



## **MELBA COLLEGE PHOTOGRAPHING AND FILMING STUDENTS POLICY**

### **RATIONALE:**

The collection and use of student photographs and/or film provides many opportunities to promote college achievements and activities, however this must be used in a manner that enhances the college image and does not infringe on student rights and departmental policies. Photographs, film 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, film and digital images of students may also contain copyright, and therefore may also be governed by the Copyright Act 1968 (Cth) (Copyright Act).

### **GUIDELINES:**

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. Refer to Appendix A for further information on consent requirements.

This policy will ensure that Melba College will:

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

Photographs, film 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.

### **IMPLEMENTATION:**

#### **PHOTOGRAPHING STUDENTS AND THEIR CLASSROOM WORK FOR SCHOOL PURPOSES**

- On occasion, staff may wish to take photographs of students in their classroom environment or on school grounds to publish in:
  - the school’s learning and teaching tools (for example, classroom blogs)
  - the school’s publicly available website and social media accounts
  - promotional material for the school, including in pamphlets and public advertisements
  - the school’s newsletter and other communications to the community and public.

Our school will only photograph or film students for these purposes (or other incidental purposes related to a classroom activity) after a parent has provided prior consent. For example, parent consent provided through the consent form.

- The school will arrange for individual and group photographs to be taken each year; and then detail the notification, consent and publication procedures and protocols that will be followed via Compass and the school newsletter. When a professional photographer is engaged by the school a Confidentiality Deed will be signed prior to the professional photographer being permitted to take school photographs.

#### **EXTERNAL MEDIA - PHOTOGRAPHING AND FILMING STUDENTS**

- The school will only permit external media organisations to take photographs and film of students in accordance with the notification, consent and publication procedures and protocols. When our school receives such media requests, we will seek prior parent/carer consent in writing. This will describe the relevant media organisation involved and when the photography or filming will occur. Neither the school nor the Department own or control any photographs or film of students taken by media. Refer to Appendix B for further information on third party consent
- The school will obtain parents/guardian consent prior to the use of photographs, video, film, and digital images by third parties

#### **SCHOOL PERFORMANCES, SPORTING EVENTS AND OTHER SCHOOL-APPROVED ACTIVITIES**

- The school permits parents, students and invited guests to photograph and film school performances, sporting events and other school-approved events (school events). The school requests that parents and invited guests who photograph or film at school events only do so for their own personal use and do not publish the images on social media or in any form without the prior consent of persons whose children also appear in the images. Neither the school nor the Department own or control any photographs or film of students taken by parents or their invited guests at these events.
- The school does not permit parents/carers and students to record the annual school production.

#### **CLOSED CIRCUIT TELEVISION**

- The school uses CCTV footage to assist in the provision of a safe and secure school environment. The use, purposes and disclosures of this footage complies with legislative and departmental requirements and is not hidden, covert or used in private locations such as toilets or change rooms.

#### **SECURITY AND OWNERSHIP OF PHOTOGRAPHS/FILM OF STUDENTS**

- All photographs and/or films of students taken by our school are owned by the Department
- A record of student consent will be maintained on Compass for staff reference
- All photographs and/or film of students are stored securely by the school, as required by Victorian privacy law and relevant Department policy.

#### **RELATED POLICIES & LINKS:**

- Education and Training Reform Act 2006
- Information Privacy Act 2000
- <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx>
- Appendix A,B & C

Prepared By:	Submission to Council	Review Date
Melba College Council	24 May 2016	2017

## APPENDIX A

Documentation required to enable schools to collect, use and disclose photographs, video and digital images

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> <li>▪ Copyright Release Form</li> </ul>
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>▪ 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>

## APPENDIX B

Documentation required to enable third parties to collect photographs, video and digital images.

Third party	Documentation required
Parents / guardians	▪ School-level policy
Students	▪ School-level policy
School photographer	▪ School-level policy ▪ Specific consent form for school photographs ▪ Confidentiality Deed
Other professional photographer	▪ School-level policy ▪ Specific consent form ▪ Confidentiality Deed
Media	▪ School-level policy ▪ Specific consent form

## APPENDIX C



Melba College arranges many exciting activities for our students throughout the year.

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**) 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 only in these images.

Please read this form carefully. If you do not understand any aspect, please contact our school on 98704551

### Privacy Protection

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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

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

### Your Authority and Consent

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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 from the date that I sign this form. Parents/Carers will be given the opportunity to change consent on an annual basis.
- 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.

<b>Name of Student</b>	
<b>Name of parent/guardian/ carer</b>	
<b>Relationship to Student</b>	
<b>Signature</b>	
<b>Date</b>	___ / ___ / _____

## Who can sign this form?

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If you are or the Student and you are under 18 years of age and not considered a mature minor – one of the following people can sign this form (whichever is applicable in the individual circumstances):

- person who has parental responsibility for “major long term issues” as defined in the *Family Law Act 1975* (Cth)
- a person appointed as “guardian” pursuant to the *Children Youth and Families Act 2005* (Vic)

Where neither of the above people are available or cannot be contacted, consent may be obtained in the following ways:

### 1. Court Appointed Guardian

If you or the Student have a person appointed as a “guardian” pursuant to the *Guardianship and Administration Act 1986* (Vic), the guardian should sign the consent form.

### 2. Informal Carer

An Informal Carer is a relative or other responsible adult with whom the Student lives, and who has day to day care of the Student. See the School Policy Advisory Guide for information on informal carers:

<http://www.education.vic.gov.au/school/principals/spag/participation/Pages/admission.aspx>.

It is important to note the following:

- The informal carer should provide an Informal Relative Carer Statutory Declaration to confirm their status as an informal carer. A copy of this statutory declaration can be obtained from <http://www.ccyp.vic.gov.au>.
- If a person with parental responsibility for major long term issues and/or a person granted guardianship can subsequently be contacted, their consent should be sought.
- If a person with parental responsibility for major long term issues and/or a person granted guardianship subsequently refuses or withdraws consent, their decision prevails, and the consent and authority under this form will cease immediately.

### 3. Mature Minor Students

If you are or the Student is under 18 years of age but is considered a mature minor, he or she is able to sign their own consent form. See the School Policy Advisory Guide for information on mature minors at:

<http://www.education.vic.gov.au/Pages/default.aspx>

### 4. Persons who are eighteen years of age or older

If you are or the Student is 18 years of age or older – he or she is able to sign their own consent form unless the Student is subject to a court order.

*The above methods of consent apply in situations where parents are **divorced or separated**, or when the **Student is not living with a parent, or a parent cannot be located**.*

## What happens if a new partner of a parent or a de-facto wants to sign the form?

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Only a person with parental responsibility, a legal guardian or informal carer can sign this form. A new partner or de-facto partner of a parent cannot sign this form.

## What will the School do with this form?

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This Consent Form must be retained by the School to demonstrate consent was appropriately given.