



Holly Hill Primary School

Privacy Notice (D2.10b) version 3

School photos and additional activities

LEGITIMATE INTERESTS ASSESSMENT

Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

With consent we may take and retain **digital images of pupils**. These images may be used for the purposes of:

- Celebrating successes
- Recording events/activities
- Promote the school
- Enhancing education

Such images can enhance education provision and support inclusion and recreation. Typical 3rd parties who may have access to such images include:

- The school website provider
- Local and national media organisations
- School photographer

It is important for pupils to celebrate their successes, enhance their access to education and create memories. It is important for the school to use such images to celebrate pupil success, promote the school and record instances of historical importance.

Not undertaking these activities would likely result in:

- Reduced capability to recognise and celebrate pupil/school success with the wider Community
- Reduced creation and retention of records of historical interest
- Reduced ability to promote the school and what it can offer

While the pupil remains at the school consent can be withdrawn at any time by notifying the school. Whilst every effort is made to remove images, this is not always possible if the images have been uploaded to a website and subsequently downloaded, shared on social media or used in a publication which has been distributed. This is made clear in the consent form and in our privacy notices assuring our compliance with data protection legislation.

It is only in the circumstance where a pupil has left the school, and images are still in circulation that we may rely on our legitimate interest in the use of the images. This is made clear in our privacy notices. For example, if a pupil in their last year of attendance at a school has their image used on a school prospectus, the prospectus is likely to remain in publication for a number of years before being refreshed.

No images are routinely stored outside of the UK, however in the case of images uploaded to the web or social media, we are not able to restrict access to those images to the UK only.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

This process is consensual whilst the pupil is in attendance at the school. Legitimate Interests is only relied on in cases where an image is still in use and the pupil is no longer at the school, where it cannot be guaranteed that consent can be easily withdrawn.

Without the images we would be unable to promote pupil success, the school, or record events of potential historical interest.

It is not always possible to achieve the aim without images, however where it is possible that alternative method would be used.

Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data
• Is it special category data or criminal offence data? • Is it data which people are likely to consider particularly 'private'? • Are you processing children's data or data relating to other vulnerable people? • Is the data about people in their personal or professional capacity?
The data does fall within the special categories of personal data as defined by data protection law. The data is not considered to be private. We are processing child data, however the data is only used with parental consent (and consent from the pupil where they are 12 years of age or older).
Reasonable expectations
• Do you have an existing relationship with the individual? • What's the nature of the relationship and how have you used data in the past? • Did you collect the data directly from the individual? What did you tell them at the time? • If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you? • How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations? • Is your intended purpose and method widely understood? • Are you intending to do anything new or innovative? • Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation? • Are there any other factors in the particular circumstances that mean they would or would not expect the processing?
There is a clear existing relationship between the school, pupils and their parent/carers. The use of images is based on consent, and Legitimate Interests is only relied on where we no longer have contact with the pupil/parent/carer. There is a consent form which explains why we are collecting the data, and our privacy notices explain its use and the rights they have in relation to that use. No further use of images is expected other than stated, and any other uses would be subject to the consent of the pupils/parents.
Likely impact
• What are the possible impacts of the processing on people? • Will individuals lose any control over the use of their personal data? • What is the likelihood and severity of any potential impact? • Are some people likely to object to the processing or find it intrusive? • Would you be happy to explain the processing to individuals? • Can you adopt any safeguards to minimise the impact?

As the initial use was based on consent there are few impacts on retaining the images under our Legitimate Interests as the data was provided by the data subject with full understanding of how the images were to be used and retained.	
Can you offer individuals an opt-out?	No

Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?	Yes
Do you have any comments to justify your answer? (optional) This processing is unlikely to have any negative impact on individuals as the data was collected with consent and with full understanding of how the data would be used. Whilst the pupil attends the school consent can be withdrawn, however for pupils no longer at the school, who can no longer be easily contacted, it is necessary to rely on legitimate interests. For images of historical interest it would be in the public interest for those images to be retained in perpetuity as a record of the event.	
LIA completed by	Holly Hill Primary School
Date	09/12/2024

What's next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.