



ABERDEEN

CITY COUNCIL

Integrated Children's and Family Services

**Photographing and Filming Children and
Young People Guidance**

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Background

This purpose of this Guidance is to ensure that all establishments within Education and Children's Services take a consistent approach to the photographing and filming of children and young people.

It's important that children and young people feel happy with their achievements and have photographs and films of their special moments. Family and friends also want to be able to share the successes of their children when they have been part of a special event or activity.

However, it also important to be aware of child protection and safeguarding issues when people are taking photographs or filming at events.

These are some of the risks associated with photographing and/or filming children and young people:

- the collection and passing on of images which may be misused;
- children may be identifiable when a photograph is shared with personal information; and
- inappropriate photographs or recorded images of children

Staff should challenge any individual who arouses suspicion by attempting to photograph or film children on Aberdeen City Council premises.

Data Protection

Photographic and filmed images of children and young people are their personal data. This means Data Protection law is relevant. Data Protection law establishes a framework of rights and duties which are designed to safeguard personal data, as well as giving rights to individuals. If you want to take/use film or photographs of children or young people (that are not for purely personal use) you must have a legal basis to do so. One legal basis that allows you to take/use film or photographs is consent. Consent should only be sought where an individual has a real choice. To obtain consent the following steps should be followed.

Obtaining consent

In Scotland a child reaches legal capacity at 16. However, the law recognises that in most cases from 12 years of age a child will be able to express an opinion about how photos/films of their image will be used. This means that you need to:

- for children under 12 years of age you will need explicit written consent from the person who holds parental responsibilities to take and use photographs/films of their child;
- consult with children over 12 years of age but under 16 years of age as to how photographs/films of their image will be used and seek their explicit written consent to take and use photographs/films of their image (if you have concerns about the child's ability to understand the implications of giving consent please seek further advice from your manager); and
- for children over 16 years of age you will need to get their explicit written consent to take and use photographs/films of their image.

As part of this exercise it will be necessary to check who holds parental responsibilities for the child. When a child is looked after away from home, it may not be appropriate to contact the parent directly. Head Teachers/Managers should agree with social work services appropriate arrangements for seeking consent in these instances and advise staff accordingly.

The consent form attached at **Appendix [1]** should be used to obtain consent from the person who holds parental responsibilities.

The consent form attached at **Appendix [2]** should be used to obtain consent of young people over 12 years of age and under 16 years of age.

The consent form attached at **Appendix [3]** should be used to obtain consent of your people over 16 years of age.

Circumstances where consent is not required.

Curricular or Educational Activities

Consent is not the only legal basis that allows you to take/use film/photographs under Data Protection law and the General Data Protection Regulation. You can take/use film/photographs when it is necessary for the exercise of a statutory function (such as providing education). This would include, for example, filming children as part of a Drama or Physical Education examination. Any photography or film footage for these purposes must be treated confidentially as part of a child's academic record.

Images captured by Employees of Aberdeen City Council

Once it has been established that you have a clear legal basis for taking/using photograph/ filming children or young people employees should adhere to the following guidelines.

Appropriate Use

Only use images of children in suitable clothing to reduce the risk of inappropriate use. No images should be taken of children or young people that capture them in what are commonly understood as non-public activities like toileting or changing clothes, or which show body parts not usually visible in public settings. Photography and filming is not permitted in swimming pools. Images involving groups should be about the activity, not the individual child and close-up images should be avoided. Images should not show children and young people in breach of rules or behaving in a reckless or dangerous fashion.

Identification and Purpose

The overriding priority is to ensure that photography/filming does not lead either directly or indirectly, to anything that may potentially endanger the safety of children and young people. Unless you have express written consent to do so do not use the children's name in photographic captions. Additional information relating to a child or young person's hobbies and interests should not be included as this may lead to them being identified and could be used to learn more about a child or young person prior to grooming them for abuse.

Capture and Storage

Images should never be captured or stored in personal devices such as personal mobile phones, tablets or cameras. Many schools have appropriate devices for the capture of images and these should be used. Images must be stored in a secure location to protect them from damage or being misused. Hard copies of images should be kept in lockable cabinet. Electronic images should be in a protected folder with restricted access e.g. within G Suite/Google Photos (accessible with an ab-ed.org account) or on the Education or Corporate Network. This will ensure that no one can accidentally use them without being clear who they belong to and the context in which they may be used. If the photos are taken on a digital camera and subsequently transferred the original images must be deleted from the device and the copied images stored securely.

Images should not be stored on unencrypted portable equipment such as laptops, memory sticks and mobile phones.

Images captured by Parents and Members of the Public

Aberdeen City Council understands that parents and families wish to record their child's achievements. Parents and carers are entitled to take photographs and videos of their child for their personal use. This means that any photographs/ videos taken within Aberdeen City Council establishments for purely personal use should not be uploaded onto public Internet websites or social media sites. Consequently, at events at which members of the public and parents are present, parents and members of the public should be reminded not to upload their photographs and videos onto public Internet websites or social media sites.

Images captured by the Media

Aberdeen City Council has its own media team, they and any external press/media organisation taking film/photographs, have the responsibility to ensure they have the necessary consents/legal basis for doing so. The media may record images of children where we hold consent for this. The pupil's name should not be published with the any images.

Photographs taken by external press/media are the property of that media organisation and Aberdeen City Council can have no control over what the press/media organisation chose to do with the film/photographs.

Disposal of images and retention for archive

Unless images are being retained as part of the Council's archive they should be securely disposed of at the end of the two year period of consent. The Council's policy on archiving is detailed in the Archival Transfer and Acquisitions Policy.

<https://www.aberdeencity.gov.uk/services/libraries-and-archives/aberdeen-city-and-aberdeenshire-archives/archival-transfer-and-acquisitions-policy>

APPENDIX 1

PHOTOGRAPHY AND VIDEO OPT IN FORM FOR CHILDREN AND YOUNG PEOPLE UNDER THE AGE OF 12

Please complete the form below indicating the situations in which you consent to your child's image being used. This is entirely your choice.

School Handbook, Prospectus, School Newsletters, Displays or Notice Boards, Website or other Promotional Material

Yes, I consent to the possible publishing of photographs/videos taken of my child in:

	Please tick
School Handbook	
Prospectus	
School Newsletter	
Displays or Notice Boards within _____ (Child's Name may be displayed)	
_____ <enter details of school web site _____ Website(s) (detailed above)	
Other Promotional Materials including media such as local press, television etc.	

Unless otherwise stated, no reference to child's name will be displayed with the image or images. Images being used in the ways noted above will be seen by members of the public.

Social Media

Please note that once published on social media such as Facebook and Twitter, Aberdeen City Council does not have control of the storage or use of images which may be seen all over the world.

Yes, I consent to the possible publishing of photographs/videos taken of my child on:

	Please tick
Twitter	
School Facebook	
School YouTube or other video streaming/video hosting website	
Blog/ Vlog/ Other	

No reference to child's name will be displayed with the image or images placed on these platforms.

You can change your mind about this at any time. If you no longer want your child's image to be used let us know by **[schools to insert the way that individual can withdraw their consent e.g. by contacting the school, email etc.]**. Removal of your child's image from existing published material may not always be possible.

Consent applies for two years from the date you sign this form after which consent automatically expires and your child's image will no longer be used in any new printed material. We may retain images beyond this two-year period, as part of our duty to archive material. Such archiving will be in line with our policy on the preservation of records as detailed in the Archival Transfer and Acquisitions Policy (<https://www.aberdeencity.gov.uk/services/libraries-and-archives/aberdeen-city-and-aberdeenshire-archives/archival-transfer-and-acquisitions-policy>).

Your Data, Your Rights

You've got legal rights about the way the Council handles and uses your data, which include the right to ask for a copy of it, inaccurate data to be update/amended, and to ask us to stop doing something with your data. You may withdraw your consent by contacting the school holding this data.

You may also contact the Council's Data Protection Officer by email DataProtectionOfficer@aberdeencity.gov.uk or in writing at: The Data Protection Officer, Legal and Democratic Services, Level 1 South, Marischal College Aberdeen, AB10 1AU.

More information about all of the rights you have is available on our website at: <https://www.aberdeencity.gov.uk/your-data>.

You also have the right to make a complaint to the Information Commissioner's Office, (www.ico.org.uk). They are the body responsible for making sure organisations like the Council handle your data lawfully.

Legal Basis for Processing

Whenever Aberdeen City Council processes your data, we need to tell you what our legal basis in Data Protection law for doing so. The Council understands our legal basis for processing your data is Article 6(1)(a) of the General Data Protection Regulation, because you have consented by providing information. You can withdraw this at any time, as explained above.

By signing this form, I confirm that I consent for my child's image to be used in the ways that I have indicated in this form.

PRINT CHILD'S NAME: _____

Signature of Parent/Guardian: _____ Date _____

Parent/Guardian Name: _____

Please note that if you return a blank form it will be assumed that you DO NOT AGREE to the possible use of your child's image for any of the reasons listed above.

APPENDIX 2

PHOTOGRAPHY AND VIDEO OPT IN FORM FOR CHILDREN AND YOUNG PEOPLE UNDER AGED BETWEEN 12 AND 16

Please complete the form below indicating the situations in which you consent to your image being used. You may want to discuss this with your parent or guardian. If you do discuss this with your parent or guardian they should sign on page 2. We will take their signature as meaning you have discussed this form together.

School Handbook, Prospectus, School Newsletters, Displays or Notice Boards, Website or other Promotional Material

Yes, I consent to the possible publishing of photographs/videos of me in:

	Please tick
School Handbook	
Prospectus	
School Newsletter	
Displays or Notice Boards within _____ (Child's Name may be displayed)	
_____ <enter details of school web site _____ Website(s) (detailed above)	
Other Promotional Materials including media such as local press, television etc.	

Unless otherwise stated, no reference to child's name will be displayed with the image or images. Images being used in the ways noted above will be seen by members of the public.

Social Media

Please note that once published on social media such as Facebook and Twitter, Aberdeen City Council does not have control of the storage or use of images which may be seen all over the world.

Yes, I consent to the possible publishing of photographs/videos of my image on:

	Please tick
Twitter	
School Facebook	
School YouTube or other video streaming/video hosting website	
Blog/ Vlog/ Other	

No reference to child's name will be displayed with the image or images placed on these platforms.

You can change your mind about this at any time. If you no longer want your image to be used let us know by [schools to insert the way that individual can withdraw their consent e.g. by contacting the school, email etc.]. Removal of your image from existing published material may not be possible.

Consent applies for two years from the date you sign this form after which consent automatically expires and your child's image will no longer be used in any new printed material. We may retain images beyond this two-year period, as part of our duty to archive material. Such archiving will be in line with our policy on the preservation of records as detailed in the Archival Transfer and Acquisitions Policy (<https://www.aberdeencity.gov.uk/services/libraries-and-archives/aberdeen-city-and-aberdeenshire-archives/archival-transfer-and-acquisitions-policy>).

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More information about all of the rights you have is available on our website at: <https://www.aberdeencity.gov.uk/your-data>.

You also have the right to make a complaint to the Information Commissioner's Office, (www.ico.org.uk). They are the body responsible for making sure organisations like the Council handle your data lawfully.

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Whenever Aberdeen City Council processes your data, we need to tell you what our legal basis in Data Protection law for doing so. The Council understands our legal basis for processing your data is Article 6(1)(a) of the General Data Protection Regulation, because you have consented by providing information. You can withdraw this at any time, as explained above.

By signing this form, I confirm that I consent for my image to be used in the ways that I have indicated in this form.

Signature of Young Person: _____

Print name: _____ Date: _____

By signing this form, I confirm that my child has discussed how they want their image to be used with me.

Signature of Parent/Guardian: _____

Print name: _____ Date: _____

Please note that if you return a blank form it will be assumed that you DO NOT AGREE to the possible use of your image for any of the reasons listed above.

APPENDIX 3

PHOTOGRAPHY AND VIDEO OPT IN FORM FOR PUPILS AGED 16 AND ABOVE

Please complete the form below indicating the situations in which you consent to your image being used.

School Handbook, Prospectus, School Newsletters, Displays or Notice Boards, Website or other Promotional Material

Yes, I consent to the possible publishing of photographs/videos of me in:

	Please tick
School Handbook	
Prospectus	
School Newsletter	
Displays or Notice Boards within _____ (Child's Name may be displayed)	
_____ <enter details of school web site _____ Website(s) (detailed above)	
Other Promotional Materials including media such as local press, television etc.	

Unless otherwise stated, no reference to child's name will be displayed with the image or images. Images being used in the ways noted above will be seen by members of the public.

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Please note that once published on social media such as Facebook and Twitter, Aberdeen City Council does not have control of the storage or use of images which may be seen all over the world.

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	Please tick
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No reference to child's name will be displayed with the image or images placed on these platforms. You can change your mind about this at any time. If you no longer want your image to be used let us know by **[schools to insert the way that individual can withdraw their consent e.g. by contacting the school, email etc.]**. Removal of your image from existing published material may not be possible.

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By signing this form, I confirm that I consent for my image to be used in the ways that I have indicated in this form.

Signature of Young Person: _____

Print name: _____ Date: _____

Please note that if you return a blank form it will be assumed that you DO NOT AGREE to the possible use of your image for any of the reasons listed above.