



# CHILD SAFETY POLICY

## Photographing, Filming and Recording (Students)

July 2022

### 1. Purpose

This policy applies to photography or video/recordings/films taken at FCJ College or at FCJ College school-related events and activities held on or off site.

Advances in technology, the taking and use of photographs and videos/recordings/films of students while participating in school-related activities has become embedded in education and social development.

FCJ College has a duty of care and privacy obligations to manage the taking and use of photography and video/recording/filming by:

- FCJ College staff
- parents/carers/guardians
- media and third parties
- students
- commercial and professional photographers/videographers.

### 2. Policy

FCJ College is committed to maximising the educational and social benefits of photography and video/recording/film while taking all reasonably practicable steps to manage the risks to student safety and wellbeing arising from the inappropriate taking and use of such images (photographs, videos/recordings/films).

It is the policy of FCJ College that they will:

- take all reasonably practicable measures to manage the ability and access of all persons to take photos or videos of students on school premises or at school-related activities and events
- obtain the consent of relevant parents/carers/guardians in taking, using and publishing images (photographs, videos/recordings/films) of students on the Enrolment Agreement – Additional Enrolment Documentation
- supervise and manage the taking of photographs and videos/recordings/films by students of other students while on school premises and at school-related activities and events
- address parents/guardians/carers taking and publishing photographs and videos/recordings/films of students at school-related activities and events, through ongoing communication and education
- manage the risks to privacy by professional photographers and videographers through contractual undertakings
- reserve the right to decide whether a particular person has the right to take photographs and videos/recordings/films on school premises or at school-related activities and events.

### 3. Consent

The consent required from parents/carers/guardians relating to the taking and use of photographs and videos/recordings/films of a student will vary depending on the context and purpose of the photography or video/recording/filming

#### 3.1 Consent forms

FCJ College will work with parents/carers/guardians to provide information about, and gain consent for, the use of photographs and videos/recordings/films of students which may be taken by school staff or approved external providers.

#### 3.2 Correspondence will be provided to parents/carers/guardians:

- notifying them that their child's image may be used in photographs or videos/recordings/films
- providing information on how these images are stored and used
- seeking consent before using or publishing images of their children.

#### 3.3 Refusal of consent

If a parent/carer/guardian does not consent to having their child photographed or videoed/recorded/filmed, the school takes all reasonably practicable steps to ensure that the student is not photographed or videoed/recorded/filmed, or that if that is not reasonably practicable, that they are not identified in the photographs or videos/recordings/films.

#### 3.4 Curricular and related educational activities

Photography and video/recording/filming permission is obtained from parents/carers/guardians for use of the student's image (photo and/or video/recording/film) by the school or its service providers for school publications, such as the school's newsletter or website and social media, or to promote the school in newspapers and other media. Parents/carers/guardians can update their consent through the school office.

#### 3.5 Internal publications

Where images of students are to be used in the normal course of school life in school newsletters, on the intranet, and within the school this will be covered by the Additional Enrolment Documentation (Photograph/Recording Permission) consent given at enrolment.

Should issues arise where a parent/carer/guardian does not consent to the use of their child's image, the school 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.

#### 3.6 External publications

FCJ College may seek specific consent from parents/carers/guardians prior to including the student's image in any external publication. This includes consent for school magazines or websites available to the public.

### **3.7 Media**

FCJ College may seek specific consent from parents/carers/guardians prior to any contact with the media for the purposes of photographs or videos/recording/filming of the student.

### **3.8 Promotional use**

FCJ College may seek specific consent from parents/carers/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.

### **3.9 Court orders and children under guardianship**

Where students at school 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.

FCJ College will approach any relevant third parties as part of gaining consent.

### **3.10 Copyright and Students' Work**

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

### **3.11 Photography/Video by External Commercial or Professional Parties**

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

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

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

### **3.12 Photography or videos/recordings/films by staff**

The school manages staff taking photographs or videos/recordings/films of students for educational purposes. Staff are expected to use school devices to photograph or video/record/film students for reasonable and legitimate educational purposes.

Where a legitimate reason is identified for a staff member to use a personal device (for example school magazine photos by staff member using specialised personal equipment), the school will set terms and requirements, including written confidentiality undertakings and securing the ownership of photos and videos/recordings/films to manage the safety and privacy of students and staff.

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

### **3.13 Photography or videos/recordings/films by students**

FCJ College supervises and manages students taking photographs or videos/recordings/films of each other for educational purposes.

FCJ 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 photographs or videos/recordings/films.

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

### **3.14 Photography or videos/recordings/films by parents/carers/guardians**

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

### **3.15 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 school community or reporting the matter to the Police or relevant authorities.

### **3.16 Publishing photographs or videos/recordings/films**

The school will follow these general guidelines when using and publishing photographs or videos/recordings/films in print and online publications and social media:

- photographs or videos/recordings/films of a student will only be used where we have written permission of the parent/carer/guardian
- where appropriate, we will not identify any student in the photographs or videos/recordings/films 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
- where there are photos which may potentially be misused (for example, photos of students at gymnastics or swimming events), the school will take steps to ensure only appropriate images (photographs or videos/recordings/films) are published.

### 3.17 Record Keeping

FCJ 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 Collection Notice and Privacy Policy.

FCJ College will maintain a record of photographs or videos/recordings/films 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.

## 4. Implementation

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

## 5. Relevant legislation

- *Copyright Act 1968 (Cth)*
- *Privacy and Data Protection Act 2004 (Vic.)*

## 6. Related documents

- Privacy Policy
- Enrolment Policy
- Photography, Filming & Recording Permission Form (Students) – internal TEMPLATE
- Photography, Filming & Recording Permission Form – external TEMPLATE

Responsible Officer	Principal
Approving Body	FCJ College Council
Approval Date	June 2023
Risk Rating	High
Date of Next Review	June 2024