BERKHAMPSTEAD
SCHOOL
AND DAY NURSERIES

Taking, Storing and Using Images of Children Policy

This Policy

This Policy is intended to provide information to pupils and their parents, carers or guardians (referred to in this policy as "parents") about how images of pupils are normally used by Berkhampstead School and Day Nurseries ("the School"). It also covers the School's approach to the use of cameras and filming equipment at School events and on School premises by parents and pupils themselves, and the media. This policy is written in accordance with the *UK General Data Protection Regulation (UK GDPR)*, the *Data Protection Act 2018*, and the current statutory guidance *Keeping Children Safe in Education (KCSIE)*.

It applies in addition to the School's terms and conditions / parent contract, and any other information the School may provide about a particular use of pupil images, and more general information about use of pupils' personal data, e.g. the School's Privacy Notice.

General points to be aware of

Certain uses of images are necessary for the ordinary running of the School; other uses are in the legitimate interests of the School and its community and unlikely to cause any negative impact on children. The School is entitled lawfully to process such images and take decisions about how to use them, subject to any reasonable objections raised. The School recognises its responsibility to handle all pupil images as personal data under the *UK GDPR*, ensuring their use is lawful, fair, and transparent.

Parents who accept a place for their child at the School are invited to agree to the School using images of him/her as set out in this policy, via the form attached to the School's terms and condition and from time to time if a particular use of the pupil's image is requested. However, parents should be aware of the fact that certain uses of their child's images may be necessary or unavoidable (for example if they are included incidentally in a photograph).

We hope parents will feel able to support the School in using pupil images to celebrate the achievements of pupils, sporting and academic; to promote the work of the School; and for important administrative purposes such as identification and security.

Reviewed by: T Denmead
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Parents should be aware that, from around the age of 13 and upwards, the law recognises pupils' own rights to have a say in how their personal information is used – including images.

Use of Pupil Images in School Publications

Unless the relevant pupil or his or her parent has requested otherwise, the School will use images of its pupils to keep the School community updated on the activities of the School, and for marketing and promotional purposes, including:

- on internal displays (including clips of moving images) on digital and conventional notice boards within the School premises;
- in communications with the School community (parents, pupils, staff, Governors and alumni) including by email, and by post;
- on the School's website and, where appropriate, via the School's social media channels, e.g. Twitter, Instagram and Facebook. Such images would not normally be accompanied by the pupil's full name without permission; and
- in the School's prospectus, and in online, press and other external advertisements for the School. Such external advertising would not normally include pupil's full names and in some circumstances the School will seek the parent or pupil's specific consent, depending on the nature of the image or the use.

All processing of pupil images for these purposes is based on the School's legitimate interests under Article 6(1)(f) of the *UK GDPR*, and explicit consent will be sought where required.

The source of these images will predominantly be the School's staff (who are subject to policies and rules in how and when to take such images), or a professional photographer used for marketing and promotional purposes, or occasionally pupils. The School will only use images of pupils in suitable dress and the images will be stored securely and centrally.

Use of Pupil Images in the Media

Where practicably possible, the School will always notify parents in advance when the media is expected to attend an event or School activity in which School pupils are participating, and will make every reasonable effort to ensure that any pupil whose parent or carer has refused permission for images of that pupil, or themselves, to be made in these circumstances are not photographed or filmed by the media, nor such images provided for media purposes. Where parental consent has been withheld, the School will ensure that no identifiable images of that pupil are shared externally. Any media use of pupil images will comply with ICO and DfE guidance.

The media often asks for the names of the relevant pupils to go alongside the images, and these will be provided where parents have been informed about the media's visit and either parent or pupil has consented as appropriate.

Security of Pupil Images
Professional photographers and the media are accompanied at all times by a member of staff when on School premises. The School uses only reputable professional photographers and makes every effort to ensure that any images of pupils are held by them securely, responsibly and in accordance with the School's instructions.

The School takes appropriate technical and organisational security measures to ensure that images of pupils held by the School are kept securely on School systems, and protected from loss or misuse. Storage and access are managed in accordance with the School's Data Protection Policy and *UK GDPR Article 32 (security of processing)*. The School will take reasonable steps to ensure that members of staff only have access to images of pupils held by the School where it is necessary for them to do so.

All staff are given guidance on the School's Policy on Taking, Storing and Using Images of Pupils, and on the importance of ensuring that images of pupils are made and used responsibly, only for School purposes, and in accordance with School policies and the law.

Artificial Intelligence and Image Misuse
The School recognises that advances in Artificial Intelligence (AI) technology have increased the potential for photographs, videos and audio recordings published online to be copied, manipulated, altered or repurposed without the knowledge or consent of the School, pupils or their families.

Such misuse may include:

- The creation of manipulated or "deepfake" images, videos or audio recordings.
- The use of images to generate synthetic content.
- Online impersonation.
- Harassment, bullying or reputational harm.
- Blackmail, coercion or extortion.
- Unauthorised publication or distribution of content.
- The creation of inappropriate or harmful material.

The School cannot guarantee that images published online will never be copied, downloaded, screenshot, altered or misused by third parties. However, the School takes reasonable and proportionate measures to reduce such risks.

Such measures may include:

- Limiting identifying information published with images.
- Avoiding publication of pupils' full names alongside photographs.
- Applying privacy settings and security controls on School-managed digital platforms.
- Using website image protection features where appropriate.
- Maintaining clear consent procedures.

- Reviewing online safeguarding risks and emerging technologies regularly.

Any concerns regarding the misuse of pupil or staff images, including suspected AI-generated content, must be reported immediately to the Designated Safeguarding Lead or Head of School and will be addressed in accordance with the School's safeguarding procedures.

Use of Cameras and Filming Equipment (including mobile phones) by Parents
Parents, guardians or close family members (hereafter, parents) are welcome to take photographs of (and where appropriate, film) their own children taking part in School events, subject to the following guidelines, which the School expects all parents to follow:

When an event is held indoors, such as a play or a concert, parents should be mindful of the need to use their cameras and filming devices with consideration and courtesy for cast members or performers on stage and the comfort of others. Flash photography can disturb others in the audience or even cause distress for those with medical conditions; the School therefore asks that it is not used at indoor events.

Parents are asked not to take photographs of other pupils, except incidentally as part of a group shot, without the prior agreement of those pupils' parents.

Parents are reminded that such images are for personal use only. Images which may, expressly or not, identify other pupils should not be made accessible to others via the internet (for example on Facebook), or published in any other way.

Parents are reminded that copyright issues may prevent the School from permitting the filming or recording of some plays and concerts. The School will always print a reminder in the programme of events where issues of copyright apply.

All parents and visitors must follow this policy to protect children's privacy and ensure compliance with safeguarding and data protection law.

Parents may not film or take photographs in changing rooms or backstage during School productions, nor in any other circumstances in which photography or filming may embarrass or upset pupils.

The School reserves the right to refuse or withdraw permission to film or take photographs (at a specific event or more generally), from any parent who does not follow these guidelines, or is otherwise reasonably felt to be making inappropriate images.

The School sometimes records plays and concerts professionally (or engages a professional photographer or film company to do so), in which case CD, DVD or digital copies may be made available to parents for purchase. Parents of pupils taking part in such plays and concerts will be consulted if it is intended to make such recordings available more widely.

Use of Cameras and Filming Equipment by Pupils

All pupils are encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of the pastoral staff.

The use of cameras or filming equipment (including on mobile phones) is not allowed in toilets, washing or changing areas, nor should photography or filming equipment be used by pupils in a manner that may offend or cause upset.

The misuse of images, cameras or filming equipment in a way that breaches this Policy, or the School's Anti-Bullying Policy, Privacy Notice Policy, Safeguarding Policy. Misuse is always taken seriously, and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

Breaches of this policy will be addressed in line with the School's Behaviour Policy, E-Safety Policy, and Safeguarding Policy, and may result in disciplinary or safeguarding action as appropriate.

Legal and Regulatory Compliance

- Data Protection Act 2018 and UK GDPR
- Education (Independent School Standards) Regulations 2014
- Equality Act 2010
- Freedom of Information Act 2000
- ICO Guidance: Privacy Notices, Transparency and Control (2023)
- Keeping Children Safe in Education (KCSIE)
- Working Together to Safeguard Children (2023)

All staff must follow this policy to ensure that pupil images are created, stored, and used responsibly, lawfully, and in accordance with statutory safeguarding and data protection requirements.