

Libra School

Photographic & Video Images (Use of) Policy

Date	Review Date	Coordinator	Director
25.05.17	20.05.18	Kirsty Crosby	Joan Wilkes

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Children Act 1989
- Education Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Education Act 2002
- Children Act 2004
- Safeguarding Children: Working Together Under the Children Act 2004 (2006) (Wales)
- Safeguarding Vulnerable Groups Act 2006
- Education and Inspections Act 2006
- Children and Young Persons Act 2008
- Equality Act 2010
- Protection of Freedoms Act 2012
- Special Educational Needs and Disability (Detained Persons) Regulations 2015

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)
- Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE) 2016
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)
- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
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We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making radical changes to many existing data

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protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We acknowledge the new guidance given to all schools in the 'Data protection: a toolkit for schools' (DfE April 2018) regarding the appropriate use of photography:

'Photographs are used in school for many different reasons. The different uses should be considered separately and potentially have different conditions for processing. For example:

- Photographs used in identity management may be essential for performing the public task of the school, but should be deleted once a child is no longer in that setting, as it is no longer needed for the purpose for which it was held.
- Photographs in the school environment relative to providing education may fall under the public task purposes, but after the child has left the school this argument becomes weak and may not be lawful; permission to retain beyond their time in school (if required) should be sought. For example, if the child is in a display showing a scientific experiment being done that you wish to retain as a learning resource for future years.
- Photographs used in promotion/marketing type material should seek specific informed consent, and only be used in line with the consent provided. '

(p.20 'Data protection: a toolkit for schools')

We have in place procedures to delete photographic images of pupils once they have left the school. However, we will seek their permission if we wish to retain their photographic image(s) beyond their time in school.

We seek the permission of pupils and their parents before photographic images are taken for:

- official school use
- any local publication
- the school prospectus
- the school website
- a webcam for internal school use only
- printed educational publications
- a professional video that will later be sold to raise money for the school

We believe there is no law stopping parents from taking photographs of their children at school events as photographs taken purely for personal use are exempt from the Data Protection Act 1998.

We understand that photographs taken for official school use and stored electronically with other personal data may be covered by the Data Protection Act 1998. We will take a common sense approach by informing and seeking the permission of pupils and their parents before any form of publication.

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We will inform parents when the school has given permission for an official press photographer to take photographs during a school event which will then appear in the local press or in some other publication.

We believe this policy complies with **current legislation** the requirements of the Data Protection Act and also allows parents/carers to capture those precious moments when their children are taking part in school events. However, we still feel it courteous to seek the permission of parents/carers when we want to use images of their children in the school prospectus, on the school website, be used on a webcam for internal school use only, appear in printed educational publications, or appear on a professional video that will later be sold to raise money for the school.

We believe we have a duty to prevent the unauthorised taking and publication of images of school personnel.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To provide a common sense approach to the taking of photographic and video images of children during school events.
- **To ensure compliance with all relevant legislation connected to this policy.**
- To comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998.
- To work with other schools and the local authority to share good practice in order to improve this policy.

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Responsibility for the Policy and Procedure

Role of the Directors

The Directors:

- has delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- will decide the conditions that apply to the taking of photographs at all school events in order that children are kept safe and that the performance is not disrupted and children and staff are not distracted;
- has a duty to prevent unauthorised taking and publication of images of school personnel;
- will protect the rights of school personnel by:
 - banning the use of mobile photographic phones by pupils in school;
 - where a parent takes a photograph of a member of the school personnel without that person's permission then we will request that the image is destroyed;
 - obtaining their permission to use their photographic image on the school website or in a school publication
- has responsibility for ensuring that the school complies with all equalities legislation;
- has nominated a designated Equalities Director to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- has responsibility for ensuring funding is in place to support this policy;
- has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- has responsibility for ensuring all policies are made available to parents;
- has the responsibility of involving the School Council in the development, approval, implementation and review of this policy;
- has responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- **work in conjunction with the Senior Management Team to ensure all school staff, pupils and parents are aware of and comply with this policy;**
- protect the rights of all children in the school;
- protect the rights of school personnel;
- work closely with the Directors and coordinator;
- provide leadership and vision in respect of equality;
- make effective use of relevant research and information to improve this policy;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with pupils, school personnel, parents and;
- annually report to the Governing Body on the success and development of this policy.

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Role of the Nominated Director

The Nominated Director will:

- work closely with the coordinator;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- attend training related to this policy;

Role of School Staff

The Directors acknowledges that:

- school personnel have the right not to have their photograph taken without their express consent;
- under Article 8 of the Convention – Human Rights Act 1998 that individuals have the ‘right to respect for private and family life.’ This right is infringed where images of employees are taken without their consent, and especially where these images are manipulated or published without their consent

School personnel will:

- not photograph pupils using their mobile phone;
- comply with all aspects of this policy;
- inform the Headteacher if photographic images have been taken of them without their consent;
- under no circumstance use their mobile phone to photograph pupils or to send the image to parents;
- be aware of all other linked policies;
- maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- work in partnership parents and carers keeping them up to date with their child's progress and behaviour at school;
- implement the school’s equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Role of the Data Protection Officer

The Data Protection Officer will:

- have expert knowledge of data protection law and practices;
- inform the school and school personnel about their obligations to comply with the GDPR and other data protection laws;
- ensure data management is strengthened and unified;
- monitor compliance with the GDPR and other data protection laws;
- manage internal data protection activities;
- ensure risk and impact assessments are conducted in accordance with ICO guidance;
- report data breaches within 72 hours;
- ensure individuals have greater control over their personal data;
- ensure that prior to the processing of an individual's data that:

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- the process is in line with ICO guidance;
- the process is transparent;
- the individual will be notified;
- the notification is written in a form that is understandable to children;
- when sharing an individual's data to a third party outside of school that details for the sharing are clearly defined within the notifications.

- share an individual's data where it is a legal requirement to provide such information;
- process all written subject access requests from individuals within 40 days of receiving them;
- have in place a formal contract or service level agreement with a chosen data processor who is GDPR compliant;
- ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
- train school personnel;
- conduct audits.
- be the first point of contact for supervisory authorities and for individuals whose data is processed;
- keep up to date documentation of all data protection activities.
- work closely with the Headteacher and nominated governor;
- periodically report to the Headteacher and to the Governing Body;
- annually report to the Governing Body on the success and development of this policy.

Role of Pupils

Pupils will:

- be aware of and comply with this policy;
- not take photographs of any member of the school staff without their consent;
- not post photographic images of any member of the school staff without their consent on social media;
- listen carefully to all instructions given by the teacher;
- ask for further help if they do not understand;
- treat others, their work and equipment with respect;
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school;
- liaise with the school council;
- take part in questionnaires and surveys

Role of the School Council

The School Council will be involved in:

- determining this policy with the Governing Body;
- discussing improvements to this policy during the school year;
- organise surveys to gauge the thoughts of all pupils;
- reviewing the effectiveness of this policy with the Governing Body

Role of Parents

Parents/carers will be asked to complete the consent form so that images of their children may be used:

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- in the school prospectus;
- on the school website;
- on video or webcam;
- in the media
- appear in any printed educational publication
- appear on a professional video that will later be sold to raise money for the school
- not take photographic images of children when they are changing for any school event;
- not take photographs of any member of the school personnel without their consent;
- not post photographic images of any member of the school personnel without their consent on social media;

Parents/carers will:

- be aware of and comply with this policy;
- be asked to take part periodic surveys conducted by the school;
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- school events
- meetings with school personnel
- communications with home such as weekly newsletters and of end of half term newsletters
- reports such annual report to parents and Headteacher reports to the Governing Body
- information displays in the main school entrance

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
 - All aspects of this policy
 - Safeguarding and Child Protection
 - Visitors and Contractors
 - School Security
 - Equal opportunities
 - Inclusion
- receive periodic training so that they are kept up to date with new information

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- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

Procedures for handling images

Retention periods are established for required and non-required images, and secure and controlled storage and access arrangements for images in compliance with the principles of Data Protection and with legal obligations such as an individual's right of access. These are discussed with the Data Protection Officer (DPO) and take into account the following points:

- Non-required images must be erased as soon as practicable, being permanently deleted through secure methods
- Required images must be retained for a length of time appropriate to their purpose and the purpose of the scheme.
- Systematic checks must be carried out to ensure compliance with the agreed retention period.
- When the documented period of retention has been reached images must be removed/erased
- Any images that are to be retained as evidence must be kept in a secure location with controlled access
- When images are removed for use in legal proceedings the following information must be logged:
 - Date on which images were removed
 - The reason why they were removed
 - Any relevant crime incident number
 - The location of the images
 - Signature of the collecting police officer if appropriate
- Monitors displaying images from areas where people would expect privacy must only be capable of being viewed by authorised employees of the User
- Access to recorded images must be restricted to the designated member of staff responsible for the scheme who will decide whether to allow disclosure to third parties in accordance with the scheme's disclosures policy.
- Viewing of recorded images must take place in a restricted area with controlled access.
- When images are removed for viewing purposes the following information must be logged:
 - Date and time of removal
 - Name of person removing the images
 - Name/s of the person/s viewing the images. If this includes third parties it must also include the third party's organisation
 - The reason for the viewing
 - The outcome, if any, of the viewing
 - The date and time images were returned to the system or to a secure area.
- All operators and others with access to images must be aware of the access procedures that are in place.

The Data Protection Officer regularly carries out an audit to ensure that procedures are being complied with and any concerns are passed on to the Directors. The Directors review this policy on an annual basis to determine whether CCTV continues to be justified.

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Location of CCTV equipment

The location of the CCTV equipment is stored in the Personal Assistant's Office and the office door is locked when the Personal Assistant (or Data Protection Officer) is not there. The images that are recorded comply with Data Protection Principles as follows:

- Cameras only monitor those spaces intended to be covered.
- Cameras are situated to ensure that they will effectively capture images relevant to the scheme's purpose.
- There is no risk of neighbouring spaces being monitored unintentionally.
- Adjustable cameras are restricted to prevent operators from being able to allow unintended spaces to be overlooked and/or recorded.
- Cameras are able to produce images of sufficient size, resolution and frames-per-second
- Physical conditions and environment was taken into consideration when siting cameras, eg lighting and the size of the area to be viewed.
- All necessary steps were taken to protect the cameras from vandalism and theft.
- None of our cameras cover areas of heightened expectations of privacy, such as changing rooms and toilets.

Using the CCTV equipment

The CCTV that LIBRA uses, records high quality, clear pictures and prints as well as live screen images, this was chosen to avoid any unacceptable loss of detail during the recording process.

During installation the compression settings for recording were discussed and the best possible picture quality on playback was achieved and activated. The system has been set up to that images cannot be inadvertently corrupted.

The Personal Assistant who maintains the workings of the CCTV equipment checks multiple times a day that the date and time stamp on the recorded images is accurate. The CCTV we use does not have a facial recognition technology and this is currently deemed unnecessary due to the small size of the company and the financial implication. The Personal Assistant regular performs maintenance checks on the system and any issues are highlighted to the Data Protection Officer (DPO) for immediate action. No wireless transmission system is used, the maintenance team perform regular checks in line with electrical legislation and guidance.

LIBRA's CCTV is not able to record conversations between members of the public (as this is highly intrusive and unjustified).

Storing and Viewing the Images

The Personal Assistant is easily able to take copies of a recording off the CCTV system when required by a law enforcement agency without interrupting the operation of the system. There is no reason to believe they would have any difficulty in using the recorded images. When images are removed for use in legal proceedings the following information must be logged:

Date on which images were removed

The reason why they were removed

Any relevant crime incident number

The location of the images

Signature of the collecting police officer or law enforcement nominated person

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There is only one monitor for the CCTV system and it is almost hidden from view in a very private and thoughtout location, locked when not manned by the authorised personnel. It is an appropriate and secure location.

Disclosure Policy

This policy has been established to identify the reason/s why copies of the images may be disclosed, ensuring that those reasons are consistent with the overall purpose of the CCTV scheme. All employees are aware of the following disclosure and access restrictions:

- Access to recorded images is restricted to those who need to have access to achieve the purpose of the CCTV scheme.
- All access to images is logged and documented
- Disclosure of recorded images to third parties is only made in limited and prescribed circumstances.
- All requests for access or disclosure is recorded. If access or disclosure is denied the reason is documented.
- If access or disclosure of images is allowed then the following information is logged:
 - The date and time at which access was allowed or the date on which disclosure was made
 - The reason for allowing access or disclosure
 - The extent of the information to which access was allowed or which was disclosed.
- Recorded images are not made more widely available. If it is intended that they will be made more widely available that decision is made by the designated member of staff responsible for the scheme, namely the Data Protection Officer (DPO), and the reason for the decision is documented.
- Where images have been disclosed to a third party, then they become the Data Controller for their copy/ies of the image/s and are responsible for compliance with the Data Protection Act.
- If images are to be disclosed to the media the images of individuals would be disguised or blurred to ensure that they cannot be readily identified. As the LIBRA system does not have this facility, we would employ a third party or company to undertake this work. In such cases, the Data Protection Officer would ensure that:
 - There is a contractual relationship between the Data Protection Officer and the third party or company
 - The third party or company gives appropriate guarantees regarding security measures they take
 - The Data Protection officer checks to ensure that those guarantees are met
 - The written contract makes it explicit that the third party or company can only use the images in accordance with the instructions of the Data Protection Officer or designated member of staff.

The written contract makes the third part or company's security guarantees explicit.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

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This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

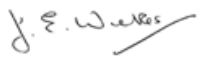
Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated Director.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

Linked Policies

▪ Safeguarding and Child Protection	▪ Visitors and Contractors	▪ School Security
▪ Data Protection and the General Data Protection Regulation (GDPR)		

Headteacher/Director:		Date:	25.05.18
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Libra School Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
Photographic and Video Images (Use of)	As stated			✓

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Directors	School Volunteers	School Visitors	Wider School Community
		✓	✓	✓	✓	✓	✓

Question	Equality Groups																		Conclusion										
	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
Does or could this policy have a negative impact on any of the following?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓			✓			✓			
Does or could this policy help promote equality for any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS			Y	N	NS
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓
Does data collected from the equality groups have a positive impact on this policy?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS			Y	N	NS
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓

Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date
Julie Farr	18.05.18	Joan Wilkes	20.05.18

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Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed	✓			
• Policy in line with current legislation	✓			
• Coordinator in place	✓			
• Coordinator carries out role effectively	✓			
• Headteacher, coordinator and nominated Director work closely	✓			
• Policy endorsed by governing body	✓			
• School personnel aware of this policy	✓			
• School personnel comply with this policy	✓			
• Pupils aware of this policy	✓			
• Parents aware of this policy	✓			
• Visitors aware of this policy	✓			
• Local community aware of this policy			✓	
• Funding in place	✓			
• Policy complies with the Equality Act	✓			
• Equality Impact Assessment undertaken	✓			
• Policy referred to the School Handbook	✓			
• Policy available from the school office	✓			
• Policy available from the school website	✓			
• School Council involved with policy development	✓			
• All stakeholders take part in questionnaires and surveys			✓	
• All associated training in place	✓			
• All outlined procedures complied with	✓			
• Linked policies in place and up to date	✓			
• Associated policies in place and up to date	✓			
A statement outlining the overall effectiveness of this policy				
It is effective and suitable for purpose				

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Policy Approval Form

Policy Title:	Photographic and Video Images (Use of) Policy					Date when written:		18.05.16	
Policy written by:	Julie Farr				New Policy (✓ or x)	x	Revised Policy (✓ or x)	✓	<input type="checkbox"/>
Stakeholders consulted in policy production: (✓ or x)	Governors	Senior Leadership Team	Teaching Personnel	Support Personnel	Administrative Personnel	Parents	Pupils	Local Community	
	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	
Date when approved by Directors:	20.05.17		Date when presented to stakeholders:	20.05.17		Date when implemented:	25.05.17		
Published on: (✓ or x)	School Website			School Prospectus			Staff Handbook		
	<input type="checkbox"/>			<input type="checkbox"/>			✓		