



C I T Y A N D C O U N T Y O F S W A N S E A
D I N A S A S I R A B E R T A W E

Guidance For Schools

On Safe Use of Images

PD/Notes/Use of Images Policy

The United Nations Convention on the Rights of the Child (CRC) is at the heart of our school's planning, policies, practice and ethos. As a rights-respecting school we not only teach about children's rights but also model rights and respect in all relationships - Linked to Article 16 (CRC)

Introduction

With technology moving as quickly as it is making it easier to use pictures and images in many forms, it is vital that although schools must take best advantage of these developments to enhance both learning and the capacity of the school to serve its community, they also need to balance the demands which accompany the increased opportunities technology brings with the responsibility to protect the rights of the individual pupil, governor or member of staff and to take particular account of potentially vulnerable individuals.

These notes of guidance are designed to help schools set out a sensible policy covering appropriate use of images of pupils, parents, visitors, governors and staff.

For full guidance schools are referred to the Information Commissioners Office (ICO).

www.ico.gov.uk

‘Safeguarding children in a digital world’, ‘E-safety’, and ‘Key features of a safe school website’ are helpful advice notes produced by Becta which may be consulted at:

www.schools.becta.org.uk

For the purposes of this guidance, photographs (both digital and film or those generated by mobile phone, web or network cameras) and video are referred to as images.

Advice to Schools

Schools should consider using the ‘Data Protection Good Practice Note – Taking Photographs in Schools’ published on the Information Commissioner’s website as the basis for the policy to be adopted by the Governing Body. This Practice Note can be found on page 4 of this Guidance.



Good Practice

- Always ensure that you have a good reason for taking the images
- Plan what your strategy will be for the filming of any performances in good time - do not leave any decisions to the last minute. Always make sure that you have consent from parents for any production to be officially filmed by the school
- Check with parents and carers to ensure that their written consent has been previously obtained
- Think about whether there will be any issues arising if a specific child is identifiable – Always consult with a social worker if you have a Looked After Child
- Always get consent forms signed irrespective of whether the subject is a pupil or a staff member
- Make sure that you keep note of any changes in the child's domestic circumstances which may make a previously signed consent form invalid. Remember that consent forms are generally only valid whilst the child in question is attending the school
- If consent is not given but a child is photographed / filmed and the image of the child is used without permission, the parent could refer the matter to the Information Commissioner and the Data Controller(s) i.e. The School, could be prosecuted and fined
- If you have decided that your school needs a webcam, think about where it's going to be placed
- Make sure that you have signs telling people that they are entering an area where they are likely to be filmed, i.e. C.C.T.V.
- Don't use images for any subject that may cause offence, embarrassment or upset
- Make sure that any children you photograph are dressed appropriately
- If you are planning to use an external photographer, make sure you have the backing of your governing body
- Ensure that any external photographer has had CRB checks and that you have agreed with the photographer what will happen to the master copies of any pictures/films that are produced





Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Data Protection Good Practice Note Taking Photographs in Schools

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Act.

Examples

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 school 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 terms of the 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 is unlikely to be personal data and the Act wouldn't apply.

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

Further Information

If you require any further information about this or any other aspect of Data Protection, please contact us using the details below:

Web: www.ico.gov.uk

Email: mail@ico.gsi.gov.uk

Telephone: 01625 545700

Source: www.ico.gov.uk – Data Protection Good Practice Note – Taking Photographs in Schools – 26th Oct 2007



1998 Data Protection Act

This Act came into force on 1st March 2000 and offers more protection to individuals whilst imposing more onerous obligations such as the City and County of Swansea (the Authority) when handling personal data.

Personal data is any information which identifies a living individual.

The Data Protection Act 1998 lists the following eight principles which require that data is:

1. Processed fairly and lawfully
2. Obtained only for one or more specified purposes, and not processed incompatibly with them
3. Adequate, relevant and not excessive in relation to the purpose(s)
4. Accurate and kept up to date
5. Not kept for longer than necessary for the purpose(s)
6. Processed in accordance with the rights of the data subjects
7. Kept secure
8. Not transferred to a country outside the European Economic Area which does not have adequate data protection rules.

There are several key terms used in the Data Protection Act. These are outlined below together with definitions of how these apply when taking images within schools.

Personal Data Photos or images of pupils are classed as personal data.

Data Subject This is the child (or adult, eg. a member of school staff) who is the subject of the personal data.

Data Controller This is the person or body who determines why and how personal data is to be “processed”.

There can be joint Data Controllers where two Data Controllers act together in determining the purposes and manner of processing or Data Controllers “in common” where a pool of personal data is shared and each controller acts independently of each other.

The School, the LEA, and the Photographer are all Data Controllers.

Data Controllers have to inform the Information Commissioner about their Data Processing and all local authorities notify the Information Commissioner about this on behalf of many of their schools.

Data Processing This is anything that is done with data including obtaining, recording, storing, organising, adapting, altering, retrieving, using, disclosing, erasing etc. The guidance to the Data Protection Act 1998 states, “It is difficult to imagine any activity involving data which is not covered by this definition”. Taking photographs, developing them, altering them, distributing them and storing them etc. are all acts of data processing, as are all the stages involved in making a film of a performance/event.



Data Processor This is any person (other than an employee) who processes the data on behalf of the Data Controller.

Any use of photographic images either by still, video or webcam which clearly identify individuals must be carried out in compliance with the Act.

This Guidance, together with the Authority's Data Protection Policy and related Employee Guidance is intended to assist staff to comply with the Act specifically when dealing with photographic images.

Consent to Take Photographs

It is important to obtain consent from the parent, guardian, carer or social worker of a child or young person up to the age of 16. Young people aged 16 – 18 may give their own consent. As most children and young people attend primary and secondary schools for up to a period of five years it is recommended that consent is obtained to cover the whole five year period. –

At Burlais we ask parents/guardians to give written consent on an annual basis.

You must make clear:

- Why you are taking that person's image;
- What you will be using the image for; and
- Who is likely to be looking at the images.

Consent forms can be sent to parents with the school registration pack. To assist in ensuring that changes of circumstances are recorded it is advisable that photographs are kept with the signed consent forms. Consent from teachers and other adults who may appear in the photograph or video is also required. Once a member of staff leaves the School it is recommended that photographs are not re used and are destroyed.

Please be aware that some children's parents/carers may have special requirements to help them understand and complete image consent forms. Be prepared to cater for anyone who requires information to be translated into a different language or supplied in other formats.

You should also note that where one parent or carer does not give consent and the other does, consent is not given.

Sample consent forms can be found at Appendix A.

Use of Existing Photographs

If re-using older photographs held on file for which consent was previously obtained for paper publication, it is advisable to renew this consent if the photograph is over 2 years old and / or is to be used on the website. Avoid using photographs of children and young people after they have left the School.



The following points are useful guidelines in indicating circumstances under which it would be acceptable to use photographs for which permission was not obtained:

- For what purpose was the photograph originally taken, e.g. was it taken for a specific project such as the school prospectus?
- Where was the photograph taken, e.g. was it taken at a public place such as on a school trip to a museum?
- When was the photograph taken – can retrospective consent be obtained?

Other Issues

Occasionally, members of the Press may take photographs or film footage at School. Although the Press can claim an exemption under the Data Protection Act for journalistic work (section 32), some parents may object to their children appearing in the media. For this reason an opt-out is included on the consent form for schools.

Wherever possible it is recommended that images of children from different ethnic communities and children with disabilities are used to ensure the School publications are inclusive of the whole community and comply with the Disability Discrimination Act. However, be aware that extra sensitivity should be given when taking images of children and young people with special educational needs.

Please note that no image or recording in whatever form should be taken of a 'Looked After Child' without the explicit consent of the social worker (not foster carer) involved.

Only images of pupils in suitable dress should be taken, this is to reduce the risk of images being used inappropriately, e.g. do not use photographs of children in swimming costumes.

Websites

The government agency website www.schools.becta.org.uk contains useful information for Schools that use the internet or have their own website.

It is recommended that school websites should avoid using:

- Personal details or full names of any child or adult in a photograph, although first names can be used in some circumstances.
- Personal email, postal addresses, telephone or fax numbers.

When using a photograph of an individual pupil, do not include that child's first name in the accompanying text or photo caption. If a pupil is named in the text, do not include a photograph of the child. This will avoid the risk of inappropriate and unwelcome attention from people outside the School.

As an alternative pupils could be asked to draw a picture of a pupil or member of staff for the School website. The use of group or class photographs with very general labels such as 'a science lesson' or 'making Christmas decorations' is also acceptable.



School prospectuses and other publications

Although most School literature is sent to a very specific audience, it is advisable to avoid using personal details or full names of any child in a photograph and avoid naming a child in the text or accompanying photo caption if they appear in a photograph and vice versa.

Videos

Before any children or young people up to the age of 16 can appear in video productions, parental consent must be obtained in the same way as for photographs, using the relevant parental consent form. Similarly, you must get the permission of anyone in your recording who is not part of a crowd and is easily recognisable.

Parents / Guardians can make video recordings of nativity plays and similar school events (see guidance of the ICO on page 4 of this document). The School should however, inform parents who wish to do so that the recordings they make should be for personal use only, this should be done before the event. Also, notification of the likelihood of the video recording of the production or event should be given to all parents prior to that production or event taking place, this allows parents who do not wish their child to be recorded to express their preference.

Webcams

The regulations for using webcams are similar to those for CCTV. Therefore, the area in which the webcam is used must be well signposted and people must know that the webcam is there before they enter that area. As with photographs, you must tell the person:

- Why the webcam is there;
- What you will use the images for; and
- Who might be looking at the pictures.

Mobile phones with cameras

More and more mobile phones now have integrated cameras. This opens up a whole new area of photography and highlights the need for schools to be aware of the potential for images to be taken and then misused. Many sports centres have become aware of the potential for abuse and now ban the use of mobile phones with cameras from changing areas, swimming pools and so on. There is no reason to assume that the same potential risk could not occur in schools.

Cameras also create a confidentiality risk for documents such as examination papers.

There is also evidence that some schools are now banning their use in case any pictures taken on these phones end up on the Internet.



Schools should already have mobile phone usage policies in place and so therefore, it should be a case of amending these policies to acknowledge the existence and use of camera phone technology.

Copyright

It is important to be sure of the copyright position of any photographs you intend to use.

Copyright is the right given to authors and creators of works to control the exploitation of their works. The right broadly covers copying, adapting, issuing copies to the public, performing in public and broadcasting the material. Copyright arises automatically and does not depend on the completion of any formalities, such as registration. Note that photographs obtained from the Internet are also subject to copyright. The first owner of copyright is usually the author or artist of the work. The major exception is where such work is made in the course of employment, in which case the employer owns the copyright.

Commissioning and paying for work does not procure the copyright, unless the commissioning contract agrees otherwise.

You should also note that copyright lasts for over 50 years. Photographs taken after 1st August 1989 are protected for 70 years after the death of the photographer. There are different rules regarding older photographs depending on the relevant Copyright Act at the time they were taken. See table:

Date Photograph Taken	Length of Copyright
Before 1912	Expired
1 st July 1912 – 1 st June 1957	Expired
1 st June 1957 – 1 st August 1989	70 years from when the negative was taken
After 1 st August 1989	70 years from the death of the photographer

Photographs on the Internet that are not owned by CCS should have a photograph credit attached to them. It is the responsibility of the person publishing photographs on the Authority's website to ensure that all photographs are correctly credited to their author. Photographs owned by CCS do not need a credit.



APPENDIX A

Sample consent forms for photographs, videos and webcams

Forms are available separately under the following headings:

FORM 1:

Consent form for use by City & County of Swansea Schools – to be used by Headteachers wishing to take and use images of children for all School based literature and recordings.

FORM 2:

Consent form for Council non-School staff commissioning photography of children – to be used when City & County of Swansea is requesting the use of images of children.

FORM 3:

Consent form for Council staff commissioning photography of adults – to be used when using any images of adults for a City & County of Swansea publication.

FORM 4:

Verbal consent form – for use at large events when you might need someone's consent unexpectedly, e.g. a race winner.

FORM 5:

Consent form for using photographs of staff on the Internet – for any staff pictures placed on the Internet explicit consent must have been obtained from the individual staff member.



FORM 1: Consent form for use by City & County of Swansea Schools

Conditions of Use

This form is valid for five years from the date you sign it, or for the period of time your child attends this school. The consent will automatically expire after this time.

We will not re-use any photographs or recordings after your child leaves this school.

We will not use the personal details or full names (which means first name and surname) of any child or adult in a photographic image on video, on our website, in our school prospectus or in any of our other printed publications.

We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website, in our school prospectus or in other printed publications.

If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption.

If we name a pupil in the text, we will not use a photograph of that child to accompany that article.

We may include pictures of pupils and teachers that have been drawn by the pupils.

We may use group or class photographs or footage with very general labels such as 'a science lesson' or 'making Christmas decorations'.

We will only use images of pupils who are suitably dressed to reduce the risk of such images being inappropriately.



Consent form for use by schools

To Name of the child's parent
 or guardian:

Name of Child:

School:

Occasionally, we may take photographs of the children at our school. We may use these images in our school's prospectus or in other printed publications that we produce, as well as on our website. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

From time to time, our school may be visited by the media who will take photographs or film footage of a visiting dignitary or other high profile event Pupils will often appear in these images, which may appear in local or national newspapers, or on televised news programmes.

To comply with the Data Protection Act 1988, we need your permission before we can photograph or make any recordings of your child. Please answer the questions below, then sign and date the form where shown and return the completed form to the school.

*Please Circle
your answer*

May we use your child's photograph in the school Prospectus and other printed



publications that we produce for promotional purposes? YES/NO

May we use your child's image on our website? YES/NO

May we record your child's image on video or Webcam? YES/NO

Are you happy for your child to appear in the media? YES/NO

Please note that websites can be viewed throughout the world and not just in the United Kingdom where UK law applies.

Please note that the conditions for use of these photographs are on the back of this form.

I have read and understood the conditions of use on the back of this form

Parent's or

Guardian's signature _____ Date: _____

Name (capitals): _____

FORM 2: Consent form for Council non-School staff commissioning photography of children – to be used when City & County of Swansea is requesting the use of images of children.

Conditions of Use

The form is valid for *two years from the date of signing /*for this project only. The consent will automatically expire after this time.

We will not re-use any images *after this time / *after the project is completed.

We will not include details or full names (which means first name and surname) of any child or adult in an image on video, on our website, or in printed publications, without good reason. For example, we may include



the full name of a competition prize winner if we have their consent. However, we will not include the full name of a model used in promotional literature.

We will not include personal e-mail or postal addresses, or telephone or fax numbers on video or on our website or in printed publications.

If we use images of individual pupils, we will not use the name of that child in the accompanying text or photo caption without good reason. And if a pupil is named in the text, we will not use a photograph of that child to accompany the article without good reason. For example, we may include a picture and full name of a competition prize winner if we have their consent. However, we will not include a picture and full name of a model used in promotional literature.

We may use group or class images with very general labels, such as 'a science lesson' or 'making Christmas decorations'

We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.

**Please delete the option that does not apply.*



Consent form for Council staff commissioning photography of children

To Name of the child's parent
or guardian:

Or Headteacher's name:

Name of child:

School the child attends
(if applicable):

Location of photograph:

The City and County of Swansea would like to *take photographs / * make a video recording of your *child / *children for promotional purposes. These images may appear in our printed publications, on video, on our website, or on all three. (* delete as appropriate.)

To comply with Data Protection Act 1998, we need your permission before we take any images of your *child / *children. Please answer questions then sign and date the form where shown. **Please return the completed to:**

(Insert name of the person commissioning the photography and the return address.)

If photographs or recordings of school groups are organised and individual children cannot be easily identified, headteachers must find out whether any parents do not want their child to be in the photograph.

Headteachers should return the completed form to the address shown above.

*Please Circle
your answer*

To the parent

May we use your child's image in our printed promotional publications?

YES/NO

May we use your child's image on our website?

YES/NO



May we record your child's image on our promotional videos?

YES/NO

To the headteacher

I have checked which parents are happy for their children's images to be used in the City and County of Swansea printed publications, on its website, on video, or on all three.

YES/NO

Please note that websites can be viewed throughout the world, not just in the United Kingdom where UK law applies. Please also note the conditions for using these images on the back of this form.

I have read and understood the conditions of use on the back of this form.

Signature: _____ Date: _____

Your name: _____ *(in block capitals)*

FORM 3: Consent form for Council staff commissioning photography of adults – to be used when using any images of adults for a City & County of Swansea publication.

Conditions of Use

The form is valid for *two years from the date of signing /*for this project only. The consent will automatically expire after this time.

We will not re-use any images *after this time / *after the project is completed.

We will not include details or full names (which means first name and surname) of any child or adult in an image on video, on our website, or in printed publications, without good reason. For example, we may include the full name of a competition prize winner if we have their consent. However, we will not include the full name of a model used in promotional literature.

We will not include personal e-mail or postal addresses, or telephone or fax numbers on video or on our website or in printed publications.

If we use images of individual pupils, we will not use the name of that child in the accompanying text or photo caption without good reason. And if a pupil is named in the text, we will not use a photograph of



that child to accompany the article without good reason. For example, we may include a picture and full name of a competition prize winner if we have their consent. However, we will not include a picture and full name of a model used in promotional literature.

We may use group or class images with very general labels, such as 'a science lesson' or 'making Christmas decorations'

We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.

**Please delete the option that does not apply.*



Consent form for Council staff commissioning photography of adults

To Name:

Address:

Contact tel no:

Location of photograph:

The City and County of Swansea would like to *take your photograph / *make a video/webcam recording of you for promotional purposes. These images may appear in our printed publications, on video, on our website, or on all three.

*(*Please delete as appropriate.)*

To comply with the Data Protection Act 1998, we need your permission before we take any photographs or recordings of you. Please answer the questions below, then sign and date the form where shown. We will not use the images taken, or any other information you provide, for any other purpose.

Please return the completed form to:

(Insert the name of the staff member commissioning the photography and the return address)

*Please Circle
your answer*

May we use your image in our printed promotional publications produced by the



Council for promotional purposes?

YES/NO

May we use your image on our website?

YES/NO

May we record your image on our promotional videos?

YES/NO

Please note that websites can be viewed throughout the world, not just in the United Kingdom where UK law applies. Please also note the conditions for using these images on the back of this form.

I have read and understood the conditions of use on the back of this form.

Your signature: _____ Date: _____

Your name (capitals): _____



FORM 4: Verbal consent form – for use at large events when you might need someone's consent unexpectedly, e.g. a race winner.

Conditions of use

This form is valid for *two years from the date of signing / *for this project only. Your consent will automatically expire after this time.

We will not re-use any images *after this time / *after the project is completed. We will not include details or full names (which means first name and surname) of any person in an image on our website, on video, or in printed publications, without good reason. For example, we may include the full name of a competition prize winner if we have their consent. However, we will not include the full name of a model used in promotional literature.

We will not include personal e-mail or postal addresses, or telephone or fax number on video, on our website or in printed publications.

**Please delete the option that does not apply.*



Verbal Consent Form

Name of the project:

Name of Photographer or

Recorder:

Photographers Address:

Name of person to be

photographed / recorded:

Has verbally agreed to *have their photograph taken / * be videoed

Contact number:

In accordance with the Data Protection Act 1998, I have explained that:

*Please Circle
your answer*

We may use these images in printed publication produced by the City & County of Swansea for promotional purposes.

YES/NO

We may use these images on our website and it is understood that websites can be seen throughout the world and not just in the United Kingdom, where UK law applies.

YES/NO

May we use these images in promotional videos?

YES/NO

This form is valid for *two years from the date of signing / *for this project only.

YES/NO



We will not re-use any images *after this time / *after the project is completed. **YES/NO**

Your consent automatically expires after this point.

We will not include details or full names of any person, in an image on video, on our website or in printed publication without good reason. For example, we may include the full name of a competition prize winner if we have their consent. However, we would not include the full name of a model used in promotional literature. **YES/NO**

We will not include personal email or postal addresses, or telephone or fax numbers on our website or in printed publication. **YES/NO**

Your signature: _____ Date

FORM 5: Consent form for using photographs of staff on the Internet – for any staff pictures placed on the Internet explicit consent must have been obtained from the individual staff member.

Conditions of Use

This form is valid for *this project only / *the duration of your employment with this department. (*Please delete as appropriate)

Your consent will automatically not apply to any other usage of the photos if you choose to give consent for this project only.

Images must only be used in circumstances where consent has been given.

Signed consent must be given for images to appear on the Intranet or the Internet (potentially viewed by anyone), or they cannot be published in this way.

Under the Data Protection Act 1998 your rights include:

- Your consent (to the publication of your photo) can be withdrawn at any time – Principle 1 of the Act
- Your photo will not be used for any other purpose without your further consent – Principle 2 of the Act



- Your personal data will be accurately maintained and kept up to date – Principle 4 of the Act
- Publication of your photo will cease and all electronic copies will be deleted when you leave the Council – Principle 5 of the Act
- Your photo will not be published on the Internet without your further explicit consent – Principle 8 of the Act

Consent form for using photographs of Council staff on internet and Intranet

To Name (block capitals): _____

Department: _____

Section: _____

Description: _____

Location of Photograph: _____

The department would like to use your photograph for staff recognition purposes. These images will appear on our web page. This page appears on the intranet only/internet. *(*Delete as appropriate.)*



To comply with the Data Protection Act 1998, we need your permission to use photographs of you. Please answer the question below, then sign and date the form where shown. We will not use the images taken, or any other information you provide, for any other purpose.

Please return the completed form, even if you have chosen not to give your consent, to:

*Please Circle
your answer*

May we use your image on our web pages? **YES/NO**

Intranet only, accessible by my department only. **YES/NO**

Intranet only, accessible by everyone on the intranet. **YES/NO**

The Council's website, viewable by anyone in the world. **YES/NO**

Please confirm that you have read and understood the conditions for use, and the notes relating to the eight principles of the Data Protection Act, that are found on the back of this form.

I have read and understood the conditions of use on the back of this form. I confirm that I understand publication of my picture on the City and County of Swansea Council's intranet will mean that my picture will be viewable by those with access to the intranet alongside my job title and business contact details and consent to such processing of my personal data. Equally, I understand that if my picture and details are placed on the internet that potentially this will be accessible by anyone in the world with internet access.

Your signature: _____ Date

**Please delete the options that do not apply*

