

# GUIDANCE NOTE

## **Taking Photographs in Schools**

Data Protection (Jersey) Law 2018

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# AIM OF THIS GUIDANCE

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This Good Practice Guidance is aimed at Local Education Authorities and those working within all local schools and colleges. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection (Jersey) Law 2018.

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# RECOMMENDED GOOD PRACTICE

The Data Protection (Jersey) Law 2018 (“the **Law**”) is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Law should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the Law does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Law and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Law with Schedule 4.
- These restrictions are in place to ensure that the level of protection of individuals afforded by the DPJL is not undermined when transferring their data outside the Bailiwick.

## Personal use



### Example 1

*A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Law does not apply.*



### Example 2

*Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Law does not apply.*



## Official school use



### Example 3

*Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Law will apply.*



### Example 4

*A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This is unlikely to be personal data and the Law wouldn't apply.*

## Media use



### Example 5

*A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Law.*



# MORE INFORMATION

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If you require any further information about this or any other aspect of Data Protection, please contact us using the details below.

## **Enquiries and Publication Requests:**

**Jersey Office of the Information Commissioner**  
**2nd Floor**  
**5 Castle Street**  
**St Helier**  
**Jersey JE2 3BT**

**Telephone number:** +44 (0) 1534 716530

**Email:** [enquiries@jerseyoic.org](mailto:enquiries@jerseyoic.org)