

PHOTOGRAPHING AND FILMING CHILDREN POLICY



PURPOSE

The purpose of this policy is to ensure the collection and use of photographs, films and recordings of students at Tarneit Rise Primary School complies with relevant legislation and Department policy.

SCOPE

This policy applies to all school activities, including camps and excursions.

GUIDANCE

Photographs, films and other recordings of individuals are considered personal information, and as such are protected by privacy law in the same way as other personal information. They may also be protected by copyright law.

Schools are required to develop a policy for the collection, use and disclosure of photographs, films and other recordings of students.

Schools must also ensure that parents/carers are provided with a Template Annual Consent Form — Photographing, Filming and Recording Students (Word) and that specific consent is sought for photographing, filming or recording students when required under this policy, and in accordance with their own local school policy.

Schools must develop a policy about photographing and filming students. This policy should include information about:

- whether the school arranges for individual and classroom photographs to be taken each year and if so, detail the notification, consent and publication procedures and protocols the school will follow
- 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
- the ways in which the school will manage requests from the media to take photographs and film of the students, including the notification, consent and publication procedures and protocols that the school will follow
- whether the school permits parents or carers and students to record school performances and other school approved activities
- a reference to the school's CCTV policy, if the school has CCTV on the premises
- the school's management of the collection, use and disclosure of photographs, video, film, and digital images by third parties

The school-level policy must be made available on the school website, or otherwise be easily accessible to all parents/carers, and should be communicated to parents/carers at least once a year.

DEFINITIONS

CCTV

Video surveillance

Film

A moving image which may also include sound recordings

Photograph

A static image in print or digital format

Recording

Audio recording

POLICY

The Principal will:

- advise parents/carers when photographs, films or other recordings of students are to be taken and how they will be stored and used
- provide parents/carers with the choice to withhold or withdraw consent for their child to be photographed or filmed in certain circumstances
- manage how and when others collect and publish photographs and, or film of students
- obtain parent/carer permission before student photographs, films or other recordings are made publicly available
- consider whether to allow parents or carers to photograph or film their children participating in school events or performances
- ensure that when engaging a professional photographer, a confidentiality clause relating to appropriate information handling is included in the agreement or contract between the photographer and school

Consent

The type of consent required from parents or carers to collect and use student photographs, films or other recordings will depend on the specific circumstances.

The following information sets out common occasions in which students may be photographed, filmed or recorded and the applicable consent requirements for each occasion.

General school collection and use

During the school year, there are typically many occasions and events where school staff may photograph or film students participating in school activities and events. These images are used for a variety of purposes including school newsletters, blogs (for example, of classroom activities or camps and excursions), student identification and display in school classrooms. Schools also arrange for official school photographs to be taken each year.

The school will develop a general consent form for these common school purposes using the Template Annual Consent Form — Photographing, Filming and Recording Students (Word). This form also will include information about the storage of these photographs on CASES21 and any other proposed uses of the individual photograph. The form will be provided to parents/carers annually, preferably at the beginning of each school year.

Parents/carers can withdraw consent for their child to be photographed or filmed in certain circumstances, by contacting the school.

Official school photographs

The school arranges for a photographer to take individual, class or teaching photographs that are later sold to parents/carers.

Consent for these photographs to be taken is covered by the Template Annual Consent Form — Photographing, Filming and Recording Students, however the school also will inform parents/carers in writing of the date the photographs will be taken.

When hiring photographers, the school will ensure that agreements or contracts with the photographers include a provision on appropriate information handling.

Additional consent for specific purposes

Media

On occasion, the media may attend the school. We will ensure parent/carer consent is obtained before allowing any student to be recorded by the media.

The Template Specific Event and Media Consent Form — Student (Word) has been developed for schools to use when seeking consent for a student to be recorded by the media.

Member of Parliament

Students must not be photographed or filmed during a Member of Parliament's (MP) visit to the school without appropriate consent. This includes the use of students in political material. If there is a media presence (including staff of the MP's political team), we will ensure that the usual consent requirements associated with photographing students by media apply and a specific media consent form also will be used.

When media are taking photographs, filming or recording students, we will use the Template Specific Event and Media Consent Form — Student (Word).

When corporate staff are taking photographs, filming or recording students, we will use the Consent Form — Photographing and Filming — Student (Word).

For further information on members of parliament visiting schools, refer to the Members of Parliament and Candidates Visiting Schools.

Crowd or event settings

Crowd shots that do not feature any particular individual do not need a signed consent from each person. To facilitate opt-out consent the school will, for example:

- add information about intended photography and filming to event invitations and newsletter articles
- have posters up at entrances to advise that a photographer is present, and ask anyone who does not wish to be photographed to make themselves known. A Template Poster — Photographer on Premises (Word) is available for schools to use in these circumstances

If parents/carers are taking photographs or video of crowds or performances, we will take opportunities to remind them to use and post the materials respectfully, for example when posting on social media, and in line with any school-level policy.

Research

We will ensure that parent/carer consent is obtained before allowing any student to be recorded for the purpose of research. This consent will be defined and included in the consent for participating in the research.

Refer to Research and Evaluation in Schools.

Using photographs and film for commemorative purposes

The school may wish to use photographs for commemorative purposes, such as the school's 50th anniversary book. However, it may not always be possible to seek retrospective consent for photographs already held by the school. These photographs may not be subject to privacy requirements if they were taken before 2000, but ethical considerations will still apply.

These photographs may be used for commemorative purposes without seeking retrospective consent if the risks have been considered and decisions are documented as part of the commemorative project documentation.

In assessing the risk and ethical nature of using photographs by reviewing the photos, the following questions will be asked:

- Does the photograph or video identify an individual?
- Is it practical to alter the photograph or video to de-identify subjects?
- Is the photograph or video of a sensitive nature? For example, students in swimsuits
- Does the photograph or video indicate a health condition?
- Are there cultural considerations?
- Is the location or context sensitive? For example, if the photograph shows the student engaging in inappropriate behaviour
- Is the photograph of old documents? Copies of letters or awards may include personal information such as names, signatures, home addresses, and other contact details. Is removal of the information practical?

CCTV

Parent/carer consent is not required for the school to install closed circuit television (CCTV). For more information about CCTV in schools, refer to Crime Prevention in Schools.

All other occasions

There may be a range of other occasions not captured by the above categories, where students are photographed or filmed. Where circumstances are not covered by the Annual Consent Form — Photographing, Filming and Recording Students or any of the above consent, the school will ensure that any consent form contains specific and detailed information about the proposed collection, use and disclosure of student images or other recordings. This will ensure that we obtain informed consent from the parents/carers to collect, use and disclose the 'personal information' of their child.

A Template Specific Event and Media Consent Form — Student (Word) is available for the school to adapt to suit the specific event circumstances involving photographing or filming students at the school.

When taking photos of adults, refer to Photographing, Filming and Recording Staff and Other Adults.

Photographs and copyright

If a photograph or video has been taken by someone outside the school, copyright permission may need to be gained to establish how that image or footage is used in publications, on websites or social media.

For guidance, refer to Intellectual Property and Copyright.

EVALUATION

- This policy, first developed in this format in May 2019 and updated in September 2020, will be reviewed as part of the school's three-yearly review cycle (latest DET update mid-June 2020).

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
Sept 2020	2023	62	3	Sept 2017

Reference:

<https://www2.education.vic.gov.au/pal/photographing-students>