

# Trust Procedure



## Image Rights and Consent Operational Procedure

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### Related documents:

- **Social Media Policy**
- **Twitter Operational Procedure**
- **Information Security and Acceptable Use Policy**



# Image rights and consent

## Procedure management log

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## **Introduction and Context**

**Important information: This procedure must be read in conjunction with the Social Media Policy, Twitter Operational Procedure and the Information Security and Acceptable Use Policy**

In creating this operational procedure, the Trust has sought to find a balance between the safeguarding of children's images and identity with the importance of celebrating achievement and sharing the rich and varied experiences our school communities offer.

This operational procedure is in part informed by guidance offered by the NSPCC and ICO and its scope will cover best practice for safeguarding and data protection in schools. For the purposes of this document the term 'image' refers to both still and moving images.

### **Review of procedure**

This policy is reviewed annually by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

# 1.0 Staff procedure on image rights and seeking consent

## 1.1 Central register of consent

Schools should collect image rights information from parents or guardians at the start of each academic year and this request should be included on the data collection sheet sent to parents.

The image rights request on the data collection sheet will cover the use of student images on school and Trust websites, school and Trust twitter feeds and school and Trust newsletters, along with school photographs for internal use.

Additional direct and specific written consent must always be sought if a child's image or name is to appear on any external online platform, in print or featured in any media product. Please see section 1.3 for more information.

## 1.2 Data Collection Sheet wording (See Appendix A)

For image right purposes, from September 2017 all schools in the Trust will need to use a standardised wording in their Data Collection Sheets issued at the start of each year.

This wording ensures that students, staff and parents have a clear understanding of what images can be used by the school and what images the school will seek further permission for.

This wording can be found in **Appendix A**.

## 1.3 When to seek additional consent

Direct and specific written consent must always be sought if a child's image or name is to appear online, in print or is featured in any media product beyond school or Trust websites, school and Trust twitter feeds and school and Trust newsletters. This includes (but is not limited to) marketing materials, media outlets and public appearances. Verbal consent is not adequate as it does not provide an evidence trail.

Staff in schools should not presume consent for the above areas has been given, even if generic consent (see section 1.4) has been sought at the start of the year. Family and personal circumstances may have changed since that consent was sought and the very public and permanent nature of images posted online through any external medium means that it is the duty of staff to seek the direct and specific written consent of parents and students.

Staff should always seek guidance if the image rights of a child are to be used and they are unsure if additional consent is required.

#### **1.4 Specific written consent explained (See Appendix B)**

Specific written permission would encompass email and handwritten notes on paper and in planners. A record should always be kept of the written permission by the member of staff seeking permission and held for at least a year.

Any request to parents must clearly state the type of media the image or identity will appear in and in what context.

Children should always also be consulted about the use of their photograph. This ensures they're aware that the image is taking place and understand what the picture is going to be used for.

An example of the standard double sided pro-forma for consent is included in **Appendix B**.

## 2.0 Procedures for filming and photographing students

All staff should use the guidelines below as a starting point for considering any image rights matters.

- Consider the type of media the image will be used in and check the **Central Register of Consent**. If required use the parental permission form to obtain consent for a child to be photographed and/or videoed.
- Never use personal devices to take photos and recordings of children and use only cameras or devices belonging to the school or organisation. This includes personal mobile telephones and tablets.
- Only take images of children in suitable clothing to reduce the risk of inappropriate use. Some activities, for example swimming, dance and drama, present a much greater risk of potential misuse.
- Ensure images of children on websites are not accompanied by the full name of a child and their hobby, unless specific parental permission has been sought that clearly states that name and image will be used together.
- State clear expectations of professional photographers or the press who are invited to an event. These should make clear the organisation's expectations of them in relation to child protection.
- Do not allow photographers or journalists unsupervised access to children.
- Do not approve photography sessions outside the event or at a child's home.

### **3.0 Procedures for parents and stakeholders filming and photographing school events**

Parents are often keen to record for posterity an event their child is involved in. Depending on the type of the event, the context of performance and the age of the students involved, staff in school are required to use their discretion and professional experience to select one of the following three approved procedures:

1. A member of staff takes pictures at a dress rehearsal (after seeking written permission as outlined above) and makes the images available to parents upon request. This is the preferred option as it allows for control of the distribution of the images and schools can ask parents to sign a 'fair use agreement'.
2. Parents are permitted to take photographs or to make a video recording during performance for personal use only but are asked not to upload those images on social media unless they only contain the image of their own child.
3. The school request no photographs are taken during the performance and parents have an opportunity at the end. Again parents are asked not to upload those images on social media unless they only contain the image of their own child.

## 4.0 Procedures for using images

No image should be used on external websites, media, Twitter feeds and marketing materials without the express written permission of the parent or legal guardian of any child in the image.

No image should be used where additional images of children are present and their faces are recognisable, without first ensuring suitable permissions have been given through the school's annual data collection process or through the additional permission process (if required). If in doubt, staff should identify every child in the image and seek permissions for each child.

An image can't be used if there are one or more children in the image where permission hasn't been secured either through the school's annual data collection process or through the additional permission process (if required).

If a photograph is used, the child's full name should not be associated with the image in any way. This includes (but is not limited to) captions, annotations on the image and the written text associated with the image.

An example of this might be a football team image. Full names should not be used under the image, but ideally a more general tag stating the team name would be best practise.

The only exception to this is if direct and clear permission has been sought from the parent or legal guardian with specific reference to the combined use of image and a full name in that single instance.

***When a child is featured in a press story parents or legal guardians should be made aware that their child's image might be associated with their full name.***

## **5.0 Image rights and the Data Protection Act**

### **5.1 Storing general images**

Images stored electronically and taken for social and marketing purposes with suitable permissions secured do not fall under the Data Protection Act.

### **5.2 Storing official images**

Images stored electronically and used to identify children and adults for official purposes, such as identity cards do fall under the terms of the Data Protection Act.

### **5.3 Storing images securely**

Images or video recordings of children must be kept securely. Hard copies of images should be kept in a locked drawer and electronic images should be in a protected folder with restricted access.

Images should not be stored on unencrypted portable equipment such as laptops, memory sticks and mobile phones.

Further guidance on the Data Protection Act and other privacy regulations can be found on the [Information commissioner's office website](#).

## **Appendix A: Data Collection Sheet wording**

*During their time at [insert school name], your child may be photographed or filmed in relation to academy activities or to celebrate their achievements. These images, if used, will only appear on the academy and Nova Trust websites, Twitter feeds and in newsletters. If an image is used we will only associate it with a first name.*

*If you **DO NOT** wish for your child's photograph and name to be used in this way, please tick the box at the bottom of this section of the form.*

*Additional direct and specific written consent will always be sought if a child's image or name is to appear on any external online platform, print material or media. This includes (but is not limited to) marketing materials, media outlets and public appearances. We will also seek additional permission if we wish to use a student's full name with the image.*

## Appendix B: Parental permission form

Dear Parent or Guardian,

We are writing to request your permission for image rights for the event outlined below.

Whilst you may have already given general permission for image rights at the start of the academic year, we will always seek additional written consent if a child's image or name is to appear on an external online platform, in print or featured in any external media product. This includes (but is not limited to) marketing materials, media outlets and public appearances.

If a photograph is used, we will not associate the child's full name with the image in any way unless a specific request has been made by us. This includes captions, annotations on the image and the written text associated with the image. If the image is to be featured as part of a press story it is usual for the full name to be used.

Event Title	
<i>Insert event title here</i>	
Organising staff member and contact details	
<i>Insert lead staff members name here</i>	
<i>Insert email address here</i>	
Event description	
<i>Insert event description here here. Examples might be 'School production of Grease', 'County Cup Final', 'Charity Event'</i>	
Type of media being used	
<i>Insert media description here here. Examples might include 'photography', 'video footage', 'radio interview', 'press interview and photograph'</i>	
Where it will be published	
<i>Examples here might include 'Nottingham Post', 'Newark Advertiser', 'school website', 'charity website', 'school prospectus', 'bus advert', 'open evening'</i>	
General information	
<i>Insert general contextual information about the event, when it is going to happen and other timelines associated with the production and publication of the images in question</i>	
Image and name consent	
<i>If this consent requires the use of image and name, please make a clear statement here explaining that this will be required. If it is not required insert N/A</i>	
Consent	
I give my consent to the use and publication of the media outlined above for this event	
Signature	Print name
Relationship with child	Date

Thank you for your support in this matter.

## Image Rights Explained

As a school we understand the importance of capturing and celebrating the achievements of our students.

Image rights can be a difficult area for schools as we have to find a balance between the safeguarding of children's images and identity, with the importance of celebrating achievement and sharing the rich and varied experiences our school communities offer.

The following statements outline our procedures and policy regarding the image rights of our students.

We will:

- Use a parental permission form to obtain consent for a child to be photographed and/or videoed if a child's image or name is to appear on an **external** online platform, in print or featured in any external media product.
- Never use personal devices to take photos and recordings of children and use only cameras or devices belonging to the school or organisation. This includes personal mobile telephones and tablets.
- Make sure the images taken of students are appropriate and the students are comfortable with the image.
- Ensure images of children on websites are not accompanied by the full name of a child unless specific parental permission has been sought that clearly states that name and image will be used together.
- State clear expectations of professional photographers or the press who are invited to an event. These will make clear our schools expectations of them in relation to child protection.
- Not allow photographers or journalists unsupervised access to children.
- Not approve photography sessions outside the event or at a child's home.