

# PHOTOGRAPHING AND FILMING STUDENTS POLICY



## PURPOSE

The purpose of this policy is to explain to parents/carers how Eltham Primary School will collect, use and disclose photographs, video and recordings of students, how parent/carer consent can be provided and how it can be withdrawn.

Photographs, video or digital images of a student are considered “personal information” and therefore their use and disclosure are governed by the *Information Privacy Act 2000* (Vic) (IP Act) and the Information Privacy Principles contained within it. Photographs, video and digital images of students may also contain copyright, and therefore may also be governed by the *Copyright Act 1968* (Cth) (Copyright Act).

**Note:** In some cases it is better to use groups rather than individual photographs.

The school-level policy will be regularly communicated to the parents/carers and students through the school's communication channels such as newsletter, COMPASS portal.

Eltham Primary School may require photos and filming of students during school and out of hours school events. **No photographs or filming will occur at the school or school related events (including excursions, incursions and camps) without prior notice, permission from parents and supervision by teachers.**

Photographs and filming may include the following:

- Individual and classroom photographs to be taken each year;
- the collection, use and disclosure of other school photos, video, film and digital images that may be taken by the school from time to time
- media to take photographs and film of the students
- parents/carers and students recording of school performances, school activities and other school approved activities

## SCOPE

This policy applies to the general collection, use and disclosure of photographs, video and recordings (“images”) of students. It does not cover the use of Closed Circuit Television (CCTV). As a general rule, use relates to images which are shared and distributed only within the school for school purposes (i.e. ID photos, Compass), whilst disclosure is used for images which are shared and distributed outside of the school staff and are available to other students, parents/carers and the wider school community.

Eltham Primary School will ensure that parents/carers are notified upon enrolment and at the commencement of each school year of the ways in which our school may use images of students. There are many occasions during the school year where staff photograph, film

or record students participating in school activities or events. EPS will use student images reasonably, appropriately and sensitively, consistent with our obligations under the Child Safe Standards. An Annual Consent Form and Collection Notice will be distributed to parents/carers on enrolment and also at the beginning of each school year. (see Appendix)

To ensure the safe and ethical collection and use of student photographs and/or film, Eltham PS will:

- protect the personal information of individuals
- respect the individual's right to control how and for what purpose their personal information is used
- comply with the relevant legislation and Department policy.

## POLICY IMPLEMENTATION

Eltham Primary School must:

- advise parents/guardians when photographs and/or film are to be taken and how they will be stored and used
- provide parents/guardians with the choice to withhold or withdraw consent for their child to be photographed or filmed
- control and manage how and when others collect and publish photographs and/or film of students
- obtain parents'/guardians' permission before student photographs and /or film are published
- consider whether to allow parents/guardians to photograph or film their children participating in school events or performances.

**Note:** Schools must ensure that a professional photographer engaged by the school sign a Confidentiality Deed prior to being permitted to take school photographs.

1. Eltham Primary School will exercise special care and diligence when photographing and filming Aboriginal and Torres Strait Islander individuals and communities. Premised on mutual respect, trust and the principle of free, prior and informed consent, the following will be discussed with the appropriate custodian/s prior to taking any footage:
  - a. a clear explanation of the film or photo process
  - b. proper information about the project, including the message, the medium and the audience
  - c. all proposed and foreseeable uses of the material, including secondary uses
  - d. the impacts of the material being disseminated
  - e. timeframes
  - f. any relevant intellectual property matters
  - g. that the person can choose not to be photographed or filmed.

### Media

The media, or the Department of Education and Training's media team, may seek to photograph, film or record students for a news story or school event. This may include broadcast media, online or social media or print media, including newspapers and magazine publications.

When our school receives such requests EPS will:

- provide parents/carers with information about the organisation involved and when/for what purposes the photography, filming or recording will occur
- seek prior, express parent/carer consent in writing.

Students will only be photographed, filmed or recorded by the media at school if express consent is provided for **that specific media event**. Neither the school nor the Department own or control any photographs, video or recordings of students taken by the media.

### School performances, sporting events and other school approved activities

EPS permits parents/carers, students and invited guests to photograph, film or record school performances, sporting events and other school-approved activities.

EPS requests that parents/carers, students and invited guests who photograph, film or record school activities only do so for their own personal use and do not publish the images in any form, including on social media, without the prior consent of persons whose children also appear in the images. **Note: To publish photos of students without their *written* parental consent on personal social media sites is a reportable offence. If parents wish to publish images of students other than their own children on their personal social media, they must have written consent prior to the event**

Neither the school nor the Department own or control any images of students taken by parents/carers, students or their invited guests at school activities.

On occasion it may be necessary for school staff to photograph, film or record students when necessary to:

- fulfil legal obligations, including to:
  - take reasonable steps to reduce the risk of reasonably foreseeable harm to students staff and visitors (duty of care)
  - provide a safe and suitable workplace (occupational health and safety law)
- for identification purposes, when necessary to implement discipline and/or behaviour management policy

### *Collection, use and disclosure by the school*

To comply with the *IP Act*, consent will generally be required from parents/carers before schools can collect and use student photographs and film. In some instances, additional consent may be required to ensure compliance with the *Copyright Act*. **See Appendix 1**

This table summarises what documentation is required to enable schools to collect, use and disclose photographs, video and digital images in certain circumstances.

Collection type	School Use	Disclosure to third parties	Documentation required
Official school photographs	<ul style="list-style-type: none"> <li>• Storage on CASES21</li> <li>• School identification cards</li> </ul>	<ul style="list-style-type: none"> <li>• Parents / guardians</li> <li>• School magazine</li> </ul>	<ul style="list-style-type: none"> <li>• School-level policy</li> <li>• Specific Consent Form for School Photographs</li> </ul>
Other school photos, video, film, digital images	<ul style="list-style-type: none"> <li>• School newsletters</li> <li>• Intranet</li> <li>• Within the school</li> </ul>	<ul style="list-style-type: none"> <li>• School magazine</li> <li>• School website</li> <li>• Other internet websites</li> <li>• Media</li> </ul>	<ul style="list-style-type: none"> <li>• School-level policy</li> <li>• General Consent Form (if for school use only)</li> <li>• Specific Consent Form (if for disclosure to third parties)</li> </ul>

Collection type	School Use	Disclosure to third parties	Documentation required
Closed circuit television (CCTV)	<ul style="list-style-type: none"> <li>• Detect and deter vandalism, graffiti or other unwanted activities.</li> <li>• Monitor outdoor areas, corridors and other areas of the school.</li> </ul> <p><b>Prohibited in the following circumstances:</b></p> <ul style="list-style-type: none"> <li>• monitoring the work performance of staff or students</li> <li>• use in toilets, shower and change rooms or staff rooms</li> <li>• concealed or covert cameras in any location.</li> </ul>	<ul style="list-style-type: none"> <li>• Only in very restricted and limited circumstances</li> </ul> <p><b>Note:</b> Contact the Legal Services Unit to obtain advice about your particular circumstances</p>	<ul style="list-style-type: none"> <li>• Copyright Release Form</li> <li>• Compliance with legislation including the <i>Surveillances Devices Act 1999 (Vic)</i>.</li> <li>• Compliance with Department policies – contact the Security Services Unit for assistance with the guidelines and the approval process</li> </ul>

### *Collection, use and disclosure by third parties*

Schools also have a degree of control over the collection of photographs, video and digital images by third parties during school hours and at school approved activities.

This table summarises what documentation is required to enable third parties to collect photographs, video and digital images in these circumstances.

Third party	Documentation required
Parents / guardians	<ul style="list-style-type: none"> <li>• School-level policy</li> </ul>
Students	<ul style="list-style-type: none"> <li>• School-level policy</li> </ul>
School photographer	<ul style="list-style-type: none"> <li>• School-level policy</li> <li>• Specific consent form for school photographs</li> <li>• Confidentiality Deed</li> </ul>
Other professional photographer	<ul style="list-style-type: none"> <li>• School-level policy</li> <li>• Specific consent form</li> <li>• Confidentiality Deed</li> </ul>
Media	<ul style="list-style-type: none"> <li>• School-level policy</li> <li>• Specific consent form</li> </ul>

### *Consent forms*

This table describes the consent forms and their purposes:

Form	Purpose
Specific Consent Form for School Photographs	Schools usually arrange for a photographer to take individual, class or teaching photographs that are later sold to parents/carers.  Before the photographer comes to the school the school must provide the parents/carers with a written notice of when photographs should be taken. This form must also include information about the storage of these photographs on CASES21 and the proposed other use of the individual photograph.  Parents/carers can provide informed consent or withhold consent for the collection, use and disclosure of their child photographs at any time by contacting the school.  Note: In CASES21 the student photo is used by the school for educational and administrative purposes. Access to CASES21 is restricted to school employees approved by the school principal and Department technical support staff.
General Consent	Schools should develop this form for the collection and use of photographs, video, film, and digital images taken by the school. This should cover generic uses such as publication in the school newsletter, school magazine, on the intranet, and within the school.  This form should be distributed regularly, preferably at the beginning of each school year.
Specific Consent	Schools should develop this form for the collection, use and disclosure of photographs, video, film, and digital images whenever one or more of the following circumstances apply: <ul style="list-style-type: none"> <li>• any circumstances that is not covered by the general consent form</li> <li>• if the circumstances are unique or different</li> <li>• if it may involve disclosure to third parties.</li> </ul> <p>It is important that the form contains specific and detailed information about the proposed collection, use and disclosure. This will ensure that the school obtains informed consent from the parents/carers to collect, use and disclose the “personal information” of their child.</p>

## FURTHER INFORMATION AND RESOURCES

### Related School Policies

- Managing Concerns and Complaints Policy
- Digital Technologies Acceptable use Policy

### Related DET Resources

#### Definitions

#### Copyright release form

Photographs, video and digital images of students may also contain copyright, and are therefore also governed by the *Copyright Act 1968* (Cth). It may be necessary for the school to obtain a license from the student(s) to use and/or disclose this material. If the school is unsure whether a copyright release form is necessary in a particular circumstance, they should contact the Legal Services Unit for advice

- *Education and Training Reform Act 2006*
- *Information Privacy Act 2000*

## REVIEW CYCLE

THIS VERSION FIRST ISSUED	LAST UPDATED	STATUS	DUE FOR REVIEW
2017	2019	This policy will be reviewed annually or as necessary due to changes in regulations or circumstances	2020

## Appendix 1

### ELTHAM PS PHOTOGRAPHING AND FILMING STUDENTS CONSENT FORM

Eltham Primary School (**the school**) arranges activities for our students throughout the year.

There are times where photographs of students are taken. Our school is seeking your consent to photograph and film your child at school to promote the school's activities.

If you consent, the school may use the photographs and film (**images**) for the 2018/19 school year in the following ways:

- in the school's learning and teaching tools (for example, classroom blogs);
- in the school's publicly available website and social media accounts;
- in promotional material for the school, including in pamphlets and public advertisements ;
- in the school's newsletter and other communications to the school community and public.

Your child may be identified by first name in these images.

Please read this form carefully. If you do not understand any aspect, please contact our school on [\(03\) 9439 9374](tel:0394399374) or [eltham.ps@edumail.vic.gov.au](mailto:eltham.ps@edumail.vic.gov.au)

### Privacy Protection

Photographs and film of a person that may be capable of identifying the person may constitute a collection of 'personal information' under Victorian privacy law. This means that any images of your child taken by the school may constitute a collection of your child's personal information. The school is part of the Department of Education and Training (**the Department**). The Department values the privacy of every person and must comply with Victorian privacy law when collecting and managing all personal information.

### Ownership and Reproduction

Copyright in the images will be wholly owned by the school. This means that the school may use the images in the ways described in this form without notifying, acknowledging or compensating you or your child.

### Your Authority and Consent

I have read this form and I consent to the school photographing and filming my child (the student named below) and I acknowledge that:

- the school may use images of my child in the ways described in this form for the 2018/19 school year;
- I must notify the school principal if I wish to withdraw my consent but I may not be able to withdraw my consent if the images have already been published and are in the public domain.

**Name of Student** \_\_\_\_\_

**Name of parent/guardian/ carer** \_\_\_\_\_

**Relationship to Student** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Appendix 2

### THIRD PARTY PARENT CONSENT FORM - ELTHAM PS PHOTOGRAPHING AND FILMING STUDENTS

Eltham Primary School (**the school**) arranges activities for our students throughout the year.

There are times where parents may want to take photographs of their own children during school events. EPS requests that parents/carers, students and invited guests who photograph, film or record school activities only do so for their own personal use and do not publish the images of **any other students** other than their own children in any form, including on social media, without the prior consent of persons whose children also appear in the images.

**Note: To publish photos of students without their *written* parental consent on personal social media sites or other forums is a reportable offence. If parents wish to publish images of students other than their own children on their personal social media, they must have written consent prior to the event.**

The school will notify the school community **prior to school events** via COMPASS or the school website, if photos or filming of students is allowed. If you intend to publish photos of other students other than your own child on you personal social media. You must complete the consent form below.

Please read this form carefully. If you do not understand any aspect, please contact our school on [\(03\) 9439 9374](tel:0394399374) or [eltham.ps@edumail.vic.gov.au](mailto:eltham.ps@edumail.vic.gov.au)

### Your Authority and Consent

I have read this form and agree not to publish the images of **any other students** other than their own children in any form, including on social media, without the prior consent of persons whose children also appear in the images, and I acknowledge that:

This form must be received by the front office prior to the school event.

**Name of Students**

\_\_\_\_\_

**Name of parent/guardian/ carer**

\_\_\_\_\_

**Relationship to Student**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

\_\_\_ / \_\_\_ / \_\_\_\_\_