



GUIDANCE

USING IMAGES OF CHILDREN: PHOTOGRAPHS, VIDEOS, WEBSITES & WEBCAMS

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Introduction

We live in an age in which digital technology has vastly increased the use, and potential misuse of photography. Publicity around such issues has led the SSCB to develop this multi-agency policy about the use of such images.

Most children are abused by someone they know and the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing that reasonable steps are taken in planning events where video or photography is being used the practice should be allowed. Children who have been previously abused in this way may feel threatened by the use of photography, filming etc and staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

Generally, photographs for school, club and family use and those that appear in the press are a source of pleasure and pride which we believe usually enhances self-esteem for children and young people and their families and the practice should continue within safe practice guidelines.

The following guidance should be used by all organisations that work with children in Surrey but should be compatible with their internal policies.

1. Issues of Consent

The Data Protection Act 1998 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act and it is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years for any photographs or video recordings for the purposes beyond the activity of the organisation. It is also important to ascertain the views of the children or young people involved. (A consent form can be found at the end of this document). Where children are Looked After organisations must check consent with the Social Worker on the corporate parent's behalf.

Consent gained for photographs or videos may not extend to website or webcam use so it is important to check the status of existing consent when introducing such technology.

Parents retain the right to withdraw consent at any stage but they need to do so in writing.

For schools who may want to take a number of photographs during the course of a school year a single consent form for that year should suffice. For other organisations for whom it may be a less frequent or one-off event it may be necessary to seek consent for each occasion. Whatever course is chosen it should be clear to parents what period is being covered by the consent form.

2. Planning Photographs of Children

Images and details of pupils from schools or clubs allow for the remote possibility that people outside could identify and then attempt to contact them directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of group activities rather than close up pictures of individual children. Consider the camera angle; photographs taken over the shoulder or from behind are less identifiable.
- Use images of children in suitable dress and take care photographing sports activities to maintain modesty.
- Consider alternatives. Is a photograph of the children necessary or could an article be illustrated by the children's work for example?

3. Identifying Children

The DfES advises the following as a broad rule of thumb where consent is unclear:

- If the child is named avoid using their photograph. If the photograph is used, avoid naming the child.

We recommend that:

- You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the child's name.
- When fully naming children in any published text, whether in a brochure, on a website or in the local press, avoid using their photograph unless you have parental consent to do so.

4. Using Photographs of Children Supplied by a Third Party

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting it and to control how other people use it.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain written or verbal permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the internet are also subject to copyright.

Third parties will generally be under the same obligations as your organisation to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the imaged.

5. Use of Images of Children by the Press

(Please also refer to the recommendations in Section 3 above, Identifying Pupils)

There may be occasions when the press take photographs of children involved with your organisation when they are taking part in a larger event, e.g. sports gathering. The same guidance regarding consent applies on those occasions.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given your responsibility to parents and pupils it is sensible to check that any broadcasters or press photographers are aware of the sensitivity in detailed captioning, one to one interviews and close photography.

6. Brochures, Prospectuses and Publicity Material

It is always best to avoid using personal details or full names of any child in any promotional material. Follow the DfES advice above.

7. Videos

You must have parental consent before any child can appear in a video. Parents can video recordings of events for their own person and family use as they are not covered by the Data Protection Act. (Please also refer to Section 10). Potential difficulties in this area could be avoided if the organisation adopts the policy of taking an official video of the event and making copies available to parents.

8. Websites

This is an area that gives particular concern to parents because of the potential misuse of images by paedophiles. With digital photography there is the remote possibility that images of children could be produced, manipulated and circulated without the parent's permission or children's knowledge. The dual concern which follows such a risk is that children might be exploited and an organisation may be criticised or face action.

It is important to take care with identification and to respect parental views on the use of any photography on a website.

We recommend that you visit the *Child Exploitation and Online Protection Centre* www.ceop.gov.uk

9. Webcams

The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area in order to consent to being viewed in this way. Children should be consulted and adults would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is there, what you will use the images for and what security measures are in place to protect access.

The current DfES advice is that unless a webcam is a response to a specific threat or difficulty in relation to either crime or health and safety, it may pose more difficulties for organisations than it would actually resolve. If you use a webcam we would advise careful parental, staff and legal consultation.

10. Parental Rights to Take Photographs

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not therefore stop parents from taking photographs or making video recordings at such events as plays or sports events.

Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of an event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form reminds parents of this fact.

Data protection considerations aside, it is possible to consider banning all filming/recording/photography of organisational events if you believe that this is appropriate. We believe, however, that many parents would consider it to be over-cautious to impose such a ban and we would not at this stage recommend this course of action. Should you wish to impose such a ban we would advise you to take legal advice in order to ensure that the correct steps are taken whilst acknowledging that such a ban would be difficult to enforce.

The important aspect is to be sure that people with no connection with your organisation do not have the opportunity to film covertly. Ask your staff/members to be aware of anyone they do not recognise who is using a camera or video recorder at events and productions and include this instruction in your consent form.

11. The Storage of Photographs

Photographs must be maintained securely for authorised use only and disposed of either by return to the child, parents or shredded as appropriate.

12. Official Photographs

Many organisations, particularly schools will periodically invite an official photographer into their setting to take portraits/photographs of individual children and or groups. It is essential that when considering such an activity organisations undertake their own risk assessment in terms of the validity of the photographer/agency involved and establish what checks and vetting has taken been undertaken. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present.

13. Useful Sources of Information

The Information Commission	www.dataprotection.gov.uk
Press Complaints Commission	www.pcc.org.uk
Internet Watch Foundation	www.internetwatch.org.uk
Department for Education & Skills	www.dfes.gov.uk



Using Photographic Images of Children Seeking Your Consent

Dear Parent of Guardian

This letter explains why we need to ask for your consent to any photographs or filming that may be taken of your child while he or she is taking part in activities that we would like to record. When you have read it please complete and return the form overleaf to let us know your wishes.

Generally, photographs of children for organisations, school and family use and occasionally for publication in the local press are a source of pleasure and pride and are to be welcomed. However, we live in an age in which technology has vastly increased the use and potential misuse of photographs. In the recent past there has been concern about the possibility of a child being identified by a photograph in the press or in the filming of an organisation's event in case they are put at risk of being targeted for abuse.

Surrey Safeguarding Children Board believes that the risk of a child being identified by a stranger is so small that, provided reasonable steps are in place to limit the publication of their names and addresses, photography and filming of children and young people should continue in line with the policy set out below.

Surrey Safeguarding Children Board's (SSCB) Policy

The SSCB's policy is broadly to follow the Department of Education and Skills' (DfES) advice: *If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil.* We will not use the child's full name alongside their photographs in any printed or video publication. However, first names may be used and their full names may be given in group situations where they cannot be linked to individuals in the photograph.

We will allow local newspapers to take photographs of children when appropriate, provided that parental consent has been given. Some newspapers insist that children's names must be published with their photographs, if not they may decline to cover events involving children and young people. In such circumstances we would advise that the children's names but not addresses are given. That is why it is important that you advise the organisation whether you have any objections. If you do object then the organisation will not allow your child to be photographed or have a video taken of them.

Please complete the form overleaf and return it. If you would like to discuss these matters in more detail please speak to a member of staff. If at any time in the future you wish to change your mind with regard to consent you can do so at any time.



Using Photographic Images of Children Consent Form

(Insert name of organisation here)

To: (Name of Parent/Guardian) _____

Child's Name: _____

Sometimes we take photographs or videos of children when they are involved in the activities of our organisation. We may use the pictures or video recordings for our own use and to promote the work of the organisation in the media and on our website. To comply with the Data Protection Act 1008 we need your permission to photograph or make any recordings of your child.

Occasionally, the organisation may be visited by the news media (usually local newspapers) to take photographs or film of an event at the school. Pupils will often appear in these images which will be published in local newspapers or even broadcast on television.

Please answer the questions below

1. May we take photographs of your child and use them (unidentified by their full name):
- In publications
 - On the organisation's website
 - On video or webcam?

(Please note that websites can be viewed throughout the world and not just in the United Kingdom)

Please circle your answer **YES / NO**

2. Do you consent to your child being photographed by local newspapers and other news media on the basis that their full names will be published along with the picture?

Please note that:

- (a) newspapers will be asked to avoid using the child's name if their image is put on the newspaper's own website*
- (b) this consent will also be taken to apply to television images, provided that your child is not named without your specific agreement.*

Please circle your answer **YES / NO**

I have read and understood the organisation's policy. My decision on whether to give consent will remain valid for the duration of my child's involvement in the organisation unless I notify them in writing.

Signed _____ (Parent/Guardian)

Date: _____