

PHOTOGRAPHING AND FILMING STUDENTS POLICY

Change History

Version	Issued	Status	Review
1.0	2018	This policy will be reviewed as part of the school review cycle	2021

1. Rationale

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.

Yarra 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

2. Policy statement

To ensure the safe and ethical collection and use of student photographs and/or film in schools:

- protects the personal information of individuals
- respects the individual’s right to control how and for what purpose their personal information is used

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- complies with the relevant legislation and Department policy.

3. Implementation

Yarra 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

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"> • Storage on CASES21 • School identification cards 	<ul style="list-style-type: none"> • Parents / guardians • School magazine 	<ul style="list-style-type: none"> • School-level policy • Specific Consent Form for School Photographs
Other school photos, video, film, digital images	<ul style="list-style-type: none"> • School newsletters • Intranet • Within the school 	<ul style="list-style-type: none"> • School magazine • School website • Other internet websites • Media 	<ul style="list-style-type: none"> • School-level policy • General Consent Form (if for school use only) • Specific Consent Form (if for disclosure to third parties) • Copyright Release Form
Closed circuit	<ul style="list-style-type: none"> • Detect and deter vandalism, graffiti or other 	<ul style="list-style-type: none"> • Only in very restricted and limited 	<ul style="list-style-type: none"> • Compliance with legislation including the

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

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"> School-level policy
Students	<ul style="list-style-type: none"> School-level policy
School photographer	<ul style="list-style-type: none"> School-level policy Specific consent form for school photographs Confidentiality Deed
Other professional photographer	<ul style="list-style-type: none"> School-level policy Specific consent form Confidentiality Deed
Media	<ul style="list-style-type: none"> School-level policy Specific consent form

Consent forms

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This table describes the consent forms and their purposes:

Form	Purpose
Specific Consent Form for School Photographs	<p>Schools usually arrange for a photographer to take individual, class or teaching photographs that are later sold to parents/carers.</p> <p>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.</p> <p>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.</p> <p>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.</p>
General Consent	<p>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.</p> <p>This form should be distributed regularly, preferably at the beginning of each school year.</p>
Specific Consent	<p>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:</p> <ul style="list-style-type: none">• any circumstances that is not covered by the general consent form• if the circumstances are unique or different• if it may involve disclosure to third parties. <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>

4. Monitoring, Evaluation and Review

This policy will be reviewed as part of the school’s review cycle or if guidelines change

5. Definitions

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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

6. Further Information and Resources

Related legislation

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

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Appendix 1

YARRA PS PHOTOGRAPHING AND FILMING STUDENTS CONSENT FORM

Yarra Primary 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 9395 9271 or yarra.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

___ / ___ / _____