

Photographing and Filming Students

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).

AIM

To ensure the 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
- Complies with the relevant legislation and Department policy, including Child Safe

IMPLEMENTATION

The school will:

- Advise parents/guardians when photographs and/or film are to be taken and how they will be stored and used
- Collect general consent from parents/guardians before student photographs and /or film are published. The general consent form will be sent home to families annually.
- Provide parents/guardians with the opportunity to withhold or withdraw consent for their child to be photographed or filmed, consent can be withdrawn or withheld at any time by contacting the school in writing. Notifications will be placed quarterly in the newsletter to remind parents of this option.
- Control and manage if, how and when a third party collects and /or publishes photographs and/or film of students
- Consider whether to allow parents/guardians to photograph or film their children participating in school events or performances.
- Ensure that the professional photographer engaged by the school sign a Confidentiality Deed prior to being permitted to take school photographs.
- Comply with the IP Act. In some instances, additional consent may be required to ensure compliance with the Copyright Act.
- Arranges for individual and classroom photographs to be taken each year by a third party; prior to the day the school gain specific consent from parents/guardians for their child to participate in the event
- Collect and use photos, video, film and digital images that may be taken by the teachers from time to time to enhance the educational experience of students and to demonstrate the growth in individual student learning
- Consider whether it permits the media to take photographs and film of the students and the notification, consent and publication procedures and protocols that the school will follow if a decision is made to allow the media film/photos.
- Consider whether it permits parents/carers and students to record school performances, school activities and other school approved activities, and notify parents/carers and students about the decision in advance of the event.
- Consider whether it uses CCTV footage and the use, purposes and possible disclosures of this footage.

- Student photos will be used in CASES21 and Compass for educational and administrative purposes. Access to CASES21 is restricted to school employees approved by the school principal and Department technical support staff.
- The policy will be regularly communicated to the parents/carers and students.

Consent forms

- **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.
- **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:
 - 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.
 - 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.
- **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.