

## **Use of Images and Technological Devices**

St Ives Nursery is committed to achieving a balance between the safeguarding of children and young people in our care and ensuring families are able to celebrate in their children's achievements through the use of technology. This policy aims to set out guidelines to achieve this balance.

The use of images can be divided into three categories:

- Images taken in the setting i.e. for observations and display work
- Images taken by parents at setting events
- Images taken by third parties

### **Images taken by the setting**

Staff or volunteers are not permitted to use personal technological devices (including mobile phones and cameras) to take images of children that attend the setting. Staff's use of mobile phones and smartwatches is governed by our separate policy, 'Mobile Phone, Smartwatches and Social Networking'.

The Data Protection Act 1998 affects the use of photography. An image of a child is personal data and so will be subject to the guidelines set out in our separate 'Data Protection' Policy. It is a requirement under the Act that consent is obtained from the parent/carer of a child for any images made such as those used for setting websites, observations, outings and events or other purposes.

At St Ives Nursery, a signed consent form for the use of images is obtained as part of our registration form, which is retained for our records. Any additional consents required are requested from parents in writing. Parental consents are also recorded on our nursery software.

Where a parent/carer has refused permission for their child/young person to be photographed or have not returned a completed and signed consent form, St Ives Nursery will not record the child's image.

Where a parent/carer has given consent but a child or young person declines to have an image taken, it will be treated as consent not having been given and other arrangements will be made to ensure that the child/young person is not photographed or filmed.

Care will be taken in relation to particularly vulnerable children such as Looked After Children, recently adopted or those who have fled domestic violence/abuse.

### **Parents wishing to take images of setting events**

The Data Protection Act does **NOT** prevent parents from taking images at setting events, but these must be **for their own personal use**. Any other use would require the consent of the parents of other children in the image – see Appendix A.

### **Examples**

*A parent takes a photograph of their child and some friends taking part in a sponsored fun walk 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 setting nativity play and wish to video it. These images are for personal use and the Data Protection Act **does not** apply. **However**, if they intend to use the video on a social networking site e.g. Instagram, Twitter, they must receive permission from the parents of all the other children involved.*

The setting manager in consultation with the employer will decide when parents are to be permitted to take images. This information will be given to parents.

Where possible, St Ives Nursery will take their own 'official' photos or videos, in order to retain control over the images produced.

### **Third parties**

Members of staff at St Ives Nursery will challenge anyone who is using a camera, mobile phone or video recorder at the setting whom they do not recognize or who is in contravention of this policy or our 'Mobile Phone, Smartwatches and Social Networking Policy'.

### **Images taken by the press**

If a child is photographed by a newspaper, the photo becomes the property of the newspaper and the newspaper has the final say as to how it is used. (N.B. images can be placed by editors on the newspaper's website). Generally, photos taken by a newspaper at St Ives Nursery, or of a St Ives Nursery event, will be of a large group of children. Children will not be named in these photographs and St Ives Nursery will not provide the newspaper with children's names.

### **Example**

*A photograph is taken by a local newspaper of a setting event. As long as the setting has agreed to this, and the children and/or their guardians are aware that photographs of those attending the event may appear in the newspaper and given permission, this will not breach the Act.*

### **Storage of images**

St Ives Nursery takes its duty of care to safeguard images so that they cannot be used inappropriately, or outside the agreed terms under which consent has been obtained, very seriously. Images, whether stored digitally, on videotape, in prints or negatives, or electronically, will be stored securely, and disposed of securely when appropriate, either by return to the child, parents, or by shredding.

### **Transfer of images**

Although all due care will be taken in the event of needing to transfer images, there is a risk, albeit a very small one, that images may be lost while in the process of being transferred by either traditional or electronic methods. Therefore, there is a risk that an individual who would use them inappropriately may obtain the images. St Ives Nursery will take all necessary steps to minimize this risk, follow all relevant policies and procedures, and avoid the transfer of images where possible, to reduce this small risk.

## Publishing or displaying photographs or other images of children

The Department for Education advises that if photographs are used, settings should avoid naming the child and St Ives Nursery is fully committed to complying with this advice.

Whatever the purpose of displaying or publishing images of a child, St Ives Nursery will always take care to avoid the possibility that people outside the setting could identify and then attempt to contact the child directly. We will do this by:

- Ensuring that where possible, general shots of group activities rather than close up pictures of individual children will be used
- Ensuring children are in suitable dress
- Ensuring that where an article could be illustrated by the children's work as an alternative to using an image of the child, we will balance the safeguarding considerations against the opportunity of enabling families to celebrate in their children's achievements, when considering the most appropriate representation of this.

## Useful sources of information

The Information Commission website

[www.ico.gov.uk](http://www.ico.gov.uk)

Internet Watch Foundation

[www.internetwatch.org.uk](http://www.internetwatch.org.uk)

Child Exploitation and Online Protection

[www.ceop.gov.uk](http://www.ceop.gov.uk)

## ADOPTION AND ANNUAL REVIEW OF THE POLICY

**This policy was adopted at a meeting of:**

*St Ives Nursery*

**held on:**

*4<sup>th</sup> May 2017*

Signed on behalf of the Proprietor:

*Signature:*

*Role:*

This policy was reviewed on:

*Date:*

*Signature:*

This policy was reviewed on:

*Date:*

*Signature:*

This policy was reviewed on:

*Date:*

*Signature:*



Childcare and Early Years Education

**Request for parents/carers wishing to take their own photos/videos**

**In accordance with the Data Protection Act 1998, I agree to ensure that all images I take will only be for my personal use and will be kept securely and used appropriately. \***

Child's name: \_\_\_\_\_

Name of parent/carer/relative: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_

\*Thank you for your cooperation. The safety of children in the setting is paramount. For further information please refer back to our policy on 'Use of Images and Technological Devices'.