



"Learning for Life"

PHOTOGRAPHING & FILMING CHILDREN POLICY

Rationale

Photographs, video or digital images of a child 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 children may also contain copyright, and therefore may also be governed by the *Copyright Act 1968* (Cth) (Copyright Act). To comply with these Acts, consent will generally be required from parents/carers before schools can collect and use children's photographs and film.

Aims

- To ensure the collection and use of children's photographs and/or film in the school protects the personal information of individuals and respects the individual's right to control how and for what purpose their personal information is used.
- To ensure the Northern School for Autism complies with DET policy and guidelines.
- To ensure the school complies with the legislative requirements of the *Copyright Act 1968* and the *Privacy and Data Protection Act 2014*.
- To ensure the school complies with Child Safe Standards 1 & 2.

Implementation

- The safety and wellbeing of children is this school's highest priority.
- The school will:
 - advise parents/carers when photographs and / or film are to be taken and how they will be stored and used
 - provide parents/carers 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 children
 - obtain parents'/carers permission before children's photographs and/or film are published
 - consider whether to allow parents/carers to photograph or film their children participating in school events or performances.
- The school will advise parents/carers about:
 - whether or not the school arranges for individual and classroom photographs to be taken each year; and then detail the notification, consent and publication procedures and protocols the school will follow
 - 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
 - whether the school permits the media to take photographs and film of the children and the notification, consent and publication procedures and protocols that the school will follow

Reservoir Campus
16-18 Gertz Ave
Reservoir VIC 3073
Phone: 03 9462 5990

Lalor Campus
2-4 Lyndon Street
Lalor VIC 3075
Phone: 03 94653907

northern.sch.autism@edumail.vic.gov.au
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- whether the school permits parents/carers and children to record school performances, school activities and other school approved activities
 - whether the school uses CCTV footage and the use, purposes and possible disclosures of this footage
 - the school’s position about the collection, use and disclosure of photographs, video, film, and digital images by third parties.
- The school may choose to develop a number of consent forms, such as a:
 - Specific Consent Form for School Photographs: for when a photographer takes individual or class photographs that are later sold to parents
 - General Consent Form: for the collection and use of photographs, video, film and digital images that are taken by the school for use in newsletters, school magazine, on the intranet or within the school
 - Specific Consent Form: for the collection and use of photographs, video, film and digital images for use in circumstances not covered by the above or in circumstances which are unique or different
 - The school will ensure that a professional photographer engaged by the school signs a Confidentiality Deed prior to being permitted to take school photographs.
 - Cameras, still and video (including mobile phone cameras) must not be used in private spaces for example changing rooms, toilets, the gym and swimming areas. Action will be taken against any student or staff member who photographs or films other individuals without their knowledge or permission.
 - Photographs, video or digital images of a student are considered “personal information” and therefore their use and disclosure are governed by the *Privacy and Data Protection Act 2014* (Vic) (**PDP 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**). To comply with the PDP Act, consent is 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 [Acceptable Use Agreements and Consent](#) forms].
 - The school will exercise special care and diligence when photographing and filming Aboriginal and Torres Strait Islander individuals and communities. Premised on mutual respect, trust and the principle of free, prior and informed consent, the following will be discussed with the appropriate custodian/s prior to taking any footage:
 - a clear explanation of the film or photo process
 - proper information about the project, including the message, the medium and the audience
 - all proposed and foreseeable uses of the material, including secondary uses
 - the impacts of the material being disseminated
 - timeframes
 - any relevant intellectual property matters

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- that the person can choose not to be photographed or filmed.
- 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.
- 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	Storage on CASES21 School identification cards	Parents/carers School magazine	School-level policy Specific Consent Form for School Photographs
Other school photos, video, film, digital images	School newsletters Intranet Within the school	School magazine School website Other internet websites Media	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)	Detect and deter vandalism, graffiti or other unwanted activities. Monitor outdoor areas, corridors and other areas of the school. Prohibited in the following circumstances: 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.	Only in very restricted and limited circumstances Note: Contact the Legal Services Unit to obtain advice about your particular circumstances	Compliance with legislation including the Surveillances Devices Act 1999 (Vic). 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.

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Third party	Documentation required
Parents/carers	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

- Teachers and staff must not use any materials for purposes or uses other than that for which individuals have provided their free, prior and informed consent. Images should also be positive and empowered images to assist in the promotion of the rights of Aboriginal and Torres Strait Islander peoples. As with all students, written consent is required for the photographing or filming of any student of Aboriginal or Torres Strait Islander background.
- This policy will be regularly communicated to the parents/carers and children.
- 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.
- For further information please go to the web reference below.
- Please refer also to the school’s *Information Privacy Policy*, the *Mobile Phones, Use by Children Policy*, the *Internet Use/Social Media Policy*, the *Protocols for Visits by Members of Parliament Policy* and the *Child Safe Standards*.

Evaluation

This policy will be reviewed as part of the school’s three-year review cycle (July 2021) or if guidelines change (latest DET update late June 2018).

Reference

www.education.vic.gov.au/school/principals/spag/safety/pages/photosandfilm.aspx

This policy was ratified by NSA School Council on 26 March 2015

The first update was ratified on 18 February 2016

This update was ratified on 6 December 2018

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