



Guidance No 42

Martin Southam, Health and Safety Manager

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All Key Managers in Investing In our Children (IloC)

Use of Cameras and Camcorders in IloC Settings

The recording by parents/carers, relatives, etc. of plays, concerts and sporting and other events staged by Investing In our Children (IloC) settings has, in recent years, become a controversial matter because of child protection and data protection concerns being raised.

The following good practice gives advice on taking photographs in IloC settings and whether doing so must comply with the Data Protection Act 1998 (DPA).

The DPA is unlikely to apply in situations where photographs are taken for personal use. For example:

- A parent taking a photograph of their child and some friends taking part in the school sports day to put in the family album – these images are for personal use and the DPA does not apply.
- Grandparents invited to the school nativity and wish to video the production - these images are for personal use and the DPA does not apply.

It should be made clear that any photographs or video must be for home use only and that the images/names of any children/pupils who appear should not be given to a third party – including posting on internet sites like Facebook, etc. As a minimum the conditions for recording images must be stated in the invitation/introduction to the event but it may be advisable to get the written agreement from those making such requests to take photographs, confirming that they will comply with these instructions.

There will, of course, be some circumstances where recording images will not be allowed. For example where child protection orders are in place and to do so may compromise a child's safety.

Prior to any event parents/carers should be informed that photography may take place. This will enable them to have the opportunity to object to pictures of their child(ren) being taken. If objections are raised, then it should be made clear that cameras, of any type, will not be allowed to be used during the event. Individual parents/carers will be allowed to record/take

photographs of their own children separately after the event (e.g. where they are wearing special costume etc).

The DPA does apply to photographs taken for official use by the establishment and to photographs stored with personal details such as names. A common sense approach suggests that if an establishment asks for permission to take a photograph and has full consent of parents/carers, this will usually be enough to ensure compliance. These same general rules also apply to photographs taken for press/media use. For example:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the DPA will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the DPA as long as the parents/carers are aware this is happening and the context in which the photo will be used.
- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the parents/carers are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the DPA.

It is advisable that individual establishments produce a policy in respect of this issue based on these guidelines and that it is made clear to parents/carers.