

Photos/Video in School How Data Protection Applies

Looking at what the photos/video is going to be used for is essential to determine the course of action the school needs to take in deciding if permission is required. Photos or video footage taken by individual parents at events is regarded as personal use and data protection laws do not apply.

The ICO has the following examples of different types of use for photos in schools and how the Data Protection Act 2018 applies.

Personal use:

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the Data Protection Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data the Data Protection Act will apply.
The school has permission from the children's guardians to take pictures of their children and they are not used out of context. Getting consent is often the simplest thing to do. Remember though you need to be able to prove you got it in the first place.

Media use:

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act. Getting consent is often the simplest thing to do. Remember though you need to be able to prove you got it in the first place.
- The school wish to use the picture/video of child on the school website or the school Twitter/Face Book page. Getting consent from the parent/guardian would be needed, clearly explaining how and on what website the images will be used.

Considerations for Schools

The most important factor is transparency. If you can ensure parents are informed and have the chance to object/remove their child, then issues should not arise. If you are running an event let parents know in advance what the plans are.

Schools also need to consider other factors regarding pictures; it is not just about data protection. Is there any safeguarding or looked after children concerns? If so then the school may not be able to allow pictures to be taken. If the school is not going to allow photos to be taken at an event then you will need to notify parents beforehand.

Obtaining Consent

When you are asking parents for consent be clear what you are asking them to agree to for e.g.

We require permission to use pictures of your child for:

1. Use in and around school, in places that might be seen by visitors
2. On the school website
3. On social media
4. In wider marketing materials used by the school
5. For publication by the local or national press

You can withdraw your consent at anytime this will not apply to any material already published.

Companies hired to film events.

If the school decides to not let people take photos or video at an event but instead hires a media company to film the event then the school will need to ensure that the company are able to evidence that they meet the requirements of data protection laws.

- What does the company do with the photos/video once they have passed the completed work to the school?
- How will they keep it secure?
- Who will ensure parents/guardians are aware of the filming?

If a parent volunteers to take photos or video on behalf of the school, where possible have the parent use the schools equipment to film/take pictures. If this is not possible images should be transferred onto the school network at the earliest possibility and deleted from the device used to take images. This will ensure the school understands exactly what is happening and has control of the personal data.

Published Class or Group Photos.

The children and parents themselves will generally know who is in their child's class, they see them every morning and at the end of the day for example, the school should be aware of any reasons why children cannot have their picture taken. Generally the parents want their pictures taken so the process is low risk.

In Summary:

- Data Protection laws do not stop you or parents taking photos in schools.
- You must be transparent and ensure there are no surprises for those in videos/photos.
- As a school you should ask for consent.
- Always use them in context and remember to keep them secure if the school is storing them.