



## **Guidance for Policy on the use of the Internet and Photographic and Recording Devices in Pre-school Services**

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## 1.0 Purpose

The purpose of this document is to provide pre-school services with the regulatory requirements for the specific policy on the use of the Internet and Photographic and Recording Devices, as set out by the [Child Care Act \(1991\) Early Years Service Regulations \(2016\)](#). This document sets out the core regulatory requirements as well as prompts and considerations that will support registered providers to ensure that their policy and procedures are fully developed and are reflected in the practices in their service.

The information in this document should be applied to the specific policy on the use of the Internet and Photographic and Recording Devices and the accompanying procedures of the pre-school service. This document should be read in conjunction with Tusla's [A Practical Guide to Developing Policies, Procedures and Statements in Early Years Services](#), and [the Qualify and Regulatory Framework](#).

This policy should be developed in accordance with the provisions of the [Data Protection Act 2018](#) and the [General Data Protection Regulation \(GDPR\) 2018](#), and should reflect the GDPR/Privacy policy in the service.

*This document is for reference only. It should not be assumed that the guidance provided is comprehensive or that it provides a definitive answer in every situation.*

Further resources are available in [Appendix 1](#).

### Regulatory Requirements of this Policy

#### **Child Care Act (1991) Early Years Service Regulations (2016), Schedule 5. 1 (p)**

A policy on the use of the internet and photographic and recording devices, in relation to a pre-school service, means a policy specifying;

- (a) when, and in what circumstances and for what purpose, pre-school children are permitted access to the internet while attending the service,
- (b) when, and in what circumstances and for what purpose, the use of photographic or recording devices is permitted in the service,
- (c) by whom, and in what circumstances, the viewing of, the listening to or the retention of a photograph or recording of a pre-school child while attending the service is permitted,
- (d) the form of the consent required to be given by a parent or guardian of a pre-school child before the child may be permitted access to the internet or be photographed or recorded in accordance with paragraphs (a) and (b).

## 2.0 Core policy requirements

A Policy Statement is recommended in this policy, alongside the core requirements as set out further in this document. The policy statement should highlight that children's access to the internet is in line with up to date [public health guidance](#). The statement should acknowledge that the benefits of technology, the internet and social media need to be balanced with the rights of children, families and staff members to safety, privacy, personal integrity and dignity, and that there are risks that associated with the use of such devices and media. The policy statement should make clear that when technology, the internet and social media are utilised in the service, children's safety is fully considered.

### Requirement 1

The policy describes provision of access (if any) to the internet by children attending the service.

#### **Prompts and considerations** (not an exhaustive list):

The policy specifies:

- (a) The service's approach to access to the internet (through screens/devices) by children (aged 2 years and over only, in line with public health guidance) while attending the pre-school service.
- (b) If the policy allows for access to the internet to children (over the age of 2 years), that a risk-benefit assessment is conducted and kept on file in the service to support the policy.
- (c) If the policy allows for access to the internet by children (over the age of 2 years), that it specifies the following:
  - the times of the day and aspects of the programme in which it is deemed appropriate for children have access to the internet.
  - the technology used (including its location) to facilitate access is specified,
  - the purpose of facilitating access, including any anticipated developmental and learning benefits
  - the criteria for ensuring that access is safe and secure is set out (example, suitability and age appropriateness of content, use of online safety and filtering tools, supervision of children while online, time limits agreed for access)
  - a plan for managing a situation where a child accesses harmful, inappropriate or exploitative content.

## Requirement 2

The policy describes the procedures for when staff (and any other person) can photograph or record a child or children in the service. It sets out how photographic or recording devices are used and permitted in the service including when a person can have access to them, in what circumstances and for what purpose.

### **Prompts and considerations** (not an exhaustive list)

The policy specifies:

- (a) The service's approach to photography and recording of children within the service. A risk benefit assessment is conducted and kept on file.
- (b) The exact circumstances in which photographs and recordings may be taken and used within the service (example to document children's learning, to create a record of an event, to record evidence of an accident/ injury occurring to a child)
- (c) The exact circumstances in which photographs and recordings may be taken and shared outside of the service (example to promote the service on social media, on the service's website, to share with parents)
- (d) The procedures to manage a request from an external party to photograph or record children (example, therapist, assessor, mentor, researcher)
- (e) The measures to be taken when children are photographed or recorded (by staff, other parents, visiting adults or other children) at variance with this policy.

## Requirement 3

The policy sets out procedures for the viewing of, the listening to, or keeping of a photograph or recording of a child.

### **Prompts and considerations** (not an exhaustive list)

The policy specifies:

- (a) Who (if anyone) in the service can photograph or record children.
- (b) Which devices (if any) are permitted in the service and how these may be used to photograph or record children.
- (c) Who within the service can access photographs and recordings, and the circumstances in which access is permitted.
- (d) The exact circumstances (if any), in which access to photographs and recordings is permitted externally.
- (e) The procedures for viewing, sharing photographs and listening to and sharing recordings within the service.
- (f) The procedures for viewing, sharing photographs and listening to and sharing recordings externally, as appropriate.

#### Requirement 4

The policy states that consent is needed from a parent or guardian before a child is allowed access to the internet or before the child is photographed or recorded and it includes a consent form.

#### Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) The procedures to obtain and document informed parental/guardian consent.
- (b) The procedures to obtain child assent where appropriate.
- (c) A consent form for parents is included in the policy documentation. Consent must be unbundled in the form (i.e. a blanket consent form to cover all digital/online activity is not adequate, the activities must be separated out and individually consented to).

#### Requirement 5

The policy sets out how images and recordings are stored.

#### Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) That the provisions of the GDPR are followed and the service's privacy and data protection policies in respect of the management of images and recordings.
- (b) That a Data Controller is assigned to take responsibility for the collection, storage and use of all personal data including images (photos and video).
- (c) That recognisable images captured by CCTV systems are also personal data. They are therefore subject to the provisions of the [Data Protection Act 2018](#) and the [General Data Protection Regulation \(GDPR\) 2018](#).

#### Requirement 6

The policy sets out procedures for the retention of images and recordings in the service.

#### Prompts and considerations (not an exhaustive list)

The policy specifies:

- a) That the provisions of the GDPR and the service's privacy and data protection policies in respect of the retention of images and recordings.

### 3.0 Best Practice in developing and implementing a policy on the use of the Internet and Photographic and Recording Devices

In addition to the regulatory requirements for this policy as set out in this document, service providers can enhance the quality of practice in the implementation of the policy in the service. In this section, best practice in this policy area is outlined and further information is signposted where available.

- Implementation of this policy should reflect SÍolta Standards, in particular Standard 7 [Curriculum](#).
- Technology and interactive media should not take the place of everyday real interactions such as active play with adults and peers, especially in the outdoors, and the face-to-face social interactions and experiences that are essential for a child's holistic learning and development.
- New technology and interactive media need to be reviewed, risk assessed and evaluated on an ongoing basis to ensure that they support the service's learning goals and are safe and appropriate to the children's age and stage of development.
- Staff should be positive role models for children through safe and careful use of their own and the service's technology.
- Children are entitled to choose not to have their photo taken or to be video recorded, and to have their choice respected.
- Limit screen use to the recommended time for your child's age and stage of development.

## 4.0 Appendix

### 4.1 Supporting Information

- [Aistear Siolta Practice Guide](#)
- Barnardos: [Children and the Digital World](#)
- Barnardos: [Young children's use of technology- A guide for parents](#)
- CYPSC: [Transforming the health and wellbeing of our children](#)
- Data Protection Commission. [Taking photos at school events](#)
- Early Childhood Ireland. [Who's for a photo?](#)
- Early Childhood Ireland: [Do you wonder about young children's use of technology?](#)
- Gov.ie: [Be safe online](#)
- HSE: [Screentime for young children.](#)
- NSPCC. [Photographing and filming children](#)
- NCSE: [Screentime- advice for parents](#)
- Tusla. [Tips for your child on the internet](#)
- Webwise: [resources for parents and educators.](#)
- WHO: [To grow up healthy, children need to sit less and play more.](#)

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