



Does the Data Protection Act stop me taking photos of my children at school?

The Data Protection Act is unlikely to apply in most cases where photographs or videos are taken in schools and other educational institutions.

If photos are taken for personal use they are not covered by the Act.

Photos taken for official school use may be covered by the Act, so pupils and students should be advised why they are being taken.

Personal use:

- 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.

Official use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

Media use:

- 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.

We recommend that your school adopts its own policy for photographing and videoing in schools, particularly those which have concerns about pupils who are, for example, living in local safe houses or are adopted. **Ofsted have failed schools on safeguarding grounds for not having a policy in place!** Some schools have decided not to allow photographs during performances, but to allow photos in costume of those children that give consent, after the show.

Schools are encouraged to explain to parents (as well as children) the risks of putting the personal data of their children and other children on social media / the Internet, and to ask those parents wanting photographic memories to also please respect other parents' wishes when it comes to photographing children.