required will be determined between the Designated Safeguarding Lead, social worker, care providers, Data Protection Officer and adoptive parents with a view to minimise any impact on the pupil's day-to-day life. The measures implemented will be one of the following:
 - i. Photos and videos can be taken as per usual school procedures;
 - ii. Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media;
 - iii. No photos or videos can be taken at any time, for any purposes.
- d. Any outcomes will be securely communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photographs, held in the school office with the Data Compliance Co-Ordinator's, will be updated accordingly.

8 Use of Cameras

- a. Staff are encouraged to take photos and videos of pupils using school equipment; however, they may use other equipment, such as school-owned tablet devices, where a Data Compliance Co-Ordinator and/or Data Protection Officer has been consulted and consent has been sought from the Headteacher.
- b. Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity and securely removed from any other storage areas.
- c. Staff will only use their personal mobile phones, or any other personal device, to take images and videos of pupils in accordance with the Staff Code of Conduct.
- d. Photographs and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.

- e. Digital photographs and videos held on the school's secure digital storage facilities are accessible to staff only.

9 Use of a Professional Photographer

- a. If the school decides to use a professional photographer for official school photographs and school events, the Headteacher will:
 - i. Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behavior;
 - ii. Issue the photographer with identification, which must be worn at all times;
 - iii. 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 or photographs;
 - iv. Forbid unsupervised access to pupils or one-to-one photo sessions at event;
 - v. Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photographs for any other purpose;
 - vi. Ensure that the photographer will comply with the requirements set out in the GDPR;
 - vii. Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for any other anything other than the purpose indicated by the school.

10 Permissible Photography and Videos During School Events

- a. If the Headteacher permits parents to take photographs or videos during a school event, parents will:
 - i. Remain seated while taking photographs or videos during concerts, performances and other events;
 - ii. Minimise the use of flash photography during performances;
 - iii. In the case of all school events, make the focus of any photographs or videos their own children;
 - iv. Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video;
 - v. Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways;
 - vi. Refrain from taking further photographs and/or videos if and when requested to do so by staff.

11 Storage and Retention

- a. Images taken by the school will not be kept for longer than necessary.
- b. Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be securely stored in the school office. They will not be used other than for their original purpose, unless permission is sought from the Headteacher, the

parents of the relevant pupils and a Data Compliance Co-Ordinator and/or Data Protection Officer has been consulted.

- c. Paper documents will be shredded or pulped, and digital storage locations securely deleted or erased, once the data should no longer be retained.
- d. The school's Data Compliance Co-Ordinator's will internally review stored images and videos on a regular basis to ensure that all unwanted material has been deleted.
- e. Parents must inform the school in writing where they wish to withdraw or change their consent. If they do so, any related imagery and videos involving their children will be removed from the school digital storage locations immediately.
- d. 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.
- e. Where a pupil's security risk has changed, the Designated Safeguarding Lead will inform the Headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the school digital storage locations immediately. Hard copies will be removed by returning to their parents or by secure shredding, as appropriate.
- f. Official school photos are held on the school information management system alongside other personal information and are retained for the length of the pupil's attendance at the school, or longer, if necessary, e.g. due to a police investigation.
- g. Some educational records relating to former pupils of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

12 Monitoring and Auditing

- a. This policy will be reviewed annually by the Senior leadership team in conjunction with the Data Protection Officer.
- b. The next scheduled review date for this policy is September 2024.
- c. Any changes to this policy will be communicated to all staff members and, where appropriate, parents.



BROCKHURST & MARLSTON HOUSE

GDPR PARENTAL CONSENT FORM FOR USE OF PUPIL IMAGES AND NAMES

This form explains the reasons why and how Brockhurst & Marlston House Schools may use images and videos of your child. Please read the form thoroughly and outline your agreement as appropriate.

Why do we need your consent?

Brockhurst & Marlston House Schools require consent from parents for a variety of different purposes. Without your consent, the school 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 school will abide by the conditions you outline in this form.

Why do you we use images and videos of your child?

As a school we seek to celebrate and recognise our pupils achievements through the use of photographs or video clips, both as a means of building individual self-esteem, ensuring that our pupils and the school receive recognition in the wider world. Similarly, it is in the legitimate interest of Brockhurst & Marlston House Schools to use this material to promote the establishment as a respected and desirable place to educate your children.

Who else uses images and videos of your child?

The school requires to share your child's data with a school-appointed external photography company for official school images, school and class photographs. It is also common that the school is visited by local media and press, who take images or videos of school events, such as specials. Pupils will appear in these images and videos, and these may be published in reputable local/national newspapers, or on approved websites.

What are the conditions of use?

This consent form is valid for the duration your child attends Brockhurst & Marlston House Schools and the conditions of use are separated into Internal and External Uses. It is the responsibility of parents to inform the school, in writing, if consent needs to be withdrawn or amended.

Providing your consent

Please read the conditions listed overleaf thoroughly and provide your consent as appropriate by ticking either 'Yes' or 'No' for each criteria. To comply with the Data Protection Act 2018 (including the General Data Protection Regulation and associated legislation), we are required to obtain your consent so that we may take and use photographs and video recordings of your child.

Further Information

If you have any questions regarding this form or require further information, please refer to the school GDPR Privacy Policy available on the school website, or contact the Data Protection Officer electronically at dpo@brockmarl.org.



BROCKHURST & MARLSTON HOUSE

PARENTAL CONSENT FORM

NAME OF PUPIL:.....

NAME OF PARENT:.....

Yes **No**

Internal Use - For the School to take photographs / videos of your child and use these images together with the name of your child for:

(i) Publication on displays and presentations within the school;

(ii) Internal administrative use within the school database and medical protocols.

External Use – For the School to take photographs / videos of your child and, where appropriate, to use these images together with the name of your child for:

(i) Publication on School website, Facebook group and Twitter account;

(ii) Publication within School promotional material & inclusion in media pieces or local press articles for publicity/marketing purposes.

(iii) The production of and sharing your child's data with a school-appointed external photography company for official school images and group class photographs, which includes your child's, class designation and roll number

I am aware that I can withdraw my consent for some or all of the above listed purposes at any time as detailed within the School GDPR Privacy Policy.

Parents – please complete this form and return to school via the front desk, Form Tutor or Rachel Harper electronically at r.harper@brockmarl.org

Declaration:

By signing and dating this form, I hereby consent to the school using my child's picture / video and name in the manners described; however, I am aware that I can withdraw this consent at any time. I understand that details on how to do this, together with further information on the protection of personal data, can be found within the GDPR Privacy Policy on the school website. I also acknowledge that I will be required to re-provide consent where any circumstances change.

Signed.....Date.....