



Guidance on Parental Permission for Photographs being taken in Schools

Permission:

Is Parental Permission required when Photographs of Pupils are being taken for Official Use in a School?

Yes, schools must obtain consent from the parent, guardian or carer of a child or young person up to the age of 18. This applies to Photographs, DVDs and also if members of the press take photographs or film footage. It is advised that schools send a consent form to parents with the school registration pack, to cover the period that their child will spend at the school. It is also advisable to keep copies of the photograph with the consent form.

In exceptional circumstances schools may need to make a decision based on the individual case. For example, if a young person has left home but is under 18 years of age, it might be difficult to obtain parental consent. Schools should also exercise caution when dealing with children in care. It will be appropriate to get consent from the carer, (after they have consulted with the Social Worker), as well as the child / young person.

A template consent form can be found at [Appendix A](#).

Why do I need to obtain consent to take a photograph for Official Use in a School?

The Data Protection Act 2018 is unlikely to apply in many cases where photographs are taken in schools, as these are normally taken for personal use. Where the Act does apply, the Information Commissioner's Office (ICO) has stated

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance:

- *Photographs taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.*
- *Where a photograph is taken by a local newspaper of a school awards ceremony, as long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act.*

The full ICO guidance can be found [here](#).

Is Permission required from Teachers / Adults when Photographs of them are being taken in Schools?

Yes, schools need consent from teachers and any other adults who may appear in the photograph or DVD, not just the children.

Can I use the photographs after a Child / Teacher / Adult has left the school?

No, schools should not re-use photographs after a child (or teacher) appearing in them leaves the school, so we recommend you destroy them immediately.

Does the above apply to School Plays / Sports days where Parents wish to take photographs?

No, photographs taken purely for personal use are exempt from the Act. For example:

- A parent takes a photograph of their child and some friends taking part in the School Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

When hosting an event where parents are permitted to take photographs or DVD footage, make it clear from the start that any images taken must be for personal use only and ask for them not to be put on the web otherwise Data Protection legislation may be contravened. You might want to provide written guidance to parents beforehand and/or make an announcement at the start of the event.

Issues to consider:

What equalities issues should Schools consider?

Schools should remember to include images of children from different ethnic communities in their communications whenever possible, and to use positive images of disabled children. This will ensure their photographs are inclusive of the whole community and comply with the Disability Discrimination legislation.

Are the pupils wearing appropriate dress?

Schools should exercise caution at all times to ensure that only images of pupils in suitable dress are taken, to reduce the risk of the images being used inappropriately. For example, schools should avoid using full-length photographs of children in swimming costumes; instead taking the shot from the shoulders up.

How will the images be stored by a School?

Photographs can be stored electronically but should be in a secure area.

Should Schools include any personal information alongside a photograph?

If you use a photograph of an individual pupil, don't include that child's first name in the accompanying text or photograph caption. If a pupil is named in the text, don't include a photograph of that child. This will avoid the risk of inappropriate and unwelcome attention from people outside the school.

Additionally, you can use group or class photographs with very general labels such as "a science lesson" or "making Christmas decorations".

Further information:

If you have a query regarding this information please do not hesitate to contact HR - Schools Statutory Service telephone 0300 300 8134. If you require any further information please contact your HR provider.