

ESH GROUP

Image Use Policy

Policy Author

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Updated

February 2025

Policy Review Date

February 2026

Policy Owner

Darush Dodds

Director of Corporate Affairs

Esh Group (Esh), (we, us, our) take, store and use photographs of staff, clients, school children and teachers and other members of the community (Images) in the course of our day-to-day business, in particular during events, marketing and corporate social responsibility (CSR) activities.

This policy is to set out how we use these Images, and how you, as an employee or contractor are expected to access, use and keep these Images secure.

1. Policy Statement

- 1.1 This Policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers (staff).
- 1.2 This Policy is in place to minimise the risks to our business through the use of Images.
- 1.3 We recognise that Images may constitute personal data. We are the controller of these Images and are committed to complying with our legal obligations under the Data Protection Legislation. This Policy must be read alongside our Data Protection Policy for full details of how you must process personal data.
- 1.4 You must read, understand and comply with this Policy when using Images. Any questions you have when reading this Policy or using Images should be directed to your line manager in the first instance.
- 1.5 This Policy does not form part of any employee's contract of employment and we may amend it at any time. Your compliance with this Policy is mandatory. Any breach of this Policy may result in disciplinary action.
- 1.6 The board of directors has overall responsibility for the effective operation of this Policy. Day-to-day responsibility for operating the Policy and ensuring its maintenance and review has been delegated to Darush Dodds (Group Head of Corporate Affairs).
- 1.7 Any misuse of Images should be reported to Darush Dodds.

2. Definitions

In this Policy, the following definitions apply:

- 2.1 Data Protection Legislation: means all applicable laws and regulations relating to the processing of personal data and privacy including the General Data Protection Regulation (EU) 2016/679 (GDPR) and any national implementing laws, regulations and secondary or related legislation; the Data Protection Act 2018; the Privacy and Electronic Communications Regulations, and any order, guidelines and instructions issued by a relevant national regulator or judicial authority in England;
- 2.2 Lawful Basis(/es): means a lawful ground for processing personal data as listed in Article 6 (and for special category personal data, Article 9) of the GDPR;
- 2.3 Legitimate Interests Assessment: means a written and recorded risk assessment to determine if a controller has a valid legitimate interest, taking into account the purposes and necessity of processing, to what extent data subjects would reasonably expect their personal data to be processed for these purposes, and whether these purposes are overridden by the interests or fundamental rights and freedoms of the data subject. Where the data belongs to children, the controller needs to be particularly careful to ensure their interests and rights are protected;
- 2.4 Privacy Notices (also referred to as Fair Processing Notices) or Privacy Policies: means separate notices setting out information that may be provided to data subjects when we collect information about them. These notices may take the form of general privacy statements applicable to a specific group of individuals (for example, participant privacy notices or the website privacy policy) or they may be stand-alone, one-time privacy statements covering processing related to a specific purpose; and
- 2.5 Controller, data subject, DPIA, personal data, processing and processor: have the meanings as defined in the Data Protection Legislation.

3. Purpose of Use

- 3.1 Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
- 3.2 We collect and process Images for the following purposes:
 - 3.2.1 For use during the course of the events or programmes we are running, to facilitate those programmes or events;
 - 3.2.2 To promote our involvement with the community, by sharing our CSR and other business activities on social media, in our staff and shareholder newsletters, in annual reports, tender brochures, in other corporate publicity and possibly on occasion with the media or press;
 - 3.2.3 For our clients and partners to promote their involvement with the community through delivery of our programmes; and
 - 3.2.4 To establish and retain records of our CSR and other business activities.

4. Lawful Use of Images

- 4.1 Under the data protection legislation, no personal data shall be processed by a data controller unless it is processed lawfully, fairly and transparently.
- 4.2 For the processing of personal data to be lawful, it must be carried out on the grounds of one or more Lawful Basis. In the course of routine activities, we will process Images on the Lawful Bases of: the legitimate interests of Esh; or, the legitimate interests of a partner or participating organisation, for example, schools to which we deliver our CSR programmes.
- 4.3 We may also be required to process or share Images as otherwise obliged by law.
- 4.4 Where we are relying on a legitimate interest as the Lawful Basis for processing:

- 4.4.1 The aims of the processing cannot be achieved in a less intrusive way;
 - 4.4.2 The Images are only used in ways data subjects (and their parents or guardians, if applicable) would reasonably expect, and which have a minimal privacy impact;
 - 4.4.3 We have completed a Legitimate Interests Assessment; and,
 - 4.4.4 The processing is in line with the Information Commissioner's Office guidance on legitimate interests.
- 4.5 Privacy Notices must be provided to all data subjects prior to any Images being taken. Where this is not possible, Image use signage is put up on site on the day of any Images being taken and in advance of any such Images being taken, and data subjects are informed of how to object to this processing.

5. Acceptable Use of Images

- 5.1 You must only take or use Images of data subjects if you are instructed to do so for your job function.
- 5.2 Images must only be taken using secure Esh devices and cameras.
- 5.3 Images are to be stored on a temporary basis only in Esh devices or cameras. These devices must not be used for personal use.
- 5.4 Images must not be taken on, uploaded to, stored in, accessed via or otherwise processed on personal devices.
- 5.5 All Images must be uploaded within 4 weeks of the date on which they are taken into Media Library and deleted locally from devices and cameras.
- 5.6 New folders must be opened in Media Library for each separate event, and saved by:
 - 5.6.1 The date on which the Images were taken; and
 - 5.6.2 The name of the event, or, the name of the partner or participating organisation, for example, the school.

- 5.7 All folders containing Images must be password protected against unauthorised access.

6. Access to Images

- 6.1 Only authorised members of staff can access Images saved in Media Library.
- 6.2 If you believe you have a valid purpose to use Images, but have not been explicitly instructed to do so by your line manager, you must first speak to your line manager to request clearance, and contact darush.dodds@esh.uk.com to request permissions to access the images.
- 6.3 Line managers must ensure use of Images is for one or more of the purposes set out in paragraph 3 of this Policy only.
- 6.4 If you would like to use Images for any purpose not set out in this Policy, you must seek prior permission from Darush Dodds (darush.dodds@esh.uk.com). If this is the case, you will need to cooperate with Darush Dodds to establish the Lawful Basis, ensure data subjects are sufficiently informed, and where applicable, to carry out a DPIA and a new Legitimate Interests Assessment.
- 6.5 Images may be shared with the partner or participating organisation for their own purposes, for example, the school to which we are delivering a CSR programme, if we receive a request from an authorised representative of that organisation.
- 6.6 Images must not be shared directly with data subjects (or their parents or guardians, where applicable). Requests from data subjects, or their parents or guardians, must be referred in the first instance to Darush Dodds.

7. Retention of Images

- 7.1 Images will be stored in shared drives.
- 7.2 Images will be retained for 10 years after the date on which they were taken.
- 7.3 Corporate Affairs Team will be responsible for systematically deleting Images from Media Library each year.
- 7.4 Images stored in whatever format will be erased permanently and securely. Any physical matter such as tapes or discs will be disposed of as confidential waste. Any still photographs and hard copy prints will be disposed of as confidential waste.
- 7.5 We will not maintain any details of Images we have deleted.
- 7.6 Some Images may be retained in Esh systems and archives beyond this retention period of 5 years for the purpose of establishing historic records. Any Images saved for this purpose will be saved in a separate location, and any additional personal data, for example, data subjects' names, will be deleted.

8. Retention of Images

- 8.1 We do not share Images with third parties unless certain safeguards and contractual arrangements have been put in place.
- 8.2 We have approved suppliers with whom we will share Images in their capacity as our processors.
- 8.3 You must only share Images with approved third party suppliers if you are instructed to do so for your job role. If you are unsure whether a third party is an approved supplier for the purpose of sharing Images, you must refer to your line manager in the first instance.
- 8.4 If you would like to share Images with a third party that is not already an approved supplier, you must seek prior permission from the Corporate Affairs Team. If this is the case, you will need to cooperate with Darush Dodds to ensure a fully executed written contract that contains the GDPR mandatory data processing clauses is in place.
- 8.5 If you receive a request from the media or a law enforcement body for access to Images, you must refer this request to Darush Dodds immediately.
- 8.6 If you receive an unexpected request from any other third party for access to Images, you must refer this request to Darush Dodds immediately.
- 8.7 We will maintain a record of all disclosures of Images

9. Secure Processing

- 9.1 When using Images, the following security procedures must be followed. You must:
 - 9.1.1 Comply with our Data Protection Policy and IT Data Protection Policy;
 - 9.1.2 Not allow anyone else to use your IT equipment or devices unsupervised;
 - 9.1.3 Lock your terminal or log off when leaving it unattended;
 - 9.1.4 Keep passwords confidential and change them regularly;
 - 9.1.5 Keep secure portable devices, such as laptops, tablets, smartphones or other mobile devices at all times, especially when travelling;
 - 9.1.6 Only access the internet via secure or trusted networks;
 - 9.1.7 Encrypt files and emails containing Images, and sent passwords to intended recipients by separate cover; and
 - 9.1.8 Not share any Images unless you know and can verify the identity of the recipient.
- 9.2 We may, without notice, inspect any Esh device and access, investigate and remotely review, copy, disclose, or wipe Images on that device.
- 9.3 Devices which are believed to be lost, stolen or otherwise compromised must be reported to the IT department immediately.

10. Secure Processing

- 10.1 Data subjects may make a request for disclosure of their personal information, known as a subject access request, and this may include Images.
- 10.2 In order for us to locate relevant Images, any requests for copies of Images must include the date (month and year) and location on which an Image was taken, and, if necessary, information to help us identify the data subject.
- 10.3 A data subject may also ask us to erase Images if they believe they are no longer necessary in relation to the purposes for which they were taken.
- 10.4 Where a data subject objects to the processing of Images which identify them, we must consider whether the subject's reasons for objecting outweigh the purpose for processing before the Images are published.
- 10.5 We cannot usually recall or delete Images if a data subject complains or objects after they are published into the public domain. Any requests received after an Image has been published must be referred to Darush Dodds immediately.
- 10.6 You must immediately forward any data subject request you receive to Darush Dodds [and comply with our data subject response process].

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