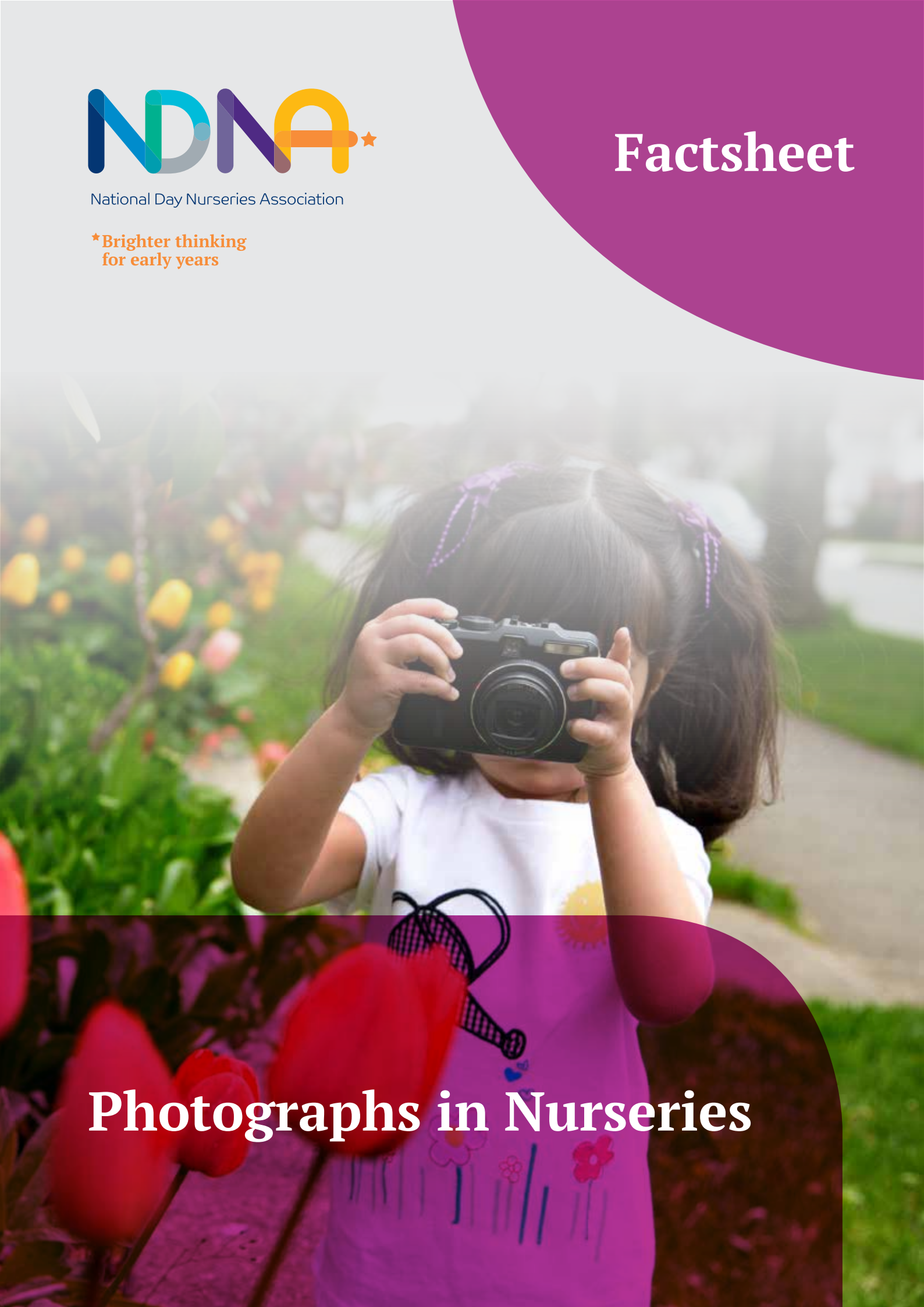




National Day Nurseries Association

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Factsheet



Photographs in Nurseries

Photographs in Nurseries

Early years settings will, at some point, take photographs of children during shows, plays, events, sports days etc. as well as for observations of progress in their development. This factsheet will look at how you can do this, whilst ensuring you are meeting legislation and keeping children safe.

How does the General Data Protection Regulation (GDPR) affect us taking photos?

The Data Protection Act 2018 (DPA) and GDPR are both key pieces of legislation in information storage and sharing and photographs taken of children will come under this legislation. These acts give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it. More information can be found on the [Information Commissioner's Office \(ICO\)](https://ico.org.uk/) website.

All early years settings must register with the ICO if processing personal information electronically for the provision of childcare, including taking photographs of children in their care using a digital camera.

Can parents take photographs of their children at events?

The ICO states that “Personal data only includes information relating to natural persons who: can be identified or who are identifiable, directly from the information in question.” This can relate to photographs taken by the setting depending on what you are using these for. A common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photographs taken for official use may be covered by the DPA and GDPR and families should be advised why they are being taken
- Photographs taken purely for personal use are exempt from the DPA and GDPR – but this does not relate to those used in nursery.

Example:

- A parent takes photographs of their child and some friends taking part in the event, to be put in the family photograph album. These images are for personal use and the DPA/GDPR does not apply. However, if they share them on social media, the DPA/GDPR come into practice
- Grandparents are invited to the nativity play and wish to video it. These images are for personal use and the DPA does not apply. However, if this is shared across social media then the DPA/GDPR come into effect.

Official use

When photographs of children are taken for official use, such as for registration purposes, and stored electronically with other personal data, then the terms of the DPA/GDPR will apply. Parents or guardians must be aware of this and the provider must ensure that they have their consent to hold these photographs.

Example:

A small group of children are photographed during an activity and the photograph is used on their website. This will be personal data but will not breach the DPA/GDPR as long as the children and their guardians are aware this is happening and of the context in which the photo will be used. Permission forms would need to be completed to ensure you have consent.

Social media

Many nurseries now use a variety of social media outlets including Facebook, Twitter and Instagram. It is important to have permissions in place for using these channels and using photos of children (and staff) on these platforms. It is important to inform parents that once they are on social media they do not have complete control over who sees and shares their photos. This can include retweeting comments and pictures on Twitter, or screen shots taken over photos and shared elsewhere (even if you lock down your account so posts cannot be shared). Parents can then make an informed decision about whether they wish to sign the permission slips or not.

Media use

Occasionally, as a nursery, you may wish to use the local media to promote what you are doing in your setting. Many parents would love to see their children in the local newspaper or on the local news programme, but some will not.

Example:

A photograph is taken by a local newspaper of an activity that children have taken part in. As long as the nursery/pre-school has agreed to this, and the children's parents or guardians are aware that photographs of those taking part may appear in the newspaper, and have given their consent, this will not breach the DPA/GDPR. Permission forms would need to be completed to ensure you have this information.

Looked after children

You may have children in your nursery who are in foster care or classed as 'Looked after children' (LAC). These children should not be identifiable from photos as being at your nursery as this may compromise their safety and well-being. It is important to understand this and, as with all other

children, ensure you have permissions for the children to have their photo taken. If there is a chance that this child may slip into a photo taken by someone else, it is important to stop this or move the child to another area. Their welfare and safety is priority.

Storage of photographs or videos

It is very important to transport and store all data securely to avoid any data breaches. Using only nursery equipment to take and store photos is vital. Do not allow any person to take photos for nursery purposes on their personal devices.

Storage should be secure and the DPA/GDPR requires you only to store information you need. This means you should not be keeping hold of photos of children unless there is a valid reason for doing so. This is down to you to decide.

Storing the photos should be done securely, whether this is in a secure cloud or on the computer with password control options applied. These should not be accessed by anyone who does not need them.

Further information

For additional guidance and information, go to the ICO website: ico.org.uk.



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Our factsheets are written by early years experts for the early years workforce. Most NDNA factsheets are free to our members.

NDNA is the national charity and membership association representing children's nurseries across the UK. We are a charity that believes in quality and sustainability, so we put our members' businesses at the very heart of ours.

We are the voice of the 21,000-strong nursery sector, an integral part of the lives of more than a million young children and their families. We provide information, training and advice to support nurseries and the 250,000 people who work in them to deliver world-class early learning and childcare.

See the full range of NDNA factsheets at www.ndna.org.uk/factsheets

The information provided in this factsheet is for use by early years practitioners only. It has been written by early years experts but is not intended to be, and should not be relied upon, as a substitute for professional advice. NDNA has endeavoured to ensure the accuracy of the information presented in this factsheet. NDNA assumes no legal liability or responsibility for your interpretation or use of the information contained within it.

National Day Nurseries Association

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