

PHOTOGRAPHIC IMAGES AND VIDEOS POLICY

I Introduction

- 1.1 This guidance is to help staff understand the School's approach to taking and using images (i.e. photographs and videos). Although most of this guidance concerns images of pupils, it also covers images of parents and staff at paragraphs 6 and 7.
- 1.2 If an individual can be identified from an image, it will contain their personal data. Taking and using the image is therefore covered by data protection legislation. If an individual can only be identified indirectly from the image, then data protection legislation (and this guidance) still applies. For example, a football player may be identifiable from their shirt number even if their back is to the camera or if their face is obscured.
- 1.3 If the School breaches data protection legislation, there is a risk that individuals may complain to the Information Commissioner's Office (the data protection regulator) or bring a claim in court for compensation. There are also reputational consequences.
- 1.4 **Staff must always check that taking or publishing a photo, or making or publishing a video, will not put a pupil or anyone else at risk. Further information on this, and how photos and videos relate to the School's safeguarding obligations, is set out below (see paragraph 16).**
- 1.5 Staff must make sure they have read the following policies alongside this guidance:
 - 1.5.1 IT Staff Pupil and Visitor Acceptable Use Policy
 - 1.5.2 IT Staff Pupil Parent Governor and Visitors Policy
 - 1.5.3 Staff Code of Conduct;
 - 1.5.4 Anti-bullying Policy
 - 1.5.5 Safeguarding and Child Protection Policy;
 - 1.5.6 Data Protection Policy;
 - 1.5.7 Privacy Notice; and
 - 1.5.8 Online Safety Policy.
- 1.6 This guidance applies when staff do anything in relation to an image. This includes, but is not limited to, taking, editing and storing images.
- 1.7 Staff must abide by this guidance at all times when using images of pupils, parents or staff, e.g., on the School premises and off site in connection with School activities.
- 1.8 This guidance does not form part of any contract of employment and may be amended by the School at any time.
- 1.9 If staff have any questions, they should speak to the Bursar who is the Privacy Officer or in their absence the Director of Marketing, Admissions and Communications (DMAC).

2 The School's approach

2.1 The table below will help you decide what you need to do:

2.1.1 **Green** means that you can take and use the image so long as the parent or the pupil has not informed the School that they object to the use of the image (whether at the time, before or afterwards).

2.1.2 **Red** means that the image can only be used if the parent or the pupil has signed the School's images "Consent Form" and neither has subsequently objected.

To check that the School has not received an objection, or to check that what you propose to do is covered by an existing opt-in form, please speak to the DMAC.

2.1.3 **Red*** means that the use is not covered by the Consent Form. Instead, images in the **Red*** category require a specific one-to-one conversation with the pupil / parent (followed by written confirmation), i.e. because what is proposed is unusual or especially privacy intrusive. Please speak to the DMAC if you need to do something that falls into this category.

2.2 The School will update the table below from time to time, so please make sure you are using the latest version of this guidance, which can always be found on The Staff Hub under Information. If you plan to use an image in a way that is not described in the table, please speak to the DMAC.

Category	Examples of proposed use
●	Official school photos of the whole School, or class, to be purchased by parents.
●	Photos used internally to inform staff which pupils have allergies.
●	A recording of a lesson (in which the pupils are visible) so that pupils can re-watch it for revision purposes. Please note that the pupils must be aware that this is happening (the responsible person should tell them at the start of the lesson) and this should be mentioned in the Privacy Notice and in other ad hoc privacy information (e.g., a newsletter).
●	A video taken during a lesson (such as sports, drama and music) which is only shown to the pupils in the video to provide feedback.
●	A photo of a pupil to be used internally, e.g., on the pupil information management system, library cards, building passes.
●	Video recordings taken for internal pupil assessments / internal pupil coaching. For example, in music, drama or sports lessons. This assumes that the recording is done on an occasional basis for a specific purpose and that everyone in the room knows that the recording is taking place. The recording should also be relevant to the purpose. For example, if only a

	small number of pupils are being assessed it may not be appropriate to capture images of other pupils. If the recording is to be used to assess staff, please speak to the Privacy Officer as extra considerations may apply.
●	The use of a webcam to broadcast images of pupils within the School, e.g., to allow one class to see another as part of a lesson.
●	The live streaming of video footage of an event (such as a sports match, drama production or concert). A statement should be read out to the pupils (both to the School's pupils and to the pupils of any other school) explaining that they will be recorded. If another school is involved, then staff must follow the process set out in paragraph 13 below. The pupils (and parents as well unless the pupils are in Year 12 or above) should be given a clear opportunity to object. If a pupil objects then the recording should not go ahead. If commentary on event is also to be provided (which includes pupil names or other identifying information) this should be explained in advance.
●	Photos or videos of pupils taken on a school trip or during a sporting event to be used for an internal printed exhibition or display.
●	A photo or video sent only to the School community (e.g., in an internal newsletter, or on the password protected parental portal) with or without the pupil's name.
●	Photos or videos of pupils published on the school website or in the prospectus, with or without the pupil's name but no other information. This approach is appropriate for most group images, e.g., a photo showing a number of pupils in a classroom setting. Please note that there may be circumstances which mean that opt-in must be used, e.g., how the pupil is dressed, or if the pupil is going to feature very prominently, or if the pupil is going to feature on the website homepage or the front or back cover of the prospectus.
●	A photo or video used in social media without the pupil's name e.g., on X (Twitter), facebook, Instagram, youtube, linkedin. The factors set out in the row above (circumstances that mean opt-in should be used) apply here as well.
●	The use of a webcam to broadcast images of a class of pupils to another school (e.g., where two schools are working together on a classroom project).
●	A photo or video used in a third party publication (e.g., the local newspaper) without the pupil's name.
●	A photo or video of the School's pupils to be used by one of the Harrow family of Schools even if it does not include the pupil's name.

●	Any photo or video that captures a pupil in revealing clothing (e.g., in relation to activities such as swimming or gymnastics). This is the case even if the image would otherwise fall within the green category.
●*	A photo or video displayed in a prominent place, with or without the pupil's name, e.g., on the side of the School's minibus or on a billboard.
●*	A photo published alongside a pupil's name in a local newspaper.
●*	A photo or video used in a national advertising campaign with or without the pupil's name.
●*	A case study (e.g., in the School prospectus) which focuses on one particularly gifted pupil.

3 Key things to avoid

- 3.1 Staff must not take or use images of pupils which:
 - 3.1.1 put a pupil at risk (see section 16);
 - 3.1.2 might cause embarrassment or distress;
 - 3.1.3 are associated with distressing or sensitive issues;
 - 3.1.4 are taken during one-to-one situations; or
 - 3.1.5 are unnecessarily intrusive.
- 3.2 If there is an incident, then any photography or filming should stop immediately. For example, if filming a rugby match and a player appears to have suffered an injury, then the streaming must stop in order to respect the privacy of the player involved.
- 3.3 Please see the School's Staff Code of Conduct section 31 for further guidance on the taking and using of photos and videos of pupils.
- 3.4 Staff must not send or show images to third parties, such as publishers or web designers, unless this has been authorised by the DMAC or in their absence the Privacy Officer.
- 3.5 All pupils are encouraged to be sensitive in their use of images of their peers, and to report any misuse of images, technology or other worrying issues. The current trend for some young people to take inappropriate photographic images and use them in vindictive ways is of concern and, to this end, pupils are regularly educated about the dangers of exchanging inappropriate images. No student is permitted to take photographic images of other students or staff without their permission.
- 3.6 No pupil is allowed to use cameras or filming equipment in situations where distress or upset may be caused to others. Where the School rules on the use of images are broken, the pupil is sanctioned accordingly and the pupil's photographic equipment (e.g. mobile phone, camera, etc.) will be removed, labelled and handed back to the pupil's parents at the earliest opportunity with full details of why it was removed initially.

4 Transparency

- 4.1 Where possible, individuals should be given an opportunity to opt-out at the time the image is taken, regardless of whether it falls into the green or red category.
- 4.2 The School has a Privacy Notice which includes details on legitimate interest on the use of images. Please read this document so that you understand what parents and pupils are told. As a general guide, children are considered to have sufficient maturity to exercise their own data protection rights when they reach the age of 12. Accordingly, the School has decided that:
 - 4.2.1 for pupils in Year 6 and below, the School will communicate with parents only. For example, the Consent Form will be signed by parents only;
 - 4.2.2 for pupils in Years 7 to 11, the School will communicate with both parents and pupils; and
 - 4.2.3 for pupils in the Sixth Form, the School will communicate with the pupil only but the parents will still also be provided with details of how to access the Privacy Notice.
- 4.3 These points above are relevant to paragraphs 2, 5, 11, 13, 14, 15 and 18.

5 Former pupils

- 5.1 Pupils and their parents are informed through the Privacy Notice that images of pupils may be used after they have left the School.
- 5.2 If the image is in the red category, then you must check that the Consent Form has been signed. Please speak to the DMAC or in their absence the Privacy Officer if you are not sure.

6 Images of parents

- 6.1 The School has decided to use the same approach for images of parents as it does with images of pupils. Therefore, this guidance applies equally to images taken of parents.
- 6.2 In particular, staff should be aware that the safeguarding considerations that are applicable to images of pupils also apply to parents. For example, publishing an image of a parent may put both the pupil and parent at risk. Therefore you must still check with the Designated Safeguarding Lead (DSL), the DMAC or in their absence the Privacy Officer.

7 Images of staff

- 7.1 In most cases, the School does not ask staff whether they do not object before using an image of them. This is because staff do not require the same protection as children and will not have the same expectations of privacy when doing their job. However, the School will still seek an Consent Form from staff for uses of images that are especially privacy intrusive e.g., a photo or video used in a national advertising campaign.
- 7.2 The Privacy Notice contains information about how the School uses images of staff. Please make sure that you have reviewed this. If you have any questions, or if you wish to object to the School taking and using images of you, please speak to the Privacy Officer.
- 7.3 If you plan to use an image in a way that is not covered by this Policy or the Privacy Notice, please speak to the Privacy Officer.

8 Images of Visitors

- 8.1 In most cases, the School does not ask Visitors whether they do not object before using an image of them. This is because Visitors do not require the same protection as children and

will not have the same expectations of privacy when visiting the School. However, the School will still seek an Consent Form from Visitors for uses of images that are especially privacy intrusive e.g., a photo or video used in a national advertising campaign.

- 8.2 A statement should be read out to the Visitors that they will be photographed or recorded giving them the option not to participate.

9 Early Years Foundation Stage

- 9.1 The School's Safeguarding and Child Protection Policy section 8 covers the use of cameras and mobile phones in the Early Years Foundation Stage. Please refer to this policy in respect of children in the Early Years Foundation Stage.

10 Devices

- 10.1 Staff must only use School owned devices to take images unless there are exceptional circumstances. An example of an exceptional circumstance is if an image needs to be taken for safeguarding reasons.
- 10.2 Please speak to the Head of IT if you require the use of a School owned device.
- 10.3 Staff must comply with the IT Staff Pupil and Visitor Acceptable Use Policy.

11 Images taken by other organisations

- 11.1 There may be situations where a third party takes images of pupils. This must only happen with the authorisation of the DMAC or in their absence Privacy Officer and where there is appropriate supervision. For example:
- 11.1.1 the School might hire a professional photographer to take official School photos or to video a school play;
 - 11.1.2 a company used by the School to provide extra-curricular activities asks to use photos of our pupils for advertising purposes; or
 - 11.1.3 a photographer from a media outlet might attend an event at the School.
- 11.2 If the press will be attending school events, the School will let parents and pupils know about this via newsletters, bulletins or on publicity materials. The DMAC or in their absence Privacy Officer is responsible for checking that the information provided is data protection compliant.
- The School should be conscious of what is on display at the school if photographs or videos are being taken (e.g., work on school display) as the School will need to be careful that information is not made public by accidentally being included in the background of a photo or video.
- 11.3 The School may need to provide information on the other organisation's behalf before allowing the images to be taken by that organisation, and the DMAC or in their absence the Privacy Officer will be able to confirm arrangements.
- 11.4 The DMAC or Privacy Officer is responsible for considering other data protection issues such as ensuring that there is an appropriate agreement in place with the other organisation where necessary. You must not enter into an agreement with the other organisation without authority from the DMAC or in their absence the Privacy Officer.

12 Images to be used by the Harrow Family of Schools which comprises of the School, the Lyonian Association, Harrow School, Harrow International Schools, Harrow School Enterprises Limited and the Harrow Development Trust (Harrow Family of Schools).

- 12.1 The School may provide images of our pupils and staff to the Harrow Family of Schools for promotional reasons, but this must always be authorised by DMAC or in their absence Privacy Officer.

13 Taking images of pupils from other schools

- 13.1 Pupils from other schools attend events at the School. If the School is taking photos and or making video recordings, similar data protection considerations will apply.
- 13.2 The School must:
- 13.2.1 Discuss any intended taking, recording or use of images with the other school. The other school must confirm in writing that it does not object to what you propose.
 - 13.2.2 For photos and videos that you do not consider to be privacy intrusive:
 - (a) check that what is intended falls under the green category in the table above;
 - (b) ask the other school to confirm in writing that there are no specific reasons why any of their pupils cannot be included in photos or videos (e.g., no safeguarding concerns);
 - (c) check the other school's practices, and do not do anything that would be inconsistent with their practices (even if you think they are too cautious); and
 - (d) make sure that each individual has been given clear information about what the School proposes to do, so that they may object. By "individual", we mean the pupil themselves if in the Sixth Form, pupil and parents if the pupil is in Years 7 to 11 (inclusive) and just the parent if the pupil is in Year 6 or below (please see paragraph 4.2 above). The School must liaise with the other school to work out how best to communicate this information.
 - 13.2.3 For photos and videos that are more privacy intrusive than the DMAC or in their absence the Privacy Officer should be consulted.

14 When other schools take images of the School's pupils

- 14.1 You must remind the other school that it must not take photos or videos without agreement from the School. Should permission be sought by the other school, please speak to DMAC or in their absence the Privacy Officer.

15 Taking images of prospective pupils at open days and taster days

- 15.1 Parents (and the pupil if age appropriate, see paragraph 4.2) should be told about the taking and use of images at open days and taster days (both before they attend and on the day itself).
- 15.2 When communicating this information on the day they attend, they can be told in person if it is not practicable to provide written information. This will be co-ordinated by the DMAC.
- 15.3 As an additional step, the photographer (whether internal or external) will be told to make pupils and parents aware of his/her presence before taking images and to explain where the images will be published in broad terms. Pupils and parents should be given the opportunity

to not appear in the photos. If you consider that this might not be happening, please let the DMAC or in their absence the Privacy Officer know immediately.

- 15.4 However, if the image is in the red category, then an Consent Form must be sought and the DMAC or in their absence the Privacy Officer must be consulted.

16 Safeguarding

- 16.1 Staff must be mindful of safeguarding issues when taking and using images. For example, there may be a very good reason why a pupil's whereabouts or presence at the School must be kept confidential. The School has a system in place to notify staff of which children should not be photographed or videoed under any circumstances (even if the proposed image falls under the green category). Please speak to the DSL or DMAC for guidance.

- 16.2 Staff must raise any concerns about the welfare of a child in accordance with the procedures in the School's Safeguarding and Child Protection Policy. For example, concerns should be reported if they become aware of anyone:

16.2.1 taking an unusually large number of images;

16.2.2 taking images in inappropriate settings such as cloakrooms, toilets or changing areas;
or

16.2.3 taking images of children who are apparently unaware that they are being photographed or filmed.

- 16.3 Staff must not publish images of pupils on any personal social media account, personal webpage or similar platform.

- 16.4 If staff are ever unsure, they must always speak to the DSL.

17 Intellectual property

- 17.1 If you think that your use of an image might raise intellectual property issues (e.g., videoing a play which is subject to copyright) please speak to the DMAC or in their absence Privacy Officer.

- 17.2 Please bear in mind that ownership of the copyright in a photo typically belongs to the person who took the photo (or their employer) rather than the person who appears in the photo.

- 17.3 Please also bear in mind that copyright exists in photos and videos that are published on the internet, even if they are publicly available and are not marked with a copyright notice. It is reasonably common for schools to be charged substantial sums retrospectively for the use of photos or videos copied from the internet by members of staff who were unaware of the financial consequences of their actions.

18 Retention of Images

- 18.1 Within the School we store confidential student and staff information, including photographic images under the following guidelines:

- Staff should use School equipment in all usual circumstances to take photographic images or film of pupils.

- Where staff have taken images on their personal devices in line with school guidance, that they remove those images as soon as they are stored safely on a School device or drive and within 24 hours unless in exceptional circumstances.

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- Staff should not make images of pupils available on the internet, other than through the School network/website, MS Teams, Parent Portal or John Lyon School social media accounts without permission from parents and a member of the Senior Leadership Team.
 - Staff take reasonable steps to control the storage, use and publication of images of students.
 - Images may be stored on any ICT related media as long as it is password protected and encrypted. Access to images on the School network is only by authorised personnel.

19 Objections

- 19.1 If a parent or pupil tells you that they object, you must not use the image in question and must immediately inform the DMAC so that the School's records can be updated.
- 19.2 In the vast majority of cases, any objection will take precedence over the publicity requirements of the School but the DMAC and Privacy Officer will make the final decision.
- 19.3 Situations may arise where the pupil and their parents disagree about the use of a photo. If a pupil objects to the use of their photo / video it should not be published, even if their parents do not object. Equally, sometimes a photo / video should not be published if a parent objects but a pupil does not. The non-objecting party should be informed of the other's objection unless there is a good reason not to do this.
- 19.4 There may be pupils at the School whose images cannot be used under any circumstances, even if the use would ordinarily fall under the "green" category in the examples above. This would be relevant if, e.g., the pupil had famous parents or there might be a risk that they will be abducted should their presence at the School become known. Please consult the DMAC for details of any such pupils. Please see section 16 above.

20 Other points to note

- 20.1 When parents or other visitors (such as grandparents and family friends) take photos or videos for personal use, this is not covered by data protection legislation.
- 20.2 However, if an event is subject to copyright or performing rights restrictions, the School may prevent visitors from taking images. The DMAC will co-ordinate how this is communicated to visitors. For example, by placing a statement in the invitation or by an announcement at the start of the event.

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