

## **Image Use Policy - Forest Kindergarten**

Policy written by: Caroline Watts, Manager, on: 6/10/2016      Date to be reviewed: 6/10/18

Data Controller: Caroline Watts

Official use of Images/Videos of Children by the Setting

### **Scope and aims of the policy**

- This policy seeks to ensure that images and videos taken within and by Forest Kindergarten staff team are taken and held legally and the required thought is given to safeguarding all members of the community.
- This policy applies to all staff including visitors, volunteers and other individuals who work for or provide services on behalf of the school (collectively referred to as 'staff' in this policy) as well as children and parents/carers.
- This policy must be read in conjunction with other relevant school policies including (but not limited to) safeguarding and child protection, anti-bullying, behaviour.
- This policy applies to all images (including still and video content) taken by the setting.
- All images taken by the setting will be used in a manner respectful of the eight Data Protection Principles (Data Protection Act 1998). This means that images will be: fairly and lawfully processed for limited, specifically stated purposes; only used in a way that is adequate, relevant and not excessive ; accurate and up to date ; kept on file for no longer than is necessary ; processed in line with an individual's legal rights ; kept securely ; adequately protected if transferred to other countries.
- The Data Controller is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the setting. This includes the management, implementation, monitoring and review of the Settings Image Use Policy.

### **Parental Consent**

- Written permission from parents or carers will always be obtained before images/videos of children are taken, used or published by the school/setting.
- Written parental consent will always be sought to take and use photographs offsite for professional, marketing and training purposes.
- Written consent from parents will be kept by the setting where children's images are used for publicity purposes (such as brochures or publications), until the image is no longer in use.
- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

## **Safety of Images and Videos**

- All images taken and processed by or on behalf of the setting will take place using setting provided equipment and devices.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- All members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.
- Images will not be kept for longer than is to be considered necessary. The data controller will ensure that all photographs are permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.
- All images will remain on site at all times, unless prior explicit consent has been given by Data Controller. Should permission be given to take any images off site then all relevant details will be recorded, for example who, what, when and why and data will be kept securely (e.g. with appropriate encryption).
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably encrypted and will be logged in and out by the Data Controller and/or DSL and this will be monitored to ensure that it is returned within the expected time scale.
- The Data Controller and/or DSL reserve the right to view any images taken and/or to withdraw or modify a member of staffs' authorisation to take or make images at any time.
- Only official setting owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of children for official purposes. Use of personal cameras by staff is prohibited at all times.
- Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use.
- The school/setting will ensure that images always are held in accordance with the Data Protection Act 1998 and suitable child protection requirements (if necessary) are in place.
- Photographs will be disposed of should they no longer be required. They will be returned to the parent or carer, deleted and wiped or shredded as appropriate. Copies will not be taken of any images without relevant authority and consent from the Data Controller and/or DSL and the parent/carer.

### Publication and sharing of images and videos

- Images or videos that include children will be selected carefully for use e.g. only using images of children who are suitably dressed.
- Images or videos that include children will not provide material which could be reused.

- Children's' full names will not be used on the website or other publication (e.g. newsletters, social media channels) in association with photographs or videos.

- The school/setting will not include any personal addresses, emails, telephone numbers, fax numbers on video, on the website, in a prospectus or in other printed publications.

#### **Usage of apps/systems to share images with parents**

- The setting uses apps to upload and share images of children with parents.
- The use of the system has been appropriately risk assessed and the proprietor has taken steps to ensure all data stored is held in accordance with the Data Protection Act 1998 (as above).
- Images uploaded to the app will only be taken on setting devices.
- All users of app are advised on safety measures to protect all members of the community e.g. using strong passwords, logging out of systems after use etc.
- Parents/carers will be informed of the settings expectations regarding safe and appropriate use (e.g. not sharing passwords or copying and sharing images) prior to being given access. Failure to comply with this may result in access being removed.

#### **Safe Practice when taking images and videos**

- Careful consideration is given before involving very young or vulnerable children when taking photos or recordings, who may be unable to question why or how activities are taking place.
- The setting will discuss the use of images with children and young people in an age appropriate way.
- A child or young person's right not to be photographed is to be respected. Images will not be taken of any child or young person against their wishes.
- Photography is not permitted in sensitive areas such as changing area/ toilet etc

#### **Use of Photos/Videos by Parents/Carers**

- Parents/carers are permitted to take photographs or video footage of events for private use only.
- Parents/carers who are using photographic equipment must be mindful of others (including health and safety concerns) when making and taking images.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the setting on health and safety grounds.
- Photography is not permitted in sensitive areas such as toilets.
- The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
- Parents may contact the setting Data Controller to discuss any concerns regarding the use of images.

- Photos and videos taken by the setting and shared with parents should not be shared elsewhere (e.g. posted on social media site), to do so may breach intellectual property rights, data protection legislation and importantly may place members of the community at risk of harm.

### **Use of Photos/Videos by Children**

- The setting will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.)
- All staff will be made aware of the acceptable use rules regarding children's use of cameras and will ensure that children are appropriately supervised when taking images for official or curriculum use.
- Members of staff will role model positive behaviour to the children by encouraging them to ask permission before they take any photos.
- Photos taken by children for official use will only be taken with parental consent and will be processed in accordance with the Data Protection Act 1998.
- Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be managed by the setting e.g. will be for internal use by the setting only (not shared online or via any website or social media tool).

### **Use of Images of Children by the Media**

- Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met.
- A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) will be published along with images and videos. • The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.
- Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the setting is to be considered to have acted in good faith.

### **Use of Professional Photographers**

- Professional photographers who are engaged to record any events will be prepared to work according to the terms of the settings e-Safety policy.
- Photographers will sign an agreement which ensures compliance with the Data Protection Act and that images will only be used for a specific purpose, subject to parental consent.
- Photographers will not have unsupervised access to children and young people