

# Caulfield South Primary School

C.S.P.S.

## **Photographing, Filming and Recording Students**

### **Policy**

The purpose of this policy is to ensure the collection and use of photographs, films and recordings of students in schools complies with relevant legislation and Department policy.

### **Summary**

- Photographs, films and other recordings of individuals are considered personal information, and as such are protected by privacy law in the same way as other personal information. They may also be protected by copyright law.
- Schools are required to develop a policy for the collection, use and disclosure of photographs, films and other recordings of students.
- A Photographing, Filming and Recording Students Policy Template is available on the School Policy Templates Portal.
- Schools must also ensure that parents or carers are provided with a Template Annual Consent Form — Photographing, Filming and Recording Students (Word) and that specific consent is sought for photographing, filming or recording students when required under this policy, and in accordance with their own local school policy.

### **Details**

#### **Principals must:**

- advise parents or carers when photographs, films or other recordings of students are to be taken and how they will be stored and used
- provide parents or carers with the choice to withhold or withdraw consent for their child to be photographed or filmed in certain circumstances
- manage how and when others collect and publish photographs and, or film of students
- obtain parent or carer permission before student photographs, films or other recordings are made publicly available

### **Photographing, Filming and Recording Students**

- consider whether to allow parents or carers to photograph or film their children participating in school events or performances
- ensure that when engaging a professional photographer, a confidentiality clause relating to appropriate information handling is included in the agreement or contract between the photographer and school

### **School-level policy**

Schools must develop a policy about photographing and filming students. This policy should include information about:

- whether the school arranges for individual and classroom photographs to be taken each year and if so, 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
- the ways in which the school will manage requests from the media to take photographs and film of the students, including the notification, consent and publication procedures and protocols that the school will follow
- whether the school permits parents or carers and students to record school performances and other school approved activities
- a reference to the school's CCTV policy, if the school has CCTV on the premises
- the school's management of the collection, use and disclosure of photographs, video, film, and digital images by third parties

The school-level policy must be made available on your school website, or otherwise be easily accessible to all parents or carers, and should be communicated to parents or carers at least once a year.

### **Policy template for schools**

A Photographing, Filming and Recording Students Policy Template is available on the School Policy Templates Portal. Schools can modify the template to suit their local circumstances.

### **Consent**

The type of consent required from parents or carers to collect and use student photographs, films or other recordings will depend on the specific circumstances.

The following information sets out common occasions in which students may be photographed, filmed or recorded and the applicable consent requirements for each occasion.

### **General school collection and use**

During the school year, there are typically many occasions and events where school staff may photograph or film students participating in school activities and events. These images are used for a variety of purposes including school newsletters, blogs (for example, of classroom activities or camps and excursions), student identification and display in school classrooms. Schools also arrange for official school photographs to be taken each year.

Schools must develop their general consent form for these common school purposes using the Template Annual Consent Form — Photographing, Filming and Recording Students (Word). This form must also include information about the storage of these photographs on CASES21 and any other proposed uses of the individual photograph. The form must be provided to parents or carers annually, preferably at the beginning of each school year.

Parents or carers can withdraw consent for their child to be photographed or filmed in certain circumstances, by contacting the school.

### **Official school photographs**

Schools usually arrange for a photographer to take individual, class or teaching photographs that are later sold to parents or carers.

Consent for these photographs to be taken is covered by the Template Annual Consent Form — Photographing, Filming and Recording Students, however schools must also inform parents in writing of the date the photographs will be taken.

When hiring photographers, schools must ensure that agreements or contracts with the photographers include a provision on appropriate information handling.

Additional consent for specific purposes

### **Media**

On occasion, the media may attend the school. Schools must ensure parent or carer consent is obtained before allowing any student to be recorded by the media.

## **Photographing, Filming and Recording Students**

The Template Specific Event and Media Consent Form — Student (Word) has been developed for schools to use when seeking consent for a student to be recorded by the media.

### **Member of Parliament**

Students must not be photographed or filmed during a Member of Parliament's (MP) visit to a school without appropriate consent. This includes the use of students in political material. If there is a media presence (including staff of the MP's political team), schools are reminded that the usual consent requirements associated with photographing students by media apply and a specific media consent form should also be used.

When media are taking photographs, filming or recording students, use the Template Specific Event and Media Consent Form — Student (Word).

When corporate staff are taking photographs, filming or recording students, they will use the Consent Form — Photographing and Filming — Student (Word).

For further information on members of parliament visiting schools, refer to the Members of Parliament and Candidates Visiting Schools.

### **Crowd or event settings**

Crowd shots that do not feature any particular individual do not need a signed consent from each person. Opt-out consent can be used instead, for example:

- add information about intended photography and filming to event invitations and newsletter articles
- have posters up at entrances to advise that a photographer is present, and ask anyone who does not wish to be photographed to make themselves known.  
A Template Poster — Photographer on Premises (Word) is available for schools to use in these circumstances

If parents or carers are taking photographs or video of crowds or performances, consider if there are any opportunities to remind them to use and post the materials respectfully, for example when posting on social media, and in line with any school-level policy.

## **Photographing, Filming and Recording Students**

## **Research**

Schools must ensure that parent or carer consent is obtained before allowing any student to be recorded for the purpose of research. This consent should be defined and included in the consent for participating in the research.

### **Refer to Research and Evaluation in Schools.**

#### **Using photographs and film for commemorative purposes**

A school may wish to use photographs for commemorative purposes, such as the school's 50th anniversary book. However, it may not always be possible to seek retrospective consent for photographs already held by the school. These photographs may not be subject to privacy requirements if they were taken before 2000, but ethical considerations will still apply.

These photographs may be used for commemorative purposes without seeking retrospective consent if the risks have been considered and decisions are documented as part of the commemorative project documentation.

Assess the risk and ethical nature of using photographs by reviewing the photos and asking the following questions:

- Does the photograph or video identify an individual?
- Is it practical to alter the photograph or video to de-identify subjects?
- Is the photograph or video of a sensitive nature? For example, students in swimsuits
- Does the photograph or video indicate a health condition?
- Are there cultural considerations?
- Is the location or context sensitive? For example, if the photograph shows the student engaging in inappropriate behaviour
- Is the photograph of old documents? Copies of letters or awards may include personal information such as names, signatures, home addresses, and other contact details. Is removal of the information practical?

School leadership should be informed of any planned commemorative activities and you can also seek advice from the Privacy team.

## **Photographing, Filming and Recording Students**

## **CCTV**

Parent or carer consent is not required for a school to install closed circuit television (CCTV). For more information about CCTV in schools, refer to Crime Prevention in Schools. A local school CCTV Policy Template is also available in the School Policy Templates Portal.

### **All other occasions**

There may be a range of other occasions not captured by the above categories, where students are photographed or filmed. Where circumstances are not covered by the Annual Consent Form — Photographing, Filming and Recording Students or any of the above consent, schools should ensure that any consent form contains specific and detailed information about the proposed collection, use and disclosure of student images or other recordings. This will ensure that the school obtains informed consent from the parents or carers to collect, use and disclose the 'personal information' of their child.

A Template Specific Event and Media Consent Form — Student (Word) is available for schools to adapt to suit the specific event circumstances involving photographing or filming students at their school.

When taking photos of adults, refer to Photographing, Filming and Recording Staff and Other Adults.

### **Photographs and copyright**

If a photograph or video has been taken by someone outside the school, copyright permission may need to be gained to establish how that image or footage is used in publications, on websites or social media.

For guidance, refer to Intellectual Property and Copyright.

### **Definitions**

#### **CCTV**

Video surveillance.

#### **Film**

A moving image which may also include sound recordings.

#### **Photograph**

A static image in print or digital format.

## **Photographing, Filming and Recording Students**

## **Recording**

Audio recording.

Related policies

- Crime Prevention in Schools
- Intellectual Property and Copyright
- Members of Parliament and Candidates Visiting Schools
- Photographing, Filming and Recording Staff and Other Adults
- Privacy and Information Sharing
- Requests for Information about Students
- Research and Evaluation in Schools
- Social Media Use to Support Student Learning

## **Relevant legislation**

- Copyright Act 1968 (Cth)
- Privacy and Data Protection Act 2014 (Vic)

## **Evaluation**

- This policy will be reviewed again in 3 years.