



## Mobile Phone & Camera Policy

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## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- Equality Act 2010
- Human Rights Act 1998
- Voyeurism (Offences) Act 2019
- DfE (2024) 'Keeping children safe in education 2024'

This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Anti-bullying policy
- Staff Code of Conduct
- Online Safety Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy

## 2. Definitions

**“Camera”** is used to refer to mobile phones, tablets, webcams, portable gaming devices, and any other equipment or devices which may be used to be take photos.

**“Personal use”** of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of the UK GDPR and the DPA 2018 do not apply to images and videos taken for personal use.

**“Official school use”** is defined as photography and videos which are used for school purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for official school use.

**“Media use”** is defined as photography and videos which are intended for a wide audience, e.g. photos of children taken for a local newspaper. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for media use.

Staff may also take photos and videos of pupils for **“educational purposes”**. These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the UK GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

**“Personal electronic devices”** are defined as devices that are used to store, generate, or transmit information or data in any form, including audio, visual or text. Such devices may include, but are not limited to, the following items:

- Any type of computer or computer-like instrument.
- Portable devices, such as tablets, laptops, mobile phones, personal digital assistants (PDAs), portable hard drives, USBs, pagers, and smart or electronic watches.
- The components of any such devices above.

### **3. Consent**

All photos and video content are classified as personal data under the UK GDPR and the DPA 2018; images or video content may be used for publicity or other purposes only once informed consent has been provided, and it has not been withdrawn.

Parents will be required to provide consent on their child's behalf, except where the processing is related to preventative or counselling services offered directly to children.

Parents will be aware that their child/they may be photographed at school and they have the right to withdraw consent for:

- Photos or videos taken by members of staff for school-based publicity and promotional purposes or for anonymous use on the school website.
- Photos or videos taken by parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
- Photos or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.

The school will recognise that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Where consent is given, a record will be kept documenting how and when consent was given and last updated.

The school will ensure that consent mechanisms meet the standards of the UK GDPR and the DPA 2018. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.

All parents will be entitled to withdraw or change their consent at any time during the school year. Parents or pupils who wish to withdraw their consent may do so via MCAS or by notify the school in writing.

### **4. General procedures**

Photos and videos of pupils will be carefully planned before any activity. Where photos and videos will involve pupils who are LAC, PLAC, or adopted, or pupils for whom there are security concerns, the headteacher will liaise with the DSL to determine the steps involved.

The list of all pupils who have not consented to being photographed or recorded will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.

The staff members involved, alongside the headteacher will liaise with the DSL if any pupil who is LAC, PLAC, adopted, or for whom there are security concerns.

A school-owned digital camera will be used to take photos and videos of pupils.

Staff will ensure that all pupils are suitably dressed before taking any photos or videos.

Where possible, staff will avoid identifying pupils by name or any other identifiable data. If names are required, only first names will be used.

The school will not use photos or videos of:

- Any pupil who is subject to a court order.
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.

- Photos and videos that may cause any distress or embarrassment will not be used.

Any concern relating to inappropriate or intrusive photography or publication of content will be reported to the DSL.

### **EYFS Setting**

Given the more vulnerable nature of children within the EYFS setting extra care should be given to the use of devices in these year groups. All existing regulations regarding the use of devices apply to the EYFS. The following regulations are expected to be of particular note to the EYFS setting:

- mobile phones must not be used in any teaching area or within the toilet areas.
- all mobile phones and similar devices must be stored securely away from pupils during contact time with children. This includes staff, visitors, parents, volunteers and students.
- It is a statutory requirement that mobile phones are not used around the young children in the Early Years.

## **5. Additional safeguarding procedures**

The school will consider certain circumstances that may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.

The DSL and/or Designated Teacher (DT) will, in known cases of pupils who are LAC, PLAC or adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.

Any measures required will be determined between the DT, DSL, DPO, social worker, and carer and/or adoptive parent with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:

- Photos and videos can be taken as per usual school procedures
- Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media
- No photos or videos can be taken at any time for any purposes

Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photos, held in the school office, will be updated accordingly.

## **6. Use of electronic devices**

Staff members and pupils will be issued with school-owned devices to assist with their work, where necessary.

Misuse of cameras, filming equipment or other devices in a way that breaches school policy will always be taken seriously and may be the subject of disciplinary procedures, or dealt with under the relevant safeguarding policy as appropriate.

### **Staff use of digital cameras and other electronic devices**

Staff members will be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities, and events related to their pupils. Photos and videos may only be taken for educational purposes and in school or educational provision settings.

Staff will only be permitted to take photos and videos of pupils using the school's digital cameras; however, they may use other school-owned devices, such as mobile phones and tablets, where the DPO has been consulted and consent has been sought from the headteacher prior to the activity.

Staff or other adults will not be permitted to take photos of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed. Members of staff and the school community will be required to report inappropriate use of digital cameras and images to the headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.

Where school-owned devices other than digital cameras are used, images and videos will be provided to the school at the earliest opportunity and then removed from the devices.

Photos and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.

#### **Use of personal devices by staff**

Members of staff will not be allowed to bring in personal cameras and/or devices without prior permission. If personal devices are allowed to be brought in due to a specialist requirement or defective equipment, memory cards should be shown to be empty, and images downloaded to the school's server.

Any personal electronic device that is brought into school is the responsibility of the user. Staff will not be permitted to use their personal devices during lesson time, other than in an emergency. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

Personal devices are not permitted to be used in the following locations:

- Classrooms
- Toilets

#### **Use of personal devices by pupils**

Pupils are not allowed to bring personal electronic devices into school.

#### **Use of personal devices by parents**

Parents or family members will be welcome to take photos of (and where appropriate, film) their own children taking part in school events, subject to the following guidelines, which the schools will expect all parents to follow. Parents will:

- Remain seated while taking photos or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photos and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photos or recording videos.
- Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photos and/or videos if and when requested to do so by staff.

## **7. Sharing of images**

All images taken by members of staff or volunteers at school or during school activities remain the property of the school and images must not be shared with anyone outside the school or held for private use.

No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent. Unless specific prior consent has been obtained, members of staff and volunteers will not post school images on personal pages of social networking sites or other websites.

Images will not be emailed or shared via private email accounts unless a parent has asked for a photo of their child to be sent to them.

## **8. Storage and retention**

As per the UK GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary.

Digital photos and videos held on the school's drive are accessible to staff only. Photos and videos are stored in labelled files, annotated with the date, and are only identifiable by year group or class number – no names are associated with images and videos.

Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended. The DPO will review stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately. When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.

Where a pupil's security risk has changed, the DSL will inform the headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.

Official school photos will be held on Bromcom alongside other personal information and retained for the length of the pupil's attendance at the school, or longer, if necessary, e.g. due to a police investigation. Images taken on school cameras will be downloaded as soon as possible on to a school computer or laptop, ideally once a week.

Members of staff will maintain responsibility for ensuring that images are safely stored, particularly on memory sticks and hard drives. They will take reasonable measures to ensure that they do not come into the possession of unauthorised persons.

No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the headteacher to do so. The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met. Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.

## **9. Monitoring and review**

This policy will be reviewed on an annual basis by the headteacher and the DPO.