

CHRIST'S HOSPITAL

PHOTOGRAPHY AND VIDEOGRAPHY POLICY

Introduction

This policy applies when photographic or video images of Christ's Hospital (CH) premises, staff or pupils are taken and applies whether or not a fee is paid for services supplied.

It is accepted that a parent or public visitor may take photo or video images of School premises, staff or pupils for purely personal reasons, but may then kindly choose to share these images with us. Such images fall outside the scope of this policy, other than the need for CH to secure the right to make use of the supplied images.

For the remainder of this document, 'photographer' should be taken to mean both a photographer and videographer.

Any School individual planning to appoint, authorise or allow photography or videography of CH premises, staff or pupils to take place will be an 'appointing individual' and must first consult with the Marketing Director, principally to ensure that they are informed of any School staff or pupils that have withdrawn consent for images to be taken.

Any photographer must respect the rights and privacy of School staff and pupils at all times and comply with any request made by an individual (a data subject) not to be photographed or filmed. No photography or videography is permitted that will capture images from within washing and changing areas, swimming pool areas, bedrooms or staff private residences.

No image of School staff or pupils taken by a photographer may be used by any party for any purposes other than those set out in the CH Data Privacy Notice. If there is a wish for images to be used for purposes not described in the Privacy Notice, the consent of the individual (the data subject) will need to be sought.

We cannot assume or give others consent for the use of the images of non-School individuals inadvertently or purposely captured in School photos or videos; consent must be sought.

Appointment of an external photographer (or an internal photographer wishing to use School images for professional purposes).

It is accepted that images will be taken on a personal device.

Images should only be taken after and in accordance with a written brief set out by the appointing individual.

A contract governing image use and data protection by both the photographer and the School must be in place. In the case of a one-off hire, the contract could take the form of standard Terms and Conditions or a Service Level Agreement. The contract (in whatever form) must include data sharing conditions or be supplemented by a separate Data Sharing Agreement.

The contract should incorporate content addressing the following:

- ideally, we should seek to own the rights to the images of our School property, pupils and staff, but it is accepted that image rights may be retained by the photographer;
- where CH images are used by the photographer, the co-operation of CH in the creation or publication of the work should be acknowledged;

- CH should be offered the opportunity to cooperate with any publicity or editorial opportunities associated with the images taken;
- the photographer should undertake not to publish or sell the images where they will be used in a context that may damage the reputation of CH, may misrepresent the organisational ethos or may undermine any featured individuals;
- the photographer should indemnify CH against any legal claims which may arise from the recording shoot.

The data sharing conditions must include or address the following:

- the legal entities of exchange are named and depending upon who will own image rights, the status of the photographer as a controller or processor and the status of CH as a controller or co-controller of School personal data should be stated;
- the lawful basis (likely to be legitimate interest and/or consent) for the image processing by CH and the photographer, the specific images to be exchanged and how each party will make use of the images is stated.
- the storage and use of School staff or pupil images by the photographer must be appropriately time limited, after which time the images must be deleted from all storage locations and devices. Images of School premises may be kept and used indefinitely;
- a requirement to check image use with the Marketing Director before any image is published (put into the public domain) by the photographer;
- when a School member (a data subject) who has withdrawn consent for the taking of their image, is found captured in images taken and the photographer is informed of this by the appointing individual, these images will be immediately deleted from all storage locations and devices of the photographer;
- CH images should be held by the photographer in devices located within a country to which a UK General Data Protection Regulation (GDPR) adequacy decision applies. Where a partial adequacy decision applies, the conditions of the decision must be met;
- the photographer must employ physical and technical measures to ensure that School images are stored securely (protected from third party access, manipulation and theft);
- CH images should not be stored or published by the photographer with a staff or pupil name as a file name;
- CH images should be shared with the School by the photographer using secure specified means, within a specified timescale;
- if parents/guardians will be viewing School images held by a photographer (for the purpose of making a purchase), the viewing process must ensure the legitimacy of the parent/guardian and the access provided must be restricted to the intended audience;
- any request by a data subject to enact their rights over the processing of their image, such as asking for their image not to be taken or to be deleted (withdrawal of consent), should be directed to the Marketing Director (by either the data subject or the photographer);
- CH will be the responding party to any data subject request, but a photographer must cooperate with CH to achieve this;
- terms for review and termination of data sharing conditions.

Any photographer that is not a member of staff will need to be accompanied by a School host at all times they have or, there is potential for, contact with pupils. Or, to work in an unaccompanied way when there is the potential for contact with pupils, they must be subject to the unescorted contractor process set out in the Contractor Policy. All other conditions of the Contractor Policy will also apply.

Appointment of an internal photographer

Ideally images will be taken on a School device, but it is accepted that images may be taken on a personal device.

Images should only be taken after and in accordance with a written brief set out by the appointing individual, especially when images are to be taken on a personal device.

The conditions of this policy form the basis of any work by an internal photographer fulfilling a brief set by the appointing individual. Therefore, this policy should be brought to the attention of the photographer by the appointing individual.

The School deems the rights to the images of our School property, pupils and staff (taken as a result of the written brief issued) as belonging to the School, for our use alone. The acceptance of the written brief by the photographer is on this basis.

School images should be held by the photographer in devices located within a country to which a UK GDPR adequacy decision applies. Where a partial adequacy decision applies, the conditions of the decision must be met.

The photographer must employ physical and technical measures to ensure that School images are stored securely (protected from third party access, manipulation and theft).

School images should not be stored by the photographer with a staff or pupil name as a file name.

School images should be shared by the photographer securely with the appointing individual within seven days of being taken. Ideally this will be direct transfer into a School computer folder specified by the appointing individual. Only if this method is unfeasible may image transfer be by way of a portable USB device.

Once the exchange of images has taken place, all images (taken as a result of the written brief issued) must be immediately deleted from the capture device and any other storage location they may have been transferred to.

Guidance for staff and pupils capturing School images as part of everyday School life

Staff must ensure that they do not capture images of pupils on personal devices where the image will be stored in the personal device or personal cloud. A personal device may be used to capture an image only where the image will be stored on a School platform, such as a Microsoft Teams lesson or meeting that is recorded to provide remote teaching (refer to the Remote Learning Policy for further guidance).

Staff and pupils must respect the rights of School individuals or visitors (data subjects) to not have their image captured. Staff must ensure that they are aware of staff and pupils that have withdrawn consent, details of which can be obtained from the Marketing department.

School images must be captured and used solely for purposes that align with the content of the CH Data Privacy Notice. Otherwise, the consent of individuals captured is required.

School images taken must be stored securely (protected from third party access, manipulation and theft) and images must not be stored with a staff or pupil name as a file name. Image sharing and transfer between School parties must be achieved by secure means.

School projects should ideally make use of School equipment. Pupils should be encouraged to transfer any School images captured for academic purposes on personal devices to School devices. Once images have been transferred from a personal to a School device, they should

be immediately deleted from the personal device and any other personal storage location they may have been transferred to.

Once images have been used for their intended purpose, they should be deleted from all devices and storage locations on/in which they are held. In principal, unless it is necessary to capture images over an extended period of time to show the passing of time, this retention period should not extend beyond the academic year, or any period necessary or appropriate to hold creative works for examination, display or marketing etc.

The creative works of individuals (staff and pupils) produced as part of work or education are owned by the School, as set out in admission and employment contracts and thus permission to use the images outside of School would need to be sought from the Business Manager.

Guidance for staff when CH pupil images may be captured by another organisation, or the images of pupils from another organisation may be captured by CH

This applies when CH staff photograph or video CH pupils and may inadvertently capture the image of pupils from another organisation, and when the staff of another organisation photograph or video their pupils and may inadvertently capture the image of CH pupils. Likely when both parties are conducting normal and legitimate school or club activities such as sporting events, where teams travel to each other's premises.

Parents and members of the public capturing public events for personal reasons fall outside the scope of this policy, as such activity falls outside the UK GDPR.

Before attending the premises of a third party, CH staff should check with the host that photography and videography by CH is permitted. We ask the same of any third party attending CH premises wishing to carry out photography and videography. However, there may be multiple parties present and the host may not have the authority of all parties to give consent, unless they have obtained this from all parties at the organisation stage.

Good practice is that each party automatically makes every effort to only capture images of their own staff and pupils. Any party may however stipulate that images of their staff and pupils must not be captured. This may be necessary where consent has been withdrawn and/or in the case of pupil safeguarding.

If any party wishes to make use of images that feature staff or pupils from another organisation, consent from that organisation must be sought before doing so. In the case of wishing to make use of images that feature CH staff or pupils, a request should be made to the Marketing Director.

It may be that a party can allow others to capture and use images of their staff and pupils freely for certain purposes because notification of this, as a lawful activity, is set out in their Data Privacy Notice. But to ensure that this is the case, always check with the other organisation about making use of images of their staff and pupils.

Guidance for parents/guardians and the public visiting CH premises

No photography or videography is permitted that will capture images from within washing and changing areas, swimming pool areas or personal bedrooms.

If an instruction is given that photography or videography cannot take place, please respect this. Copyright issues may require the School to prohibit the image/sound recording of some plays and concerts. This will be stated in the event programme.

If an instruction is given that flash photography cannot take place, please respect this, as it may be for reasons such as the preservation of artwork or the prevention of photosensitive epileptic seizures.

When attending a public event, such as a sports event, a theatre performance or band parade, it is acceptable to capture the image of individuals in photos and videos, because the individuals overseeing, performing in or attending such events in a public area should reasonably expect this.

However, when capturing an image that purposefully targets an individual that is not your child or a member of your personal party, it would be considerate to seek the individual's, or their parent/guardian's consent, to do so.

Please also be considerate of the viewing experience of others when using photography or videography devices.

Guidance for contractors undertaking works on CH premises

Contractors may photograph and video their work site and activity on the basis that every effort must be made not to capture images of School staff, pupils or visitors outside of the working area. This includes the use of CCTV and drones by contractors.

Any recordings which capture identifiable images of anyone other than employees of the contractor must be immediately deleted from the capture and image storage devices, unless they are CCTV recordings for the purpose of site security, when identification of an individual is necessary.

Any contractor operating CCTV is expected to have a CCTV Policy, which will be supplied on request. If contractor CCTV will capture identifying images or any other identifying features of School staff, pupils or visitors it will be necessary to have a Data Sharing Agreement with the contractor, which should include School expectations to reasonably view and receive copies of contractor CCTV for School site security, safeguarding or safety management purposes.

CHEL clients

CHEL clients and their customers/guests are permitted to take video or still images of school buildings and grounds in their recordings.

Clients and their customers/guests may not capture images of school staff, students or residents unless the individual(s) are attending an event as a private guest. Often clients will be on site when school students are not present, but school staff and residents, and visitors to the school, will still be present.

Clients must make every effort to avoid capturing images of school staff, students, residents or visitors, other than in the circumstances mentioned above. Any recordings which capture identifiable images of any such individual must be immediately deleted from the capture and any data storage devices or software.

Alternatively, consent for use of images could be sought from the data subjects captured. CHEL cannot however assume or give consent for the use of the images of non-school individuals, such as site visitors. Consent could be achieved by giving adequate warning that images are being captured in a certain area, allowing individuals the option not to enter the area if they do not consent to their image being captured. It should be noted however that children aged 12 or below cannot legally consent to their personal data being used.

Clients and their customers/guests must respect the rights and privacy of school staff, students, residents or visitors at all times and comply with any request made by an individual not to be photographed or filmed.

It is accepted that client customers/guests may be children. Clients should make every effort to educate children that it is not OK to take pictures of people without first asking their permission, or to take pictures of people in private areas. A breach of this policy by child customers or guests of clients will however be treated with leniency by the CHEL Manager, in so far as is reasonable.

No photography or videography is permitted that will capture images of school staff, students, residents or visitors in toilet, washing and changing areas, swimming pool areas, bedroom areas or staff private residences.

No captured images are to be used in a context that may damage the reputation of CH, may misrepresent the organisational ethos or may undermine any captured school individuals.

If a corporate client intends to capture images of the school site for their own commercial marketing purposes, these images must first be shared with the CHEL Manager to authorise their use.

If a client wishes to capture images using a drone, the requirements of the full CH Photography and Videography Policy (setting out 'Drone Use') must be met. It is the responsibility of the CHEL Manager to ensure this.

Drone use

Anyone operating a drone must be able to demonstrate compliance with the Drone Code as applicable.

- Always keep your drone or model aircraft in direct sight. This needs to be without the use of any magnification equipment. An observer can assist. You do not have to maintain direct sight when follow-me mode is active and set to follow within 50m of you.
- Never fly more than 400ft (120m) above the ground/water surface. You can fly up to 15m above a building or structure taller than 105m (keeping within 50m horizontally) if the person responsible for it asks you to do a task related to it.
- Stay well away from aircraft, airports and airfields. Never fly in an airport's flight restriction zone.
- Drones that are class C0 or <250g – You can fly close to people and over people.
- Drones that are class C1 or 250g – 500g – You can fly close to people, but not over people.
- Drones that are class C2 – C4 or >500g - Never fly closer than 50m to people or over people. This includes people in buildings and transport, including cars, lorries, trains, boats. This excludes people with you as part of your flying group.
- Never fly where people have gathered in crowds or groups.
- Drones that are class C0, C1 or <250g – You can fly in residential, recreational, commercial and industrial areas.
- Drones that are class C2 – C4 - Keep at least 150m away from residential, recreational, commercial and industrial areas.
- Stay well away from airports, airfields and aircraft and never fly in a flight restriction zone (FRZ).
- Check for and follow any local flying restrictions or hazards.

- Make sure you know what your drone or model aircraft can and cannot do.
- Make sure your drone or model aircraft is fit to fly.
- Never drop anything from your drone or model aircraft while it's flying.
- Never carry any dangerous cargo on your drone or model aircraft.
- Make sure any equipment is secure.
- Do not fly if the weather could affect your flight.
- Make sure you're fit and safe to fly.
- Act quickly and safely if the situation in the air or on the ground changes.
- Report any dangerous incidents, near misses or suspicious activity to the CAA.
- Respect other people and their privacy. Make sure you know what your camera can do and the kind of images it can take. Make sure you can be clearly seen when you are out flying. Let people know before you start recording or taking pictures. Think before sharing photos and videos. Keep photos and videos secure. GDPR applies if you are a non-domestic flyer.

General guidelines:

- Fly the same distance away from people horizontally as your height.
- All distances should be increased if the weather is poor.
- All distances should be increased for higher speed flying.
- Do not fly where you could disturb or endanger animals and wildlife.

In addition, the following are required as necessary:

- Annual registration with the CAA for a drone classed C0 (with camera) – C4, or weighing below 250g with a camera, or weighing between 250g and 20kg, generating an Operator ID number, which must be displayed on the drone.
- Pass a 5 yearly CAA knowledge test for a drone classed C1 – C4, or weighing between 250g and 20kg, generating a Flyer ID number. This also applies to qualify for the annual CAA registration.
- An CAA Operational Authorisation permit (dependent upon the type of flight to be undertaken):
 - 'Open Category' (A2 – C2) drones can fly up to 5m from people in low speed mode and up to 30m from people in normal speed mode. – Requires an 'A2 Certificate of Competency'.
 - 'Specific Category' flight – Requires CAA Operational Authorisation.
 - 'Certified Category' flight – Requires CAA certification of the aircraft, certification of the operator and licensing of the pilot.
- A risk assessment and method statement (RAMS) that incorporates a flight plan.
- A copy of the operator's public liability insurance.

The risk assessment must address the potential for adverse weather and operator error or equipment failure during flight. It must also address flight hazards and the potential for a breach of privacy by capturing images from inside private premises.

The method statement should ensure compliance with Drone Code requirements.

The appointing individual must be satisfied that the RAMS sufficiently address all property, privacy and safety risks. Advice should be sought from the Compliance Officer if there is any doubt about privacy or safety risks. Advice should be sought from the Estate Bursar if there is any doubt about property risks. In all cases, the Estate Bursar must be informed of the activity taking place on the School site in advance.

In the case of a resident, member of staff or pupil wishing to operate a drone on School premises, approval for the activity must be sought from a Deputy Head. As the appointing individual, the Deputy Head, with the assistance of the Compliance Officer, must ensure Flyer and Operator IDs, Operational Authorisation, RAMS and insurance are in place as appropriate. Ideally the drone operator will have their own public liability insurance, rather than rely on the School public liability or employer's liability insurances. A pupil should only use a drone for academic purposes. A risk assessment should always be conducted.

Identifiable images of School staff, pupils and visitors may be captured by a drone for a purpose as set out in the CH Data Privacy Notice, i.e. the production of marketing and promotional material. If such images are to be taken, the appointing individual must ensure that appropriate data sharing conditions are in place with any pupil, staff or third-party videographer.

If, however, the Privacy Notice does not cover the intended personal data collection activity, every effort must be made not to capture images of School staff, pupils or visitors. Any recordings which capture identifiable images of any person must be immediately deleted from the capture and data storage devices. Alternatively, consent for use of images can be sought from the data subjects captured.

Owner: CP

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