Monks Risborough
Church of England Primary School
'A school family where everyone thrives in every way.'

Photo Consent Guidance

2026 - 2027

This policy was reviewed by our Data Protection Officer (TurnitOn) August 2023

This policy was reviewed by the school: Spring 2026

The policy is to be reviewed: Spring 2027

Signed …… Chair of Governors

GDPR Photography

Use of pupils / students photograph and recordings of tend to come up in discussions around UK GDPR. For educational purposes, such as learning journeys and evidence, images are still allowed but clear consent has to be given. The same also applies to staff too. This document will break down the areas of the Act that apply to images of pupils, staff and will address FAQ's, offering steps toward compliance.

GDPR Photograph Consent

Under GDPR, consent must be obtained before images of pupils are taken or used within/by the school. Consent has to be clear cut and transparency is essential. All options for where the images would be used must be given, allowing parents or guardians to pick and choose where they want their child's image. An example of this would be listing all sources of images:

- The school Facebook page
- The school website
- The newsletter
- Local media outlets
- Printed publications such as programmes or prospectus
- School displays such as productions or cohort photographs
- Class display boards

By breaking down the consent options, parents or guardians then have the choice as to where the images go – allowing them to dictate what ends up outside of the school. They have the right to give and revoke consent with ease so it may be best to give the office email address at the end of the consent forms should they need to change their preferences. This also runs alongside safeguarding.

Should a parent or guardian not reply, we can no longer assume this is a *yes*. Assumed consent is not acceptable under UK GDPR and explicit consent must be obtained. Consent should be freely given, specific, informed and unambiguous; if a child has been captured in a group image and their consent hasn't come back or it's a no, it is the school's responsibility to remove the child from the image or obscure them. An example of this could be to place a sticker over the child if the image has been printed off. It is harder to erase a child from film so best practice would be to avoid having them on camera at all; mitigating risk in line with the school's inclusion policy.

- The same as above also applies to staff; consent should be obtained from them in order to use their images and names around the school and on the school websites too. An example of this would be: School website articles
- School website staff list
- Staff board in the reception area
- News letter
- Social media posts

Please note that consent should be obtained every 12 months if possible. Schools have proven to find this a difficult task and advice from the ICO is that schools can now collect consent at every key points of academic transition in schools or academies, such as Key Stage change.

Social Media

When it comes to school events such as sports days, plays, awards assemblies, etc. consent must be collected in a formal capacity if images or videos are captured by the school. If an outside company is coming in to collect the images, a contract will need to be signed between the school and the contractor (this document can be found on the turn IT on schools' portal, under the data protection section). Should the school wish to use images from events, the consent must be collected from the individuals on a formal consent form. We have such a consent form available on our Portal.

If parents are permitted to take their own images at these types of events, it should be made clear through posters or an announcement, that parents should refrain from taking images of children that aren't theirs or at the very least, get consent from one another. If a parent uploads an image to social media (Facebook, WhatsApp, Twitter...) that contains someone else's child, that is for the parents to handle. This is not jurisdiction for the school to navigate.

Retention

Under GDPR, it is crucial that we do not keep data for longer than needed. There should be a paragraph in the staff Acceptable Use Policy with a wipe-down practice. This should be implemented at the end of the academic year where staff delete all images collected that have no longer got a purpose. Images that still serve a purpose should be stored in a practical and secure filing system online, on a drive or in paper form.

Images used solely for identification can be deleted when the child leaves the school. Images used on display boards for work etc, can be retained for educational purposes whilst the child is at the school. Should the school wish to extend the lifespan of these displays, it would be necessary to collect consent from the students involved to ensure the school comply with UK GDPR. Without collecting extended consent, the current lifespan of images stands at the students' academic career plus ½?? Years.

Images used for marketing (prospectus or school website for example) are subject to UK GDPR; the image can be retained for the amount of time specified on the consent form the school circulate before the capturing of any images by the school or use of photographs. Another way to avoid updating school materials in the timescale given above, the school could always take images from the back of the hall/classroom, getting the backs of the students in, but leaving their faces out of the images.

If the school are retaining images as part of a collection to give to the National Archives, be aware that there is guidance on this outside of usual processing of the school data. The school can contact the National Archives team for further details or find guidance on how to create and manage digital archives as well as how to comply with legislation on their website: http://www.nationalarchives.gov.uk/archives-sector/advice-and-guidance/

FAQ's

What should we do at school organised events?

If parents/guardians takes a photograph/recording of their child and/or some friends taking part in a school event - to be used only for personal use, General Data Protection Regulation Act does not apply. The same would be applicable in a school nativity play and parents wish to video it, provided it is for their own personal use. The school could suggest parents/guardians ask for permission from the other parents/guardians present when taking a group picture. Alternatively, the school could ban the use of all photography and recordings at the event or put up disclaimers around the hall/venue asking parents to refrain from recordings and photographs.

What about medical alert photographs?

If images are used on medical alert posters, best practice would be to ensure they are kept in safe areas – areas that only staff or those who need to know the children and their conditions, can see it. If the school have medical alert posters up in the school canteen for kitchen staff, we would advise that they are kept out of sight from other students or visitors. UK GDPR and safeguarding run hand in hand here as it is crucial the pupils are known around the school to avoid or assist in medical emergencies.

The same would apply to posters in staffrooms or classrooms; they shouldn't be accessible to those who are not privy to personal or sensitive data on the schools pupils, but visitors are still allowed up in these areas in case of emergency.

What do we do with old photographs?

The school should look to destroy old images provided the consent has expired or the pupils have since left the establishment. This will also help the school should the school receive a Subject Access Request as the school will have less data to work through. To help with photograph storage, we suggest storing the images and media in files for academic year and class year. By organizing the images like this, it should be easier to destroy or delete photographs in line with their expiry.

We record our drama pupil's performance and send it to the examining board, does GDPR stop this?

In this circumstance, the examining board need to see the recordings in order to grade pupils. To make sure the data makes it to the examiners, a solution could be to send the footage by tracked or recorded delivery. This way, the recipient must sign for the disk upon its arrival, verifying it has reached the intended recipients. The school could also send the tile via an encrypted email.

We have a company that film our productions, can we still do this?

If the school are using a company that film the productions and take the footage offsite, it's recommended that the school put a Data Sharing Contract in place with those filming it to ensure they follow their responsibilities as a processor of the footage, protect and secure it in line with GDPR. If the school are uploading the images or videos to the school website, it should be protected via a password or encrypted.

What about coat pegs pictures for my pupils?

Providing the school have consent for the photographs to be taken of the children, the school can use their picture on their coat pegs. However, it may not be best practice if the placement of the pegs can be accessed by visitors or those who are not privy to the data of the children. Having the picture and their name is a lot of information to have in one place. What we suggest would be letting the children choose or design their own placeholder instead.

Useful Links

DfE schedule:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/747620/Data_Protection_Toolkit_for_Schools_OpenBeta.pdf#page=67&zoom=100,0,76

IRMS toolkit with retention guidelines and advice:

https://irms.org.uk/page/SchoolsToolkit