

PHOTOGRAPHING AND FILMING STUDENTS POLICY



PURPOSE

To explain to parents/carers how Richmond West 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and disclose photographs, video and recordings of students, how parent/carer consent can be provided and how it can be withdrawn.

To ensure the safe and ethical collection and use of student photographs and/or film at Richmond West Primary School 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.

SCOPE

This policy applies to the general collection, use and disclosure of photographs, video and recordings ("images") of students. By the school community. It does not cover the use of Closed-Circuit Television (CCTV). The use of CCTV is covered in our school's CCTV policy.

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.

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

Richmond West 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

PHOTOGRAPHING AND FILMING STUDENTS POLICY



POLICY IMPLEMENTATION

This policy outlines the practices that Richmond West Primary School has in place for the collection, use and disclosure of images of students to ensure compliance with the *Privacy and Data Protection Act 2014* (Vic). It also explains the circumstances in which Richmond West Primary School will seek parent/carer consent and how consent can be provided and/or withdrawn.

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.

In some instances, 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*.

Richmond West 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, for example: classroom activities, sports events, concerts, excursions, camps etc]. We do this for many reasons including to celebrate student participation and achievement, showcase particular learning programs, document a student's learning journey, camps, excursions, sports events, communicate with our parents/carers and school community in newsletters and on classroom online forums.

Richmond West Primary School will use student images reasonably, appropriately and sensitively, consistent with our obligations under the Child Safe Standards and our Child Safety Policy OR Statement of Commitment to Child Safety]. If at any time a parent/carer or student has a concern about the use of any images they should contact the Principal.

In addition to the processes outlined below, parents/carers can contact the principal in writing by sending an email to: richmond.west.ps@edumail.vic.gov.au at any time to withdraw their consent for any future collection, use or disclosure of images of their child. However:

- if the images have already been published and are in the public domain, it may not be possible for consent to be withdrawn.
- There may be occasions when the school will record whole of school or large group events [and make those recordings available to the school community through DVD sales etc], such as, school concerts, graduation, sports events, and if your child participates, they may appear in these recordings which will be available to the whole school community.
- The school can still collect, use and disclose images in circumstances where consent is not required (see below for more information).

Official school photographs

Date of Preparation: March 2018

Date Endorsed by School Council: Not required

Date of Next Review: March 2021

PHOTOGRAPHING AND FILMING STUDENTS POLICY



Each year Richmond West Primary School will arrange for a professional photographer to take official school photographs of students. This will generally involve both class photos and individual photos being taken.

Official school photographs may be:

- purchased by parents/carers
- used for school identification cards
- stored on CASES21 for educational and administrative purposes.

Richmond West Primary School will notify parents/carers in advance of the official school photographs being taken to give them an opportunity to decide whether their child will be included in the official school photographs.

Parents/carers who choose to opt-out of having their child participate in official school photographs must contact the school at: richmond.west.ps@edumail.vic.gov.au before the date photos are scheduled to be taken to advise that their child will not participate. There is no obligation on any parent or carer to purchase any photographs taken.

Images for use and disclosure within the school community and ordinary school communications

From time to time Richmond West Primary School may photograph, film or record students to use within the school community, including:

- in the school's communication, learning and teaching tools (for example, emails, classroom online forums that can only be accessed by students, parents or school staff with passwords eg Compass
- for display in school classrooms, on noticeboards etc
- in the school's newsletter
- to support student's health and wellbeing (eg photographs of pencil grip to assist in OT assessments)

An Annual Consent Form and Collection Notice will be distributed to parents/carers on enrolment and also at the beginning of each school year.

Images to be used or disclosed outside the school community

External use or disclosure by the school

Photographs, video or recordings of students may also be used in publications that are accessible to the public, including:

- on the school's website [including in the school newsletter which is publicly available on the website)
- on the school's social media accounts

The Annual Consent Form and Collection Notice also covers these types of uses and will be distributed to parents/carers on enrolment and also at the beginning of each school year We will notify you individually if we are considering using any images of your child for specific advertising or promotional purposes. **(SEE APPENDIX 3)**

PHOTOGRAPHING AND FILMING STUDENTS POLICY



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 Richmond West Primary School 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.

Other external collection, use or disclosure

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.

If there is a situation which will involve the collection, use or disclosure of images of students by or to third parties which is not otherwise covered by this policy, Richmond West Primary School will:

- provide parents/carers with information about the event or activity, the organisation involved and when the photography, filming or recording will occur
- seek prior, express parent/carer consent in writing. **(SEE APPENDIX 2)**

School performances, sporting events and other school approved activities

Richmond West Primary School endeavours to respect the privacy of all members of our school community and requests that parents/carers, students and invited guests do not photograph, film or record school performances, sporting events and other school-approved activities.

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.

Images to manage student behaviour or fulfil our school's legal obligations

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 policies.

Richmond West Primary School does not require or obtain consent from parents/carers or students to photograph, film or record students for these reasons. However, when Richmond West Primary

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PHOTOGRAPHING AND FILMING STUDENTS POLICY



School photographs, films or records a student for any of these purposes, staff will only collect and use such images in a way that is reasonable and appropriate in the circumstances.

Staff use of personal devices

School staff may use their own personal devices to capture images of students for reasonable and legitimate educational purposes. If this occurs, staff are expected to upload the images to the school database and delete the images from their device within a week of the images being captured.

FURTHER INFORMATION AND RESOURCES

Related legislation

- *Education and Training Reform Act 2006*
- *Information Privacy Act 2000*
- School Policy and Advisory Guide: [Photographing and Filming Students](#)

Related Policies

- Child Safe Policy
- Visitors Policy
- Volunteers Policy
- Parental responsibilities Policy

EVALUATION

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

PHOTOGRAPHING AND FILMING STUDENTS POLICY



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 television (CCTV)	<ul style="list-style-type: none"> Detect and deter vandalism, graffiti or other unwanted activities. 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. 	<ul style="list-style-type: none"> Only in very restricted and limited circumstances <p>Note: Contact the Legal Services Unit to obtain advice about your particular circumstances</p>	<ul style="list-style-type: none"> Compliance with legislation including the <i>Surveillance Devices Act 1999 (Vic)</i>. Compliance with Department policies – contact the Security Services Unit for assistance with the guidelines and the approval process

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PHOTOGRAPHING AND FILMING STUDENTS POLICY



APPENDIX 2:

Collection, use and disclosure by third parties

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

PHOTOGRAPHING AND FILMING STUDENTS POLICY



APPENDIX 3 Consent forms

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>

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