

Photographing, Filming and Recording Students Policy



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Approved by Board: 22nd July 2024

Purpose

The purpose of this policy is to ensure that the collection or use of photographs, films and recordings of students in Victorian government schools by State Schools' Relief complies with relevant legislation, the Department of Education policy and State Schools' Relief's privacy policy.

Summary

Photographs, films and other recordings of individuals are considered personal information, and as such are protected by privacy law. They may also be protected by copyright law.

This policy requires parental or legal guardian consent for photographs, films and other recordings of students to be collected. Consent is when someone voluntarily agrees for their personal information to be collected. Consent must be informed, specific, current and voluntary, and is required when sensitive personal information is collected.

To ensure the safe and ethical collection and use of students captured in photographs, films or recordings, State Schools' Relief will:

- protect the personal information of individuals;
- respect the individual's right to control how and for what purpose their personal information is used; and
- comply with the relevant legislation, Department of Education policy and State Schools' Relief's privacy policy.

Principles

When seeking to collect images, films or recordings of students in Victorian Government schools, the following principles will apply:

- State Schools' Relief will seek approval from a school principal, or their authorised delegate, to photograph, film or record students. When seeking such approval, State Schools' Relief will provide the school with details regarding:
 - State Schools' Relief's contact details;
 - who will be taking the image(s);
 - where, when and why the image(s) will be taken;
 - activities during which participating students will be photographed;
 - if there are any consequences for the student if their image(s) is not collected;
 - what individuals or organisations will the image(s) usually be disclosed to;
 - how to access State Schools' Relief's privacy policy;
 - whether it is likely the image(s) will be disclosed to overseas or interstate recipients; and
 - where the image(s) will be stored.
- State Schools' Relief will then seek to obtain consent from parents or legal guardians for their child(ren) to be photographed, filmed or recorded and for such images, films or recordings to be shared, noting:
 - students may be reasonably identifiable; and
 - sensitive personal information may be collected.

- Prior to the taking of images, films or recordings, State Schools' Relief will assess the risk and ethical nature of taking such images, films or recordings by asking the following questions with a view to determining whether or not it is appropriate to take the image, film or recording:
 - would the image, film or recording identify an individual? (for example, show their face);
 - would the image, film or recording be of a sensitive nature? (for example, students in swimsuits);
 - would the image, film or recording indicate a health condition? (for example, a vision impairment);
 - are there cultural considerations associated with taking the image, film or recording;
 - would the location or context for the image, film or recording be sensitive? (for example, would it show the student(s) engaging in inappropriate behaviour?);
 - would the image, film or recording include documents which may include personal information such as names, signatures, home addresses, and other contact details? (for example, copies of letters or awards); and
 - should other personal safety considerations be taken into account? (for example, leaving the school insignia on uniforms out of shot to avoid students being locatable).
- State Schools' Relief will comply with any applicable school or Department of Education policies about photographing, filming and recording students, in particular regarding:
 - the ways in which requests from the media to take photographs, films or recordings of students are to be managed, including the notification, consent and publication procedures and protocols; and
 - the management of the collection, use and disclosure of photographs, video, film, and digital images by third parties.

Implementation

After receiving approval from the school principal or their authorised delegate to photograph, film or record students, State Schools' Relief will:

- seek parental or legal guardian consent for their child to be photographed, filmed or recorded and for such images, films or recordings to be made publicly available. Consent will be sought from parents or legal guardians for the following separate categories, using a distinct consent form for each category:
 - receiving an item(s) as part of State Schools' Relief's philanthropic and corporate partnerships and social enterprise (ie. **not** an item(s) provided or delivered through the Affordable School Uniforms program);
 - participating in a vision screening and testing session as part of the Glasses for Kids program; and
 - receiving glasses as part of the Glasses for Kids program.
- provide parents or legal guardians with the same information that was provided to the school outlined above, and advise parents or legal guardians that:
 - giving consent is voluntary and they do not have to give consent;
 - consent can be withdrawn prior to the activity or event taking place; and
 - they have the choice to withhold or withdraw consent for their child to be photographed or filmed in certain circumstances.

Professional photography

State Schools' Relief will ensure that if and when engaging a professional photographer to take images or recordings on its behalf, the agreement or contract between the photographer and State Schools' Relief will include a:

- confidentiality clause relating to appropriate information handling; and
- clause requiring compliance with this policy.

Working with Children

State Schools' Relief will ensure that its staff and any professional photographer engaged to take images or recordings of children will have a current worker screening clearance as required under the *Worker Screening Act 2020* (Vic).

Storage

State Schools' Relief will hold any images, films or recordings on its secure internal file server until they are no longer needed, subject to law. If at any time the images, films or recordings are no longer needed for any purpose, State Schools' Relief will take reasonable steps to destroy or permanently de-identify the images or recordings.

Limitations

The application of this policy is limited to activities and events related to State Schools' Relief's delivery of the:

- support provided via State Schools' Relief's philanthropic and corporate partners;
- social enterprise activities of State Schools' Relief; and
- Glasses for Kids program.

State Schools' Relief is not responsible for taking images or recordings at other activities or events such as those involving Members of Parliament or obtaining any necessary consents to do so.

Copyright

The copyright for photographs, films or recordings taken by, or on behalf of, State Schools' Relief vests in State Schools' Relief.

Review

State Schools' Relief will periodically review this policy to ensure that it remains fit for purpose and compliant with applicable laws (as varied from time to time) including the:

- Child Safe Standards made under the *Child Safety and Wellbeing Act 2005* (Vic);
- the *Privacy Act 1988* (Cth);
- *Privacy and Data Protection Act 2014* (Vic); and
- *Health Records Act 2001* (Vic)

DOCUMENT MANAGEMENT

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Notes	1. Policy documents should be in PDF format. Editable versions of this policy are uncontrolled.