

## Sawston Nursery Policy on the use of images and technological devices

March 2023

### Introduction

Sawston Nursery aim to achieve a balance between safeguarding the children and young people in our care and ensuring families are able to celebrate in their children's achievements through the use of technology.

The setting have a clear policy which outlines the safety guidelines for the use of photography and mobile phones within the setting (3.4 Early Years Foundation Stage Safeguarding and Welfare Requirements)

The use of images can be divided into three categories:

- Images taken by the setting i.e., observations
- Images taken by parents at setting events
- Images taken by third parties

Staff or volunteers **must not** use personal technological devices (including mobile phones and cameras) to take images of children that attend the setting. The setting must consider the appropriate use of staff and volunteer technological devices and should have a clear policy which outlines the agreed protocol.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 affects the use of photography. An image of a child is personal data, and it is, therefore, 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. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.

A signed consent form will be obtained from the child's parent/carer, and will be kept on the child's file, covering all cases where images of children are to be used - see **Appendix A**.

**Where parents/carers have refused permission for their child/young person to be photographed or have not returned a completed and signed consent form, the child's image must not be recorded.**

Where a parent/carer has given consent, but a child or young person declines to have an image taken, it should be treated as consent not having been given and

other arrangements should be made to ensure that the child/young person is not photographed/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.

#### **Examples:**

*A photograph of child is taken as part of their Learning and Development record. The images are likely to be stored electronically with other personal data and the terms of the Data Protection Act **will** apply.*

*A small group of children are photographed during an outing and the photo is to be used in the setting newsletter. This will be personal data but **will not** breach the Act as long as the children and/or their parents/carers are aware this is happening and the context in which the photo will be used.*

#### **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 B**

#### **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., Facebook, Instagram, Twitter, they must receive permission from the parents of all the other children involved.*

The Head of Sawston Nursery in consultation with the committee/employer will decide when parents are to be permitted to take images. This information will be shared with parents prior to an event.

Sawston Nursery prefer to take their own 'official' photos or videos, to retain control over the images produced.

#### **Third parties**

Staff should challenge anyone who is using a camera, mobile phone, or video recorder at the setting whom they do not recognise.

### **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, newspaper photos of groups of 12 or more children do not have the names of the children attached. Photos of smaller groups might include the full name of the child in the accompanying caption; however, the setting/parents are not obliged to provide children's names and it is recommended that they do not do so.

### **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**

Sawston Nursery has a duty of care to safeguard images so that they cannot be used inappropriately, or outside the agreed terms under which consent has been obtained. Images can be stored digitally, on videotape, in prints or negatives, or electronically, provided the storage is secure.

Images must be maintained securely for authorised setting use only, and disposed of either by return to the child, parents, or by shredding.

### **Transfer of images**

There is a risk, however small, that images may be lost while in the process of being transferred by either traditional or electronic methods. Therefore, there is the risk that an individual who would use them inappropriately may obtain the images. This should be considered by all parents.

### **Publishing or displaying photographs or other images of children**

The Department for Education advises that if the photograph is used, avoid naming the child.

Whatever the purpose of displaying or publishing images of children care should always be taken to avoid the possibility that people outside the setting could identify and then attempt to contact children directly.

- Where possible, general shots of group activities rather than close up pictures of individual children should be used where possible
- Children will be in suitable dress

- An article could be illustrated by the children's work as an alternative to using an image of the child

### Useful sources of information

The Information Commission website	<a href="http://www.ico.gov.uk">www.ico.gov.uk</a>
Internet Watch Foundation	<a href="http://www.iwf.org.uk">www.iwf.org.uk</a>
Child Exploitation and Online Protection	<a href="http://www.ceop.gov.uk">www.ceop.gov.uk</a>

### **Sawston Nursery**

*The form below should be completed by an adult who has parental responsibility for the child.*

### **Use of images consent form**

During your child's time at Sawston Nursery, images may be taken of your child for our use, to record observations or special events. There may also be occasions (such as a special event), where a third party, e.g., other parents or the media, may take images of your child. Images could be a photograph, video/DVD, or website image.

It is a requirement of the Data Protection Act 1998 that we have your consent for this. Your permission is sought in advance to take, display and on occasion, publish photographs and video recordings involving your son or daughter. It is intended that your consent will cover the duration of the time your child attends the setting. However, we will inform you of all instances where images will be published outside of the setting, and you have the right to withdraw consent at any point.

The setting has adopted certain safeguards to minimise any risk to your child

- We will avoid the publication of your child's full name with any image used by the setting
- Images will be kept securely and destroyed after their required time
- Staff, volunteers, and parents will not use personal equipment such as mobile phones or cameras to take images of children who attend the setting.

Please note that the setting does not have control of how images taken by the media are published. However, the setting will not provide children's names to the media without parental permission.

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<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>	<b>Date for review</b>
<i>January 2022</i>	<i>T. Spencer</i>	<i>March 2024</i>

**Appendix A - Taking and using digital images of children/young people  
Consent reply form**

Name of setting: .....

Child's name: .....

Name of Parent/Carer:  
\_\_\_\_\_

**I do / do not\* give my consent for digital images of my child to be taken and used**

**by the setting Yes/No**

**by third parties Yes/No**

*(\*please delete as appropriate)*

Signature of Parent/Carer

Date: .....

**Appendix B**

**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. \***

Name of setting: \_\_\_\_\_

Child's name: .....

Name of parent/carer/relative: .....

Relationship to child: .....

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

Print name: .....

Thank you for your cooperation. The safety of the children in the Nursery is paramount.