

## Filming School Plays

### School Advice Note

1. The question is often asked as to whether parents/carers can take photographs or make video recordings of nativity plays and similar school events. Parents/carers are not required to comply with the Data Protection Act 2018 when taking photographs for their own private use of their children at an organised event.
2. Parents/carers are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use. They would not, for example, be permitted to sell videos of a school event, (unless authorised/commissioned to do so by the Headteacher/Governors for the purpose of fund raising on behalf of the school and in a fashion that had already met the requirements for such sales). Recording and/or photographing other than for private use would require the consent of all the other parents/carers whose children may be included in the images. To make sales or pass copies on without this could be a breach of the Data Protection Act 2018.
3. It is for the school to decide whether to allow videos or photographs to be taken by parents/carers during the event. Where this has been the practice in the past, unless parents specifically object, we suggest it should be allowed to continue within the following guidelines.
4. When hosting an event where parents are permitted to take photographs or videos, it should be made clear from the start that any images taken must be for private use only and if they include others, they must not be put on the web/internet without their consent; otherwise Data Protection legislation may be contravened. Schools may wish to provide written guidance to parents beforehand and/or make an announcement at the start of the event.
5. In relation to child protection considerations, the school needs to be as certain as possible that images reproduced are appropriate and they are not reproduced elsewhere without consent. It is important therefore, to be sure that people with no connection with the school do not have any opportunity to film covertly. School staff should be prepared to quiz anyone they do not recognise who is using a camera or video recorder at events and productions, and information regarding this possibility should be included in the school's own consent form, and/or any event tickets sold.

6. Those parents and carers known to the school and helping with the event such as assisting with children dressing or changing should not take photos or videos whilst assisting with this.
7. Data protection considerations aside it is possible to try to ban all filming, recording, and photography of school productions, sports days etc to avoid the disruption that this may cause, although with increasing use of mobile phone photography, policing of such a ban would be difficult.
8. Where such a ban is being considered, legal advice should be taken in order to ensure that the correct steps are taken. Imposition of a ban may be necessary, particularly in circumstances where the school may be unable to ascertain the identity of all those who attend or adequately control the spontaneous behaviour of parents /carers.
9. Some schools which have banned photography and videoing by parents have a school photographer and cameraman producing souvenirs which are then available to all those involved in the performance at a modest cost in the same way as the traditional school class photograph, the funds from which go into additional resources for the school. This would be acceptable in relation to the Data Protection Act as the children's names would not be associated with their images and it would still be for the personal use of those involved. These videos or photographs should not be resold or used for other purposes such as newspapers or media coverage.
10. Governors could be asked/told of this proposal to have one set of photographs and/or video recorded and minute that formally with the reasons given in their next meeting. Many parents, however, would consider it to be over-cautious and unreasonable to impose such a ban for a class nativity play or assembly.

## **A Checklist for Schools**

11. Decide if the event is one at which you will permit photography and videoing
  - 11.1. If custom and practice has been that you have allowed it in the past, obtain legal advice if you are going to ban it.
  - 11.2. When informing parents of the event, inform parents/carers of your decision on photography and videoing.
  - 11.3. Include written guidance for parents/carers to the effect that any images must be taken for personal use only and specify that images including others must not be put on the web/internet, and that if they are Data Protection legislation may be contravened.
  - 11.4. Send a copy to all parents/carers of the 'Use your camera and video courteously' code' (see below).
  - 11.5. Remind parents/carers with a verbal announcement at the start of the event that any images must be taken for personal use only and remind them that such images must not to be put on the web/internet otherwise Data Protection legislation is likely to be contravened.
  - 11.6. Be sure that people with no connection with your school do not have any opportunity to film covertly - remember to ask your staff to quiz

anyone they do not recognise who is using a camera and or video recorder at events and productions.

### **'Use Your Camera and Video Courteously' Code**

*A guide for parents who wish to use photography and/or video a school event*

12. Generally photographs and videos for school and family use are a source of innocent pleasure and pride which can enhance self esteem for children and young people and their families. By following some simple guidelines we can proceed safely and with regard to the law:
  - 12.1. Remember that parents and carers attend school events at the invitation of the head and governors;
  - 12.2. The head and governors have the responsibility to decide if photography and videoing of school performances is permitted;
  - 12.3. The head and governors have the responsibility to decide the conditions that will apply in order that children are kept safe and that the performance is not disrupted and children and staff not distracted;
  - 12.4. Parents and carers can use photographs and videos taken at a school event for their own personal use only. Such photos and videos cannot be sold and must not be put on the web/internet due to existing Data Protection legislation, which in such circumstance is likely to be contravened;
  - 12.5. Recording or/photographing other than for private use would require the consent of all the other parents whose children may be included in the images;
  - 12.6. Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity;
  - 12.7. Parents and carers must not photograph or video children changing for performances or events;
  - 12.8. If you are accompanied or represented by people that school staff do not recognise they may need to check out who they are if they are using a camera or video recorder;