

PHOTOGRAPHY OF PUPILS - GUIDANCE

Below is the guidance issued by the Information Commissioner's Office (ICO). Larkmead School has adopted this guidance and together with Appendix 1 this constitutes our policy governing the photographing of students.

Data Protection Good Practice Note - Taking Photographs in Schools

Aim of this guidance

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 will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

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 need any more information about this or any other aspect of data protection, please contact the ICO:

Phone: 08456 306060

Or 01625 545745

E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk

Appendix 1

Guidance to staff , students, parents/guardians ,governors and anyone acting as an employee of Larkmead School or working in an official capacity for Larkmead School.

Guidance when taking a photograph

Parents/Students/Relatives

Photographs taken by these persons or their friends and relatives are for personal use and not covered by the Data Protection Act.

Employees of Larkmead School/The Press/Official photographers acting, in an official capacity for Larkmead School.

Students should be told what the purpose of the photograph is.

Students should be given an opportunity to decline to be photographed.

Where the photograph is planned well in advance the person taking the photograph should check with the school office for names of students who have returned a slip to the school saying that they do not wish to be photographed or that they be contacted in advance via the telephone number given on the return slip.

School Procedure

The school will send out a consent form annually giving parents the option of declining to have photographs taken of their son/daughter or asking for prior warning where this is practical and supplying an appropriate means of contact.

Tutors should return any slips they receive from parents/guardians concerning the photographing of their son/daughter to student services.

Official Year Photographs

The appropriate Director of Learning (DoL) should consult with the office for names of students who have returned a slip to the school saying that they do not wish to be photographed or that they be contacted in advance via the telephone number given on the return slip.

Responsibility on the student

The ad hoc nature of events that might be photographed means that such pictures could be taken inadvertently of students who have returned a slip saying that their parents/guardians are not happy for them to be filmed.

It is important therefore that the student themselves alerts the photographer to the fact that their parents/guardians are not happy for them to be filmed.

Review

This policy is dated Oct 14 and will be reviewed by the School Leadership Team every 3 years or sooner if circumstances dictate.