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خویندنگه‌ی به‌ریتانی نیوده‌وێته‌تی له سلیمانی

The British International School of Sulaymaniya, Sulaymaniyah Heights, Kurdsat TV Road, Sulaymaniyah, Kurdistan,
www.suli-bis.co.uk - www.cie.org.uk Tel: 00964(0)7704786000



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The Use of Cameras and Images 2015



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Introduction

As digital cameras and mobile phones have become more advanced and easier to use, it is increasingly likely that children and their families will be using digital photography as part of their family life. It is therefore very important that all education settings consider the impact such technology may have.

Digital technology has increased the potential for cameras and images to be misused and inevitably there will be concerns about the risks to which children and young people may be exposed. However settings must be aware that the behaviours of individuals using the technology present the risk, not the technology. .

Most children who suffer abuse are abused by someone they know, the risk of a child being directly targeted for abuse through being identify by a stranger is small. By taking reasonable steps to make certain that a photograph is appropriate and the full name and contact details are protected, then photography for setting and other events by staff, families and the media should be allowed. We are aware that the widespread use of mobile telephones as digital cameras would make banning them very difficult. Generally photographs for school/setting and family use and those that appear in the press are a source of pleasure and pride. They enhance self-esteem for children and young people and their families and this practice should continue within safe practice guidelines.

Photographing Children and Young People: Frequently Asked Questions

Why do we need a policy?

Schools, Nurseries, playgroups and youth groups have always used photographs as a way of celebrating achievements or seeking publicity for fundraising etc. Parents, families and the children themselves often derive great pleasure from seeing their loved ones in print or on a website.

We want to ensure that everyone can continue to enjoy these activities safely.

However all members of the community need to be aware that placing any identifying information in the public domain has risks as well. Parents/carers specifically will need to understand these issues in order to give properly considered consent. It is also important that parents and settings have the opportunity to fully consider the issues before any problems arise.

What are the risks?

The most highly publicised and worrying risk is that a child who appears in the paper or on a website may become of interest to a sex offender. Locating people through the internet has become extremely easy, using widely available software, so if there is a picture and the name of a school, setting or youth group and the full name of the child or adult then it could be quite easy to find out someone's exact location or address which could then put them at risk.

There are also other specific groups of children, families and staff whose safety could be put at risk if identified e.g. families fleeing domestic violence. Schools and settings may not always be aware of who these vulnerable groups may be.

Can we put images of children or staff online e.g. on our website?

All staff must avoid using:

- Personal details or full names (first name and surname) of any child or adult in a photograph, although first names may be used in some circumstances.
- Personal contact information such as email, postal addresses, and telephone or fax numbers.

Schools uses a photograph of an individual child, then they should not include that child's first name in the accompanying text or photo caption. If a child is fully named in the text, then it is recommended that settings don't include a photograph of that child. The same advice would apply to images of staff and the relevant consent should be obtained. This will avoid the risk of inappropriate and unwelcome attention from people outside the school.

As an alternative, schools could ask children to draw a picture of a child or member of staff for the website. Additionally, schools could consider using group or class photographs with very general labels such as "a science lesson" or "making Christmas decorations".

Schools must remember that they must always get explicit consent, which means getting a signature, before publishing a photograph, of a child or adult, on the internet.

What if we publish a photograph without obtaining consent?

If you publish a photograph without consent then the parent (or child, if they have sufficient understanding) may make a complaint against the data controller to the Information Commissioner. In some cases this has resulted in prosecution and damages being awarded to the person in the photograph.

Should staff use their personal equipment (mobile phones, digital cameras etc.) to take photos/recordings of children?

The safest approach is to avoid the use of staff using any personal equipment to take photos/recordings of children and to use organisation or agency provided equipment. One potential danger is an allegation that an adult has taken an inappropriate photograph of a child and with a personal device it would be more difficult for the adult to prove that this was not the case.

With organisation equipment there is at least a demonstration that the photography was consistent with the school's policy. Many schools now purchase dedicated memory cards or devices for the use of official photography in order to protect children, young people and staff. Any use of personal equipment to take images (such as in emergency circumstances) should be discussed and approved by with the school, and there must be clear, documented boundaries in place

Can we use existing images?

Schools may already have photographs or videos on file. If they are re-using older photographs where consent was obtained but only for paper publications, then it is recommend that you renew parental consent to use the images online.

If consent was never obtained, i.e. photos were taken before the school's regulation came into force, then schools should apply common sense when using them. For example, it would be unwise to use a picture of an untraceable person on a leaflet about a mental problem or an illness.

To help make a balanced decision when re-using photographs, it may be helpful to consider the following:

- For what purpose was the photograph originally taken, e.g. was it taken for a specific project such as school's prospectus?
- Where was the photograph taken, e.g. was it taken in a public place?
- When was it taken, e.g. was it taken recently or a long time ago? (Although Data Protection does not relate to deceased people we would still give their personal data i.e. images in this instance the same amount of confidentiality.)

If a parent, child or young person or member of staff supplies your school with a photograph, then you should not automatically assume that they are giving their consent to subsequent publishing. Make sure you get a signed consent form before publishing in any official literature or online.

Can images of children be taken off site for report writing at home, online image hosting or printing purposes?

All images taken for official use should remain on site, unless prior explicit consent has been given by the parent/carer of any child or young person captured in any photograph.

Care must be taken that photographs are stored appropriately. For instance to copy the photograph on to a personal laptop as opposed to a setting allocated laptop or using an “app” might make it difficult to retain control of how the picture is used and could lead to a breach of the school’s Data Protection Policy. Work provided, secure memory cards, memory sticks and CD’s should only provide a temporary storage medium and photographs should be uploaded to an appropriate area of the school’s network as soon as possible and then erased immediately from their initial storage location.

If you send photographs of a school event to the press, e.g. a nativity play or sports day, then schools must be aware that there is a risk that they may fall into the wrong hands if transferred electronically. Email is not secure so schools must take steps to suitably protect images i.e. staff should password protect images before taking them off site.

Many schools choose to upload images to third party websites for printing purposes as digital printing can often be cheaper and offer more security than taking images off site on a CD or memory stick. If schools/settings wish to do so, then they should ensure the website or service being used is appropriate by reading the websites terms and conditions. It is also recommended that settings use known and reputable sites.

Consent form for using photographs of Staff

The school would like to use your photograph for staff recognition purposes. These images will appear on our internal intranet and website.

To comply with the School Data Protection, 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 Administration Team

Please circle your answer

May we use your image on our website?

Website/Intranet, accessible by the setting only Yes / No

Website, viewable by anyone in the world. Yes / No

I have read and understood the conditions of use.

I confirm that I understand publication of my picture on the setting website/intranet will mean that my picture will be viewable by those with access to the intranet alongside my job title and work contact details and consent to such processing of my personal data.

I understand that if my picture and details are placed on the website that potentially this will be accessible by anyone in the world with internet access.

Name: Signed:

Date:

Use of Photos/Videos by Parents/Carers

- Parents/carers are permitted to take photographs or DVD footage of events for private use only.
- Parents/Carers are only permitted to take or make recording within designated areas of the setting. Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the school/setting on health and safety grounds.
- Parents and carers who are using photographic equipment must be mindful of others when making and taking images.
- 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 school Data Controller Officer to discuss any concerns regarding the use of images.

Use of Photos/Videos by Children

- The school 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).
- The use of non-setting provided devices e.g. mobile phones, children's own digital cameras, is covered in the school mobile phone and/or e-Safety policy.
- 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).
- Photos taken by children for official use will be carefully controlled by the setting and will be checked carefully before sharing online or via digital screens.

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) can be published along with images and videos.

Respect and Care for the whole Community when taking Photos and Videos

We are happy for parents and carers to take photos and video for personal use but request that these images are not distributed or put online if they contain images of other children, adults or staff without consent.

This will help protect all members of the community

