



Waverley School

Photography Guidelines Policy

Introduction

These guidelines have been designed to advise all involved at Waverley school and nursery of the requirements of the Data Protection Act 1998 (DPA), Copyright legislation and Child Protection Guidance in regard to the taking of photographs.

Although it is important that we adhere to the above legislation and guidance, a common sense approach should be adopted when taking photographs. The fear of breaching legislation should not prevent people taking images that can provide many legitimate audiences with much pleasure.

For the purposes of these guidelines, the word 'photograph' is used to refer to images in any format, moving or still, recorded on any equipment, for example camera, mobile phone or video camera, etc.

These guidelines cover:

- Ownership of copyright and moral rights
- Permissions
- General guidance on photography, including:
 - Photography of children and young people
 - Photography of adults
 - Classification of photographers
 - Managing media photography
 - Overseas photography
 - Storing and use of photographs

Ownership of Copyright and Moral Rights

Under the Copyright, Designs and Patents Act 1988, the person who takes the photograph owns the copyright in it. Copyright is a property right and can be sold or transferred to others. It gives the person holding the copyright sole right to do certain things with the photograph for example, copy or adapt it. Copyright should not be confused with physical ownership of the actual photograph itself, which may be sold separately. Copyright is an automatic right and does not require any registration.

To allow Waverley School to use (copy or reproduce) photographs, it is essential that the copyright be assigned to Waverley School. Waverley School can only use those photographs for which it



owns the copyright. In order to assign copyright the photographer must sign a form stating that they are giving copyright to Waverley School. Details of how to do this are below.

In addition to assigning copyright it is advisable to ensure that the photographer has also signed a 'moral rights' waiver. This is in addition to the right of copyright and is particularly important with photographs taken by official photographers as it means that the photographer waives their rights to be identified as the photographer and permit the photograph to be modified e.g. cropped, cut or tinted.

Staff

Copyright in photographs taken by Waverley School staff whilst operating in their capacity as an employee, belongs to Waverley School by way of an assignment, contained in their employment contract terms and conditions. Moral rights are waived in the same way.

Suppliers, contractors and consultants

Suppliers, contractors and consultants taking photographs on behalf of Waverley School must sign a contract, with the relevant terms dealing with assignment and moral rights waiver, with Waverley School. The standard Consultancy Contract should be used when contracting professional photographers as this contract deals with assignment of copyright as it contains a clause dealing with waiver of moral rights.

Participant's/ Pupil's work shown in a photograph

Where the photographs contain the participant's or another's work, for example drawing, diagram etc then permission to use (include it in the photograph) should be sought. Where Waverley School standard permissions are used then these include a waiver, allowing us to reproduce the photograph (with the work in) for up to five years for marketing purposes.

Permissions

It is also important that people in photographs give their permission for their image to be taken. This is achieved by getting them to sign a permission form **before** the photograph is taken.

Waverley School can only use photographs where people in the photo have signed a relevant permission form. The participant must be able to give their informed consent and so the permission should explain in full, the reason for taking the photograph, how it will be used and how long it will be stored for as a photograph can be classed as personal data under the DPA.

Using these permission forms ensures participants have the opportunity to decline being photographed and ensures that we meet data protection requirements.

In accordance with Data Protection (and as stated on the permission forms) photographs can only be used for marketing purposes for a maximum of five years, beginning from the date a participant signs the permission form. Once the five years has come to an end the photograph



must be transferred to an archive file where it is kept together with the relevant permissions for historic purposes only (see storing and use of photographs).

The only exception to seeking permission from participants is where protocol dictates that it would be inappropriate to ask individuals to sign a permission form. This refers solely to dignitaries e.g. Members of the Royal household and civic leaders i.e. Mayor on official duty and celebrities who can reasonably expect to have their photograph taken e.g. at the opening of an event/activity.

Once a photograph has been taken, copies, together with the completed and signed permission forms must be stored correctly (see Storing and use of photographs)

Crowd Shots

Under Data Protection guidance, when taking crowd shots where the photograph is of the event in general and the individuals appearing in it are merely incidental to the photograph, then it is unlikely that these photographs will constitute personal data and therefore require permissions. However, there must be clearly visible signs, explaining that photographs are being taken at the event (wording as contained in Appendix C) to allow people who do not wish to be photographed to make this known to the organiser. Notification that photographs are being taken can also be made by announcements at the event or in pre-event publicity e.g. leaflets, tickets and adverts.

Where groups are smaller and the participants are the focus of the photograph meaning individuals are clearly recognisable then the photograph will constitute personal information and permissions for all people in the photograph will need to be obtained.



General Guidance on Photography

Photography of children and young people

We have a duty to protect all children and young people in our care. Where children and young people are under 16 then the parent or guardian's permission must be sought before their photograph can be taken.

- **Photography for Waverley School and Nursery**

Where photography is taking place for official use, e.g. marketing, media photographs etc, consent is obtained upon enrolment using the form at Appendix A in regard to students and parents or guardians of those students. Any other individuals, including teachers, should sign the generic consent in Appendix B.

The Head teacher is responsible for collecting permission forms before the photography takes place. They are also responsible for ensuring that those children whose parents/carers have not given permission for them to be photographed are not included in any photography. They must also consider whether publishing photographs of children might pose a risk as to the safety of those children.

The appropriateness of images must be considered carefully. Those that show children in a state of undress, for example; swimming or doing gymnastics are generally inappropriate for publication.

As a general rule, when publishing photographs of children and young people in any medium e.g. website, newsletter, a child/ young person should not be identified. However if naming the child or young person is necessary, then the provided consent form, where the box **has not** been ticked will allow use of their name (the same will be true of using their parent/guardian's name where they have not ticked the box to indicate that they do not consent). The following steps should be taken:

- Limit the information accompanying photographs;
 - If a child is named, try to avoid using their photograph unless necessary
 - If a photograph is used, try to avoid naming the child unless necessary
 - Try not to caption photographs with children's names, use generic captions, e.g. St Andrew's School pupils enjoy a day at the zoo
 - Do not include class names, refer to Year groups
- Use group shots wherever possible;
- Ensure no other personal information e.g. nicknames or residential addresses, of children are used.

The guidelines for photography in schools and nurseries should be followed for photography of all children and young people under the age of 16.

Young people over the age of 16 can give their own consent to be photographed by signing the permission forms.



Photography of adults

Any adults or participants who are 16 or over and taking part in photography sessions will also need to sign permission forms; this includes Waverley School staff taking part. Again these must be collected for all those who are intended to be in the photograph, in advance. See Appendix B.

Classification of photographers

- **Official photographers**

Official photographers are considered to be anyone commissioned or employed by Waverley School to take photographs, including Waverley School staff.

Official photographers should be supervised at all times by the person on site responsible for the event/activity or a member of the marketing team where appropriate, this is to ensure that they are only taking relevant photographs and not interrupting the proceedings of the event.

- **Staff**

All Waverley School staff are considered to be acting as 'official photographers' when taking photographs while on duty. They must ensure that they use the correct permission forms (Appendix A and B) and ensure that all persons in photographs, including other members of staff also sign them.

Copies of the photograph(s) and the signed permission forms must be sent to the materials and publishing unit to ensure the photographs are stored correctly and available for use by the organisation.

- **Casual photographers**

Casual photographers are defined as any members of the public, other than official photographers, taking photographs for their own use i.e. parents and pupils at Waverley School.

For most events and activities it is reasonable to freely allow casual photography although such photography should be banned from areas such as toilets, changing rooms and swimming pools, this applies particularly in schools and nurseries.

The Information Commissioner's Office (ICO) has issued specific guidance on photography taking place in Schools and Educational Institutions. Where the photograph is for personal use, e.g. a parent takes a picture of their child and fellow pupils on a school sports day for their photo album; or they take a video of their child in the school play for posterity, the DPA will not apply and no permission required.



It is the responsibility of the person managing the event/activity or location to ensure that casual photographers are acting appropriately and to take action to stop them if they are not. Casual photographers are not required to ensure that individuals sign permission forms as they are taking photographs for their personal use. However, casual photographers must respect the rights of individuals not to be photographed. Complaints about inappropriate casual photography should be made to a senior member of staff on site to deal with accordingly.

'Casual' photographs and copyright

The copyright of photographs taken by casual photographers belongs to the person taking the photograph.

Waverley School is not permitted to use any photographs taken by casual photographers for any purpose without a licence from the photographer. Even where the photographer gives a licence for Waverley School to use the photograph, it is essential that we also obtain the consent of the individuals in the photograph to use the images. Please note that obtaining consent after the event, is often problematic, therefore it is strongly advised that Waverley School uses only photographs taken by official photographers.

Managing media photography

When attending events the media should be supervised at all times by the person on site responsible for the event or a member of the marketing team where appropriate, this is to ensure that they are only taking relevant photographs and not interrupting the proceedings of the event.

Individuals approached by the media are quite within their rights to decline being photographed. However, the media are not required to ask the same permission when generic taking crowd shots. It is therefore advisable to ensure that posters as shown at Appendix C are displayed at events where we believe the media may be in attendance.

The media do not need permission to take photographs in a public place they do however, need permission before taking photographs on private property, including and within the grounds of the school. Where the media wish to take photographs at Waverley School, for example an event, then permission must be sought in the same way as set out in the section headed Photography for Waverley School.

Storing and use of photographs

It is important that photographs and related permission forms are stored and used correctly. If photographs are taken in a tangible format i.e. not digital, then the photograph should be stored with the permission forms it refers to. If the photograph is in a digital format a printout should be stored with the relevant permission forms. Both photographs and permission forms should be stored securely as they contain personal information.



Permission to use photographs only lasts for five years from the date the photograph is taken, for the Purposes we require and thereafter should be kept for reference/posterity only in our Photograph Library. They are not to be used for marketing purposes after this point. Please note that the permissions for Schools and Nurseries begin from when they are obtained and last for the duration the child is at the school and for a 5 year period, from when the child ceases to be a student at that School/ Nursery. Therefore images and permission forms must be filed in such a way that it is clear when photographs can no longer be used. Once permission for photographs has expired the photographs must be transferred into a clearly labelled archive file..

Photographs must only be used for similar purposes for which they were taken. For example, it is not appropriate to use a photograph taken of children, eating a picnic at a school open day, to illustrate unhealthy eating in schools. Please note that Photographs cannot be used without the correct, signed permission forms.



Appendix A – ONLY for use at Waverley School and Nursery

Permission to Use Photographs at Waverley School and Nursery

Introduction and General information about this Consent Form

Waverley School (Crowthorne) Ltd is a registered charity whose object is to provide education for the children at the school. From time to time Waverley School, its staff or its approved agents or suppliers take images (moving or still) of those people involved in the projects and activities we run (“Participants”), for example, teachers, pupils, parents etc (“Photographs”). These Photographs are used to promote Waverley School. They may appear in items such as, but not limited to, printed publications, presentations, and promotional materials, newsletters, in public media and on our websites (the Purposes”).

Any individual is free to exercise their right not to have their Photographs used by not signing and returning this Consent Form.

Ownership of Photographs and Copyright

Copyright in the Photographs taken will belong to Waverley School. Where Photographs are taken, for any creative work or materials produced by the Participant featured in the Photograph, copyright in the original work will remain with the Participant but this Consent Form allows Waverley School to have an exclusive right to reproduce the Photographs containing the material(s) for the Purposes as described in this Consent Form.

Children (under 16)

For Participants under 16, written consent is required from their parent or guardian. Where a photography shoot is taking place, only those Participants whose parents or guardians have signed and returned this Consent Form will be able to take part.

Data Protection Statement

All personal information will be held in accordance with the Data Protection Act 1998.

Waverley School will only use the Photograph(s) in connection with the specified Purpose outlined above. The personal information on this form will be held indefinitely together with the Photographs taken during the period this Consent Form covers. This allows us to keep a record of Photographs taken, who participated in them and what consents were obtained. Five years after the student ceases to attend the School or Nursery these Photographs will no longer be used for marketing purposes but will be held and used for posterity and historical/cultural significance. Waverley School will not sell these Photographs to any third party for their commercial use.

If you have any queries in regard to this Consent Form please contact the school directly.



Consent to Use Pupil Image

I understand that Waverley School wishes to use the Photographs for the Purposes described above and I confirm that I grant Waverley School permission to use the Photographs for those Purposes in their original format or edited or altered in any way, which Waverley School deems appropriate. In particular I acknowledge the Photographs may be used on a Website that can be accessed and viewed outside the European Economic Area.

Name: _____

Address: _____

Name of organisation: _____

Date of Birth: _____

I confirm that I am 16 years of age or over:

Please tick this box if you **do not** wish to be identified by name in any Photographs.

Signature:

I am the parent/guardian of the Student (aged under 16 years) and confirm that I am authorised to sign on the student's behalf:

Please tick this box if you **do not** wish the Student (your child) to be identified by name in any Photographs

Signature(s):

(to be signed by both parents/guardians or a parent/guardian with sole charge)



Consent to Use Parent/ Guardian Image (s)

I/We understand that Waverley School wishes to use the Photographs for the Purposes described above and I confirm that I grant Waverley School permission to use the Photographs for those Purposes in its original format or edited or altered in anyway, which Waverley School deems appropriate. In particular I acknowledge the Photographs maybe used on a Website that can be accessed and viewed outside the European Economic Area.

Parent/Guardian 1:

Name: _____
Address: _____

I confirm that I am the parent/ guardian:

Please tick this box if you **do not** wish to be identified by name in any Photographs.

Signature:

Parent/ Guardian 2:

Name: _____
Address: _____

I confirm that I am the parent/ guardian:

Please tick this box if you **do not** wish to be identified by name in any Photographs.

Signature: