

Photography and video on Social Media at Gartree High School

Data Protection and Other Issues.

Context: The current round of photograph and media permissions will expire in December 2017. When we ask parents about permission in future (from January 2017) we would like to streamline the process, and in doing so would like to make a number of things explicit which are not currently covered by either the Social Media Policy (updated 2017) or the Data Protection Policy (updated January 2016).

Current Situation: At present we use a media consent form which asks the following questions:

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child. Please answer questions 1 to 5 below, then sign and date the form where shown.

Please return the completed form to the school as soon as possible

***Please circle
your answer***

- | | |
|---|--------|
| 1. May we use your child's photograph in the school prospectus and other printed publications that we produce for promotional purposes? | YES/NO |
| 2. May we use your child's images on our website? | YES/NO |
| 3. May we record your child's image on video or webcam? | YES/NO |
| 4. Are you happy for your child's image to appear in the media? | YES/NO |
| 5. Accompanied by their name? | YES/NO |

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

Please also note that the conditions for use of photographs are shown below on this form
(The conditions of use referred to are reproduced later in this document.)

What this means in practice is that before we can use images in social media we need to consult two lengthy Excel spreadsheets in which parental responses to these questions are collated. Currently the file "Pupils we can photograph" runs to 15 pages, whilst the file "Pupils We Do Not Have permission to Photograph" runs to ten pages. This is quite onerous and can prevent photographs being shared in a timely manner. I have attached example pages.

Clearly we need to balance privacy concerns for parents and the need to promote the school. This document is an attempt to strike that balance.

Background: Last year the school in general and Mr Bull in particular researched practice generally, in an attempt to streamline this process:

I mentioned last year that we may want to readdress our yellow Photo Permissions Form to include social media, and to more clearly define our parameters of use to help us with our graphics and marketing work

Further to our conversation, I have spent the morning researching information from the Data Protection Act, details from the Information Commissioner's Office, and guidance from ACT NOW (who are a local government data protection resource organisation). Our current form seems to be based on a form they put out quite a few years ago, which our LA submitted to us as an example we may wish to follow. This form has now been superseded and is somewhat outdated.

National guidance from the ICO now suggests that we may wish to issue one form which lasts for the duration of a student's time at GHS, and does not need renewing every year. It will grant five-year permission from the start of a student's time at Gartree, and expires when they leave. This would save the office a considerable amount of time.

It also states that the form should be written to meet the needs of our school. I have reviewed several other schools' letters, and found that they are both more streamlined and also more specific to the particular to what each does with images and video.

I have then adapted the latest example letter from ACT NOW, to include social media, website and 'printed marketing media' - without compromising the letter's legal standing. I would like to propose its use from next year. I think you'll agree its simpler, clearer, and will make the whole process more transparent to staff and to parents.

Let me know what you think,

This proposal and the proposed new form (see below) was submitted to the school's solicitor's Browne Jacobson LLP and we received the following response:

Thanks for the documents regarding parental consent for media images. Having considered the ICO guidance (which is rather brief and vague), I think the proposed approach is fine. You are still obtaining consent from the relevant people and providing an opt—out over the period of the child's education at the school. Clearly, parents will be notified when events occur and can always re-assess their wishes for each event and have contact details within the form to allow them to do this.

A 'belt and braces' approach may be to remind parent of the media consent by placing something on the school website – a copy of the form and guidelines perhaps?

We are proposing that the full text of the Media consent form (below) is incorporated into the revised the Data Protection Policy. There may be some other alterations to this policy, so Governors may not be in a position to fully revise the policy, but if they could provisionally approve this incorporation now it would allow us to gather new media permissions in the new year.

The General Data Protection Regulation comes into force on 25th May 2018. When the GDPR comes into force, it will entirely replace our current Data Protection Act 1998 (DPA) and radically overhaul many of our existing data protection rules. Some of the precise detail as to how the GDPR will be implemented here in the UK has yet to be decided. So, whilst [this checklist](#) is a useful starting point, we should continue to check the Information Commissioner's Office (ICO) website (www.ico.org.uk) for further guidance and other tools to help you prepare. Any revisions of the school's Data Protection policy will clearly need conform to the new policy. **Therefore, we are asking the governors to approve these interim arrangements until the school's data protection policy is fully revised.**

I propose that we include all the documents from this point onwards in an appendix to the revised Data Protection policy.

Thanks.

Proposed (draft) letter to parents:

Dear parents

Our last round of photo permissions expired in December 2017, so it is time for us to ask again for permissions to take photographs of your child.

We are currently revising our policy on recording pictures and videos in school. We believe it is important that we are transparent with regard to sharing examples of life at Gartree and we wish to celebrate the achievements of students, whether in academic, sporting or other arena. We often want to share details of trips out of school, of house competitions and of work in school. To enable us to continue with this work, we are asking you to sign the form enclosed with this letter.

We sometimes wish to share pictures of work in school, sporting achievements and outside visits. This might be on the school website at <http://gartree.leics.sch.uk/>, on our Twitter account @gartreehigh, on our Facebook account Gartree High School or elsewhere. In doing so we try to capture a flavour of events rather than photographing individuals who are easily identifiable, but occasionally individuals can be identified (as for example in sporting team photographs).

Therefore, we want to make clear the ways in which we might use such images (or videos) so that you as parents can decide whether to give permission. We hope you will – it makes it so much easier to celebrate achievements.

As you can see for the notes on the document, we attempt to be sparing in our use of personal information in such cases. For example, we will only use first names when reporting on events and we will not list who is in a picture. When taking group photos or video we will ask anyone who does not have photo permission or who does not wish to be included to step out of the shot, and we may use group shots of three or more people where individuals are not easily identified. We favour a common sense approach so that there is enough information for parents to take pride in the achievements of their child, and insufficient information for anyone to misuse or to put children at any risk.

Our advice is in line with the guidance provided by the Information Commissioner's Office (enclosed). If at any time you feel that more has been shared than should have been shared, please feel free to contact the school immediately and the material will be removed. We will post a copy of our Data Protection policy on the school website, under "Students & Parents > Policies" and if you wish to withdraw your permission at any time please do so via the "Contact Us tab – or telephone the school office.

Thank you for your understanding. This is a difficult area. We want to balance our desire to celebrate achievements with our desire to respect the privacy of students. We hope you will sign the enclosed form to enable us to do this. Thank you very much for your support.

The proposed new form is this one:

MEDIA CONSENT FORM

Occasionally, we may take photographs of the children at our school. We may use these images in our school's prospectus or other printed marketing documentation. We may also use them on our school website, social media platforms or other digital media. We may also make video or webcam recordings for educational or promotional use.

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

We may record images of groups of students, for example in lessons, corridors or participating in sporting events. These are classified as 'Official School Use' images and therefore do not breach guidelines of the Data Protection Act 1998 (DPA).

To comply with the DPA we need your permission before we can photograph or make any recordings of your child individually or in very small groups such as receiving an award, for example. If your child appears in the foreground of a group image, we may approach you again to consent to an image being used. We hope that you will support us with this, as we feel that any photography or videography we undertake is in the best interests of the school and its students.

By signing and returning this document, you agree to our using these recorded images for the duration of your child's time at Gartree in the ways described. You will not need to submit consent again, but should you wish to withdraw consent, please contact: hpiper@gartree.leics.sch.uk. After your child has left Gartree, individual or very small group images of them will not be used.

May Gartree use your child's image in photographs or videos for educational and/or promotional purposes in printed media, digital media, or on its social media platforms?

Yes

No

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

Name of child (capitals): _____

Form group of child: _____

Name of parent or guardian (capitals): _____

Parent or guardian signature: _____

Date: ____ / ____ / _____

Please return to student reception. 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 reverse of this form.

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 such as full names (which means first name **and** surname) of any student in a photographic image or video, on our website, on our social media platforms or in any of our 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 name a pupil in the text, we will not use a photograph of that child to accompany the article.

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

We may publish the work of our pupils (including written work, craft work or awards, for example).

We may use small group, large group, or class photographs or footage, which does not breach the Data Protection Act 1998 but will do so with very general labels, such as "a science lesson" or "making Christmas decorations".

Edits:

Removed: May we use your child's photograph in the school prospectus and other printed publications that we produce for promotional purposes?

Reason: confusing / redundant

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

Reason: Not part of our existing commitment. We will not use Full names with images, which is covered elsewhere.

Removed: Form group of child when starting Gartree:

Reason: Potentially confusing. Replaced with Form group:

Would like to see some qualification e.g. we will endeavour not to...

Would like to see a commitment to hosting full policy on the school website and offering an opt-out process there at any time.

As you will see, this form incorporates many conditions of use which are currently given at the end of the existing form but which are not contained in any current GHS policy as far as I am aware:

CONDITIONS OF USE

1. *This form is valid for 12 months from the date you sign it. The consent will automatically expire after this time*
2. *We will not re-use any photographs or recordings after your child leaves this school*
3. *We will not use the personal details or full names (which means first names and surname) of any child or adult in a photographic image on video, on our website, in our school prospectus or in any other printed publications*
4. *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*
5. *If we use images of individual pupils, we will not use the name of that child in the accompanying text or phone caption*
6. *If we name a pupil in the text, we will not use a photograph of that child to accompany the article*
7. *We may include pictures of pupils and teachers that have been drawn by the pupils*
8. *We may use group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations"*
9. *We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately*

We attempt at all times to follow guidance from the Information Commissioner's Office, which is reproduced below:

Taking Photographs in Schools

Data Protection Act

Introduction

The Data Protection Act 1998 (the DPA) is based around eight principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

An overview of the main provisions of the DPA can be found in The Guide to Data Protection.

This is part of a series of guidance, which goes into more detail than the Guide, to help data controllers to fully understand their obligations and promote good practice.

This 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 DPA.

Recommended good practice

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

Where the DPA 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 DPA and pupils and students should be advised why they are being taken.

☒ Photos taken purely for personal use are exempt from the DPA.

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 DPA does not apply.

☒ Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the DPA 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 DPA 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 DPA 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 DPA.