



Foxglove Violet Hill Policy 38: Image Use Policy

Introduction

This image use policy applies to the use of any film and electronic photographic equipment used in our setting. This will include cameras, mobile phones, webcams, tablets and portable gaming devices with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

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 everyday family life. It is therefore very important that Foxglove Violet Hill and all staff, volunteers, students, visitors to the setting, parents/guardians and children consider the impact such technology may have.

Digital technology has increased the potential for cameras and images to be misused and inevitably there are concerns about the risks to which children may be exposed. However we understand and are 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. We have taken the view, in consultation with other agencies, that the risk of a child being directly targeted for abuse through being identified 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 use in our 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 for us to impose and police. (For further information regarding the general use of mobile phones and recording devices please see our Mobile Phones and Recording Devices Policy). Generally photographs for 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 their families and this practice should continue within the safe practice guidelines detailed below.

Policy Statement

This policy seeks to ensure that images and videos taken within and by Foxglove Violet Hill are taken and held legally and the required thought is given to safeguarding all members of the setting. It applies to all images (including still and video content) taken by the setting.

It applies to all staff, volunteers, students, visitors to the setting and other individuals who work for, or provide services to Foxglove Violet Hill as well as parents/guardians and children.

This policy forms part of our Safeguarding Children procedures and should be read in conjunction with the following policies and procedures:

- Safeguarding and Child Protection
- Allegations of abuse against staff members
- Online Safety
- Acceptable Use
- Mobile Phones and Recording Devices
- Confidentiality

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All images taken by the setting will be used in a manner respectful of Article 5 of the General Data Protection Regulations (GDPR). This means that images will be:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Accurate and, where necessary, kept up to date
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purpose
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- Compliant with GDPR

The setting's Data Protection Lead **Lindsey Harvey** is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within Foxglove Violet Hill, this includes the management, implementation, monitoring and review of this Image Use Policy. In addition, the Data Protection Lead has the authority to view any images taken and/or to withdraw or modify a member of staff's authorisation to take images at any time. All members of staff, students, volunteers, visitors and parents should be aware that all images taken within the setting are available for scrutiny and that they must be able to justify any images in their possession.

Where concerns are raised, or disclosures made, regarding suspicious activity relating to the use of images the Data Protection Lead will discuss this with the Safeguarding Designated Person//Deputy Safeguarding Designated Person who will contact the Local Authority Designated Officer (LADO) for advice.

Responsibilities

Parental Consent

- Written permission from parents/guardians will always be obtained before images/videos of children are taken, used or published. This is usually by way of the child's registration form completed on entry to the setting and updated annually.
- Written parental consent will always be sought to take and use photographs offsite for professional, marketing and training purposes. This may be in addition to parental permission sought for onsite images.
- Written consent from parents/guardians 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.
- Parental permission will be sought on an annual basis for general consent or on a case by case basis for specific events.

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- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/guardians 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 only equipment and devices provided by Foxglove Violet Hill.
- 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. All staff are responsible for ensuring 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. This will be monitored by the Data Protection Lead.
- All images will remain on site at all times, unless prior explicit consent has been given by both the Data Protection Lead and the parent/guardian of any child or young person captured in any photograph.
- Should permission be given to take any images off site then all relevant details will to 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 Protection Lead and monitored to ensure that it is returned within the expected time scale.
- The Data Protection Lead reserves 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, tablets, mobile phones, etc) 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 setting will ensure that images always are held in accordance with the General Data Protection Regulations (GDPR) 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 to be taken of any images without relevant authority and consent from the Data Protection Lead 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.

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- 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 setting will not include any personal information on video, on the website, in a prospectus or in other printed publications.
- Any parents/guardians and staff members with particular concerns must always be able to withhold their consent for the publication or sharing of images for whatever reason.
- Where children's images are used within the setting, consent will be sought from parents. This includes things such as children's coat pegs, drawers, etc that are part of everyday practice.

Usage of systems to share images with parents.

- Foxglove Violet Hill uses Tapestry online learning journal to upload and share images of children with parents.
- The use of Tapestry has been appropriately risk assessed and the setting has taken steps to ensure all data stored is held in accordance with the General Data Protection Regulations (as above).
- Images uploaded to Facebook will only be taken using the setting's devices.
- All users authorised to upload images to Tapestry 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/guardians 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. Further information can be found in our Tapestry Policy.

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 in an age appropriate way.
- A child's right not to be photographed is to be respected. Images will not be taken of any child against their wishes.
- Photography is not permitted in sensitive areas such as toilets.

Use of Images/Videos of Children by Others

Use of Photos/Videos by Parents/Guardians at events

- Parents/guardians are permitted to take photographs or video footage of events for private use only.
- Parents/guardians who are using photographic equipment must be mindful of others when making and taking images.

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- The opportunity for parents/guardians to take photographs and make videos can be reserved by the setting on health and safety grounds.
- Parents/guardians are only permitted to take or make recording within designated areas of the setting. 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 Protection Lead 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.
- 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 General Data Protection Regulations.
- 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.
- Still and video cameras provided for use by children and the images themselves will not be removed from the setting.

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.

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- 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 Online Safety policy.
- Photographers will sign an agreement which ensures compliance with the General Data Protection Regulations and that images will only be used for a specific purpose, subject to parental consent.
- Photographers will not have unsupervised access to children.

Signed for and on behalf of Foxglove Violet Hill

Lindsey Harvey (Principal) :

Date :

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