


PROVIDER NAME: ST. NICHOLAS MONTESSORI COLLEGE IRELAND (SNMCI)
QUALITY ASSURANCE HANDBOOK

#	POLICY TITLE	POLICY AREA:	VERSION:	DATE:
	8.5 GDPR and Photography	8) Information and Data Management	1.0	Oct 2022

Introduction and Context: -

*‘there is nothing under the GDPR prohibiting people from taking photos in a public place. Provided you’re not harassing anyone, taking photographs of people in public is generally allowed. However, **whether you can publish a photograph to a broad-based audience is a different question.** In other words, taking a photo in public is generally fine; **it’s what you do with that photo that can potentially become a data protection issue.**’* (Helen Dixon, Commissioner for Data Protection, Ireland).

The purpose of this document is to outline the College’s policy and guidance on General Data Protection Regulation (GDPR) issues related to photography (to include videography). This document is intended to help staff and students ensure their photographs comply with the College’s Privacy Policy (QA 8.2) and national guidelines on GDPR.

Note: We live in a world where every owner of a smartphone is a potential photographer. The GDPR does not provide an exact roadmap on when it’s permissible to take and publish photographs in the context of e.g. school and college events. This document supports **a balanced, common sense approach** ensuring that:-

- individuals’ rights are respected;
- data protection doesn’t become an obstacle to capturing and celebrating significant college /school events.

What is Personal Data?

Personal data is any information that can be used to identify a living individual directly or indirectly and that relates to them.

Please see [QA 8.2 Privacy Policy](#) and [QA 8.3: Storing, Retention and Disposal of Data](#) for how SNMCI processes personal data.

Are videos and photographs of people regarded as personal data?

Yes - Yes. If a video or photograph contains images of identifiable individuals, then it is regarded as personal data relating to those individuals.

No - Where an image does not focus on an individual or group of individuals, the data is unlikely to be personal data. It **will not** normally be necessary to obtain the specific permission of everyone who appears incidentally in the background, where they are clearly not the focus of the image.

Policy Statement:-

- SNMCI values the privacy of all individuals; staff and students;
- The College is committed to processing information in accordance with the General Data Protection Regulation (GDPR).
- Consent is required, while on campus, for photography related to student/classroom activity and student led events;
- Consent is required for any event (other than those where '**legitimate interest**' apply) where photos are being taken;
- The College will not rely on 'blanket consent' covering the duration of a programme but **each year**, at induction, students will be asked to 'opt-in' via an online consent form;
- The online form will clearly include a reminder to students that they may withdraw consent at any stage;
- Students retain the right to 'opt out' in any particular situation;
- In certain situations and for work-related events, the College may use '**legitimate interest**'¹ for the use of staff photographs. However, as part of good practice, and where feasible, the wishes of people who don't want to be photographed will be respected;
- An exception to this is e.g., the filming of graduation ceremonies, which is done on the basis of '**legitimate interest**';
- Where possible, perimeter notices may be used, to indicate areas where photography is taking place;
- External photographers, employed by the College, will be informed of the College's policy on consent;
- The College owns the intellectual property (IP) of photos taken by staff members during the course of their employment and when using College or approved equipment;

Social Media:-

- Staff and students **MUST** exercise caution when uploading to social media;
- Only **authorised staff members** will upload images to any of the College's social media platforms.
- Staff and students **MUST** exercise caution in **retweeting or sharing**, as the College is responsible for having the necessary consent.
- **Be aware** that In the case of a member of staff or a student of SNMCI being an 'uploader' to Twitter for example, in Twitter's terms of use, **the uploader grants a licence to any Twitter user to retweet content**. Therefore it is imperative **that original consent** is in place.
- Permission is required to share someone else's post on Instagram. This is because the licence is personal to the uploader and does not extend to other users.

¹ Article 6 (1) (f) GDPR defines Legitimate Interests as where "processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

Consent:-

- **Staff** (academic and administrative) who are taking photos, while on campus, related to classroom or College activity must...
 - give notice of their intentions to the relevant Programme Director/s (academic) or the GDPR Officer (other) (gdpr@smsi.ie);
 - be aware that student 'consent status' must be verified (**unless they are not clearly identifiable in the photographs**);
- **Students** who are taking photos, while on campus, of student –led activities (classroom related or social) must ...
 - give notice of their intentions to their Programme Director/s (academic) or the GDPR Officer (other) (gdpr@smsi.ie);
- No student may record either audio or video in any SNMCI Teaching, Learning and Assessment situation (lecture, laboratory, workshop, presentation, tutorial, seminar etc.) for their own individual study purposes without
 - a formal request being submitted via the **Learner Support Office**. This will only be considered where there are **documented** personal mitigating circumstances for a student. (See General College Handbook Section 1.6.5, p13)

Note: The College has an accessibility policy which addresses issues of the recording needs of students. ([QA 7.15 Accessibility and Special Considerations](#))

Note: The College Consent Form (FQA8.5 Consent for photographs and videos) will be available as an online form for students to 'opt-in' at the start of each academic year. The form will also be available in hardcopy on QA tab in staff information area.

Withdrawing Consent:-

- A person who have given consent can withdraw that consent at any time;
- When consent is withdrawn, the College will stop using that person's image(s) and ensure that it is not used in any way across the College;

Storage: -

- SNMCI will retain the minimum amount of data needed for the interests of the College;
- Photographs will be selected and those not used will be deleted;
- Photograph stores will be reviewed and cleared on a regular basis;
- Photographs will be deleted at the end of an agreed retention period;
- Photographs will be stored securely with restricted access;
- Consent forms will be stored electronically and deleted as appropriate;

Staff Involved:- Academic and administrative staff; the Director of Quality and Academic Affairs (DQAA) ; the Marketing Director; the Student Engagement Officer; Instructional Designer; GDPR Officer.

Consent Process:

Staff:

- Academic staff will contact the Programme Director of any programme where they plan to photograph or video students e.g. experiments, group work, art work etc.;
- Where possible, lecturers will 'flag' photographic events for students;
- Lecturers will stress that being photographed is entirely voluntary;
- Whether the photographic opportunity is flagged or 'in the moment' , lecturers will verify with students being photographed, that they have ticked 'Yes' on the general consent form if the photograph is likely to show faces.
- If no faces appear there is no need to verify consent;
- Only **authorised staff members** will upload images to any of the College's social media platforms.

Students:

- Students will contact the Programme Director of any programme where they intend to photograph or video any student led initiatives in the College;
- Where possible, students will 'flag' photographic events;
- Students who lead these events will respect the wishes of peers re being photographed;
- Students will act in accordance with their own wishes and their response to the online consent form, which they completed at the start of the academic year;
- Students who wish to offer photographs for use by the **College's social media** will liaise with their programme director or the GDPR Officer (gdpr@smsi.ie).
- Students will exercise caution when uploading content **to their own social media accounts** and be mindful that as students of SNMCI they have a role in maintaining and enhancing the reputation and the good name of the institution to which their awards are attached.

(See social media above)

Policy Control Sheet

Policy	QA 8.5: GDPR and Photography
Version	1.0
Adopted/Effective	Oct 2022
Supersedes	n/a
Monitoring/ Next Review Date	Oct 2024
Responsible Officer(s) Designated Reviewer(s)	GDPR Officer; DQAA; Marketing Director; CEO
Scope	College wide

References

SNMCI Policy area	8) Public Information and Communication: QA Vol 3
Developed with reference to	European Union (2016) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016. Data Protection Act (2018) Dublin: Stationery Office. Quality and Qualifications Ireland (2016), Core Statutory Quality Assurance (QA) Guidelines
Related SNMCI Policies / Forms	QA 8.1: Principles, Terms and Conditions of use of the College Network QA 8.2: Privacy Policy QA 8.3: Storing, Retention and Disposal of Data QA 8.4: Intellectual Property FQA 8.3: Document Retention Schedule FQA 8.5: Consent for photographs and videos

Revision

Revision Number	Revision Description	Originator	Approved By
		Office of DQAA	