

Photography and Video Policy

The Hazard - Photography and Video Recording

This policy applies to photography or video taken on College premises or at College-related events and activities held on or off College premises.

With technological developments, the taking and use of photographs and videos of students while participating in College-related activities has become an inseparable part of education and social development.

The College has a duty of care and privacy obligations to manage the taking and use of photography and video by:

- Penola Catholic College staff and College affiliates
- parents/guardians
- media and other third parties
- students
- commercial or professional photographers/videographers.

Penola Catholic College's Policy

Penola Catholic College is committed to maximising the educational and social benefits of photography and video recording while taking all reasonably practicable steps to manage the risks to student safety and wellbeing arising from the inappropriate taking and use of photos and videos.

It is our policy that:

- the College takes all reasonably practicable measures to manage the ability and access of all persons to take photos or videos of students on College premises or at College-related activities and events
- the College takes all reasonably practicable steps to obtain the consent of relevant parents/guardians in taking, using, and publishing photos and videos of students
- the type of consent sought from parents/guardians for the collection and use of photos and videos of their children depends on the use to which the photos or videos are to be put
- College staff supervise and manage the taking of photos and videos by students of other students while on College premises and at College-related activities and events
- the College addresses parents/guardians taking and publishing photos and videos of students at College-related activities and events, through ongoing communication and education
- the College manages the risks to privacy by professional photographers and videographers through contractual undertakings
- the College communicates and educates students in the safe and respectful taking and use of photos and videos
- photos and videos taken by and for the College are stored in accordance with the College's Records Management policy
- the College reserves the right to decide whether a particular person has the right to take photos or video on College premises or at College-related activities and events.

Consent

The consent required from parents/guardians to the taking and use of photos and videos of a student will vary depending on the context and purpose of the photography or video recording.

Consent Forms

The College works with parents/guardians to provide information about and gain consent for the use of photographs and videos of students which may be taken by College staff or approved external providers. Consent forms given to parents/guardians:

- notify them that their child's image may be used in photos or videos
- inform them about how these images and videos are stored and used
- request their consent before using or publishing images of their children.

See Photography/Video Consent Form.

Refusal of Consent

If a parent/guardian does not consent to having their child photographed or videoed, the College takes all reasonably practicable steps to ensure that the student is not photographed/videoed, or if that is not reasonably practicable, then that they are not identified in photos/videos.

Curricular and Related Educational Activities

A Personal Information Collection notice is initially provided to parents/guardians when a student commences at Penola Catholic College. This covers any personal information collected in the course of providing educational services, including photography and video recording.

A Photography/Video Consent Form is obtained from the parent/guardian to the use of photos and videos of the student in the course of providing educational services.

Internal Publications

Where images of students are to be used in the normal course of College life in College newsletters, on the intranet, and within the College this will be covered by the general collection notice and consent given at enrolment.

Should issues arise where a parent/guardian does not consent to the use of their child's image, the College will take all reasonably practicable steps to not include the student's image.

Where the student's image is part of a group of students, consideration will be given to varying the caption to either not include names, or only including the first names of the students in the image.

External Publications

The College seeks specific consent from parents/guardians prior to including the student's image in any external publication. This includes consent for College magazines or websites which are available to the public.

Media

The College seeks specific consent from parents/guardians prior to any contact with the media for the purposes of photos or videos of the student.

Promotional Use

The College will seek specific consent from parents/guardians prior to using any images of students for promotional purposes. The request for consent will include details of where the images will be placed and the context in which they will be used.

Court Orders and Children under Guardianship

Where students at College are under court orders or protection (including guardianship/foster arrangements, care and protection orders or witness protection programs), consent may also need to be obtained from third parties for external publications for promotional use.

College will approach any relevant third parties as part of gaining consent using the Photography/Video Consent Form.

Copyright and Students' Work

Where the College wishes to publish a student's work, consideration may need to be given to any copyright the student may have in that work. Consent may need to be obtained under the Copyright Act 1968 (Cth) before the work may be published.

Photography/Video by External Commercial or Professional Parties

The College takes all reasonably practicable steps to manage and control the taking of photos or videos of its students by external parties, and their access to College premises, College-related activities and events, and students.

Where the College hires professional photographers/videographers, the College will set terms and requirements including written confidentiality undertakings and securing the ownership of photos and videos. If ownership cannot reasonably be obtained, the College will negotiate terms of use with the external party/parties to manage the safety and privacy of students and staff.

The College will seek consent from parents/guardians prior to College/class photos being taken. The College will advise parents/guardians prior to College-related events being recorded.

Photography/Video by Students

The College supervises and manages students taking photos and videos of each other for educational purposes.

The College educates students on the safety risks of publishing personal information, and the importance of privacy, consent, and showing respect for each other in their use and control of photos and videos.

Disciplinary action may be taken where students have knowingly breached these conditions.

Photography/Video by Parents/Guardians

The College acknowledges that parents/guardians will want to take photos/videos of their children while they are engaged in College-related activities, and that in practical terms, the College may not be able to control when images are taken and how they are used. However, the College will communicate with parents/guardians on an ongoing basis to ensure they understand the risks of publishing the photos and videos and how to best protect the students' safety and privacy.

Suspicious Activity

Where a teacher, student or member of staff notices behaviour which may be criminal, or may endanger the health or wellbeing of a student, they must report the behaviour immediately to the Principal.

Suspicious/criminal behaviour may include:

- people taking photographs in sensitive places, such as change rooms and bathrooms
- indecent photography such as 'upskirting'
- voyeuristic or 'peeping tom' behaviour, which includes people taking photos surreptitiously.

The Principal will take appropriate action in response to a report, which may include disciplining persons who are members of the College community, or reporting the matter to the Police or relevant authorities.

Publishing Photos or Videos

The College will follow these general guidelines when using and publishing photos or videos in print and online publications:

- photos/videos of a student will only be used where we have written permission of the parent/guardian
- where appropriate, we will not identify any student in the photos/videos published
- we will not include information which might give details of, or identify a student other than publishing a student's first name if naming is required]
- we will seek consent from a student or parent/guardian to comply with copyright laws before taking photos or video of a student's work]
- where there are photos which may potentially be misused (for example, photos of students at gymnastics or swimming events), the College will take steps to ensure only appropriate images or videos are published.

Record Keeping

Penola Catholic College has an obligation to comply with both jurisdictional privacy laws and the Privacy Act 1988 (Cth). A photograph or video is a form of personal information (a record) which must be managed according to our Privacy Policy and Records Management policy.

The College will maintain a record of photographs and associated consent forms (with applicable dates) to ensure that consent has been received for a particular use. Where reasonably practicable this will include a record of the image.

Implementation

This policy will be implemented through training and the publication of information for parents/guardians.

From Complispace – current as at July 2020

