

	Photographing, Filming and Recording Students Policy	Approval Date: 16/09/2022
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Authorised by:	Executive Officer	Version Date: 16/09/2022
Responsible Person:	Executive Officer	
Staff Involved:	All staff	

Purpose

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.

The purpose of this policy is to explain to students and parents, and give guidance to staff regarding how Prace will collect, use and disclose photographs, video and recordings of students, how consent can be provided and how it can be withdrawn.

Scope

This policy applies to the collection, use and disclosure of photographs, films and other recordings of students enrolled in Prace education programs, including Prace College students.

This policy does not include CCTV recordings. See the Prace CCTV Policy for more information on recording, storage and use of CCTV footage.

Definitions

Informal Carer: a person who has responsibility for the day-to-day care of the student and with whom the student is residing. Where a student is not living with a parent/guardian but is living in an informal care arrangement with a relative or other person, the school may accept enrolment and other permission forms signed by the informal carer if the carer provides a signed Informal Carer's Statutory Declaration to the school. This is a written declaration by the carer that sets out the care arrangements for the child — refer to: Informal Carer Statutory Declaration template. Generally, an informal carer who has provided the school with a completed Informal Carer Statutory Declaration may make school-based decisions for the child and may access school information ordinarily provided to a Carer.

Prace: means the incorporated association (A0032713Z) which includes the Registered Training Organisation (4036) & Prace College (2110).

Prace College: means the section of Prace that operates as an independent school from both the Merrilands and Mernda campuses under registration number 2110.

Parent/guardian/carer (parent): In relation to a child means any person who has parental responsibility for 'major long-term issues' as defined in the Family Law Act 1975 (Cth) or has been granted 'guardianship' for the child pursuant to the Children, Youth and Families Act 2005 (Vic) or other state welfare legislation, or an Informal Carer.

Prace practices, in place for the collection, use and disclosure of images of students, ensure the organisation is compliant with the Privacy and Data Protection Act 2014 (Vic).

Prace will use student images reasonably, appropriately and sensitively, consistent with our obligations under Privacy laws, the Child Safe Standards, our Child Safety and Wellbeing Policy and Child Safety Code of Conduct. If at any time a student or parent has a concern about the use of any images they should contact the Prace office on 9462 6077.

How photographs, films or other recordings of students are used by Prace

- **Internal Use**

We use photographs, films and recordings for many purposes relating to internal functions and activities, including the following purposes:

- For student identification
- To support student's health and wellbeing (e.g. photographs of pencil grip to assist in OT assessments)
- For assessment evidence

Photographs, films and recordings may also be used for external purposes including:

- Social media posts
- Public website
- Public reports, publications

- **Crowd or event settings**

Crowd shots that do not feature any particular individual do not need a signed consent from each person.

In such cases opt-out consent can be used instead. Information about intended photography and filming will be added to event invitations and posters will be visible at entrances to advise that a photographer is present, and ask anyone who does not wish to be photographed to make themselves known.

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

Where Prace wishes to use photographs for commemorative purposes, such as an anniversary display or book.

Photographs taken before 2000 may be used for commemorative purposes without seeking retrospective consent where the risks have been considered and decisions are documented as part of the commemorative project documentation.

The following questions will be used to assess to review the photographs being used in terms of risk and the ethical nature of using the photographs:

- Does the photograph or video identify an individual?
- Is it practical to alter the photograph or video to de-identify subjects?

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- 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?
 - Prace Senior Management Team should be informed of any planned commemorative activities

- **Research**

Prace will ensure that student (or parent, where the student is under the age of 18) consent is obtained before allowing any student to be recorded for the purpose of research. Prace will ensure consent will be defined and included in the consent for participating in the research.

- **Images to manage student behaviour or fulfil our College's legal obligations**

On occasion it may be necessary for Prace 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.

Prace does not require or obtain consent from student or parents to photograph, film or record students for these reasons. However, when Prace 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.

Consent

Students (or parents, where a student is under the age of 18) will be provided with a consent form at enrolment for internal use of photographs, films and other recordings:

Specific consent will be sought prior to making student photographs, films or other recordings publicly available externally.

Withholding Consent

Prace understands that students (or parents, where a student is under the age of 18) have the right to withhold permission for Prace to use photographs, video or recordings your/your child (apart from circumstances where the school is not required to seek consent).

Withdrawing Consent

Students (or parents, where a student is under the age of 18) can withdraw consent for their child to be photographed or filmed which are will be made publicly available externally, by contacting the Prace office on 9462 6077 or via email office@prace.vic.edu.au.

If the images have already been published and are in the public domain, it may not be possible for consent to be withdrawn.

How photographs, films or other recordings of students are stored

We will take reasonable steps to ensure that photographs, films or other recordings of students that we hold for internal use are kept secure, including by:

- Having a robust physical security of our premises and databases / records
- Taking measures to restrict access to only personnel who need those photographs, films or other recordings to effectively provide the services
- Having technological measures in place (for example, anti-virus software, fire walls).

Where consent has been given to share photographs, films or other recordings externally, either in print and electronic media, including the Internet and official social media platforms Prace will not be accountable should overseas recipients of the images breach Australian privacy laws.

Staff use of personal devices

Prace 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 appropriate Prace drive and delete the images from their device within a week of the images being captured.

Other students or parents

Prace permits parents, students and invited guests to photograph, film or record Prace performances, events and other Prace-approved activities. Prace requests that parents, students and invited guests who photograph, film or record Prace-approved activities only do so for their own personal use and do not publish the images in any form, including on social media, without the prior consent of persons who also appear in the images, as well as their parents where the student is under the age of 18.

Prace does not own or control any images of students taken by parents, students or their invited guests at school activities.

Media requests

On occasion, the media may attend Prace. Prace will ensure student and where required parent consent is obtained before allowing any student to be recorded by the media. A specific consent form will be supplied to students/parents for signing.

This may include broadcast media, online or social media or print media, including newspapers and magazine publications.

When Prace receives such requests, we will:

- provide students (or parents, where the student is under the age of 18) with information about the organisation involved and when/for what purposes the photography, filming or recording will occur
- seek prior, express consent in writing.

In such instances, Prace will not own or control any photographs, video or recordings of students taken by the media.

Third Parties

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, Prace will:

- provide students (or parents, where the student is under the age of 18) with information about the event or activity, the organisation involved and when the photography, filming or recording will occur
- seek prior student (or parent, where the student is under the age of 18) consent in writing.

Glossary

CCTV - closed-circuit television and is commonly known as video surveillance.

Relevant Legislation / Standards

Child Wellbeing and Safety Act 2005 (Vic)
Privacy and Data Protection Act 2014 (Vic)
Privacy Act 1988 (Cth)

Related Policies and Procedures

CCTV Recording Policy
Child Safety and Wellbeing Policy
Marketing Policy and Procedure
Privacy Policy and Procedure
Social Media Policy

Related Documents

Consent Form (Internal Use)- Photograph, Video, Audio, Feedback and Student Work

Consent Form (External Use) - Photograph, Video, Audio, Feedback and Student Work

Consultation

Marketing Coordinator

Principal of Prace College

Compliance Manager
