



# Student Duty of Care

## Photography and Video Policy and Procedures

### Policy Introduction

We are committed to meeting our Student Duty of Care obligations.

### Purpose

This Policy describes how the school meets its duty of care and privacy obligations to manage the taking and use of photography and video on school premises and at school-related events.

With technological developments, the taking and use of photographs and videos of children and young persons while participating in school-related activities has become an inseparable part of education and social development.

The school has a duty of care and privacy obligations to manage the taking and use of photography and video by:

- school staff and school affiliates
- parents/carers
- media and other third parties
- children and young persons
- commercial or professional photographers/videographers.

## Scope

This Policy and its Procedures apply to photography or video taken on school premises or at school-related events, and activities held on or off school premises.

## Roles and Responsibilities

All staff must follow the guidelines set out in this Policy.

## Policy Statement

St Mary's School, Echuca is committed to maximising the educational and social benefits of photography and video recording while taking all reasonably practicable steps to manage the risks to children and young person safety and wellbeing arising from the inappropriate taking and use of photos and videos.

It is our policy that:

- the school takes all reasonably practicable measures to manage the ability and access of all persons to take photos or videos of children and young persons on school premises or at school-related activities and events
- the school takes all reasonably practicable steps to obtain the consent of relevant parents/carers in taking, using, and publishing photos and videos of children and young persons
- the type of consent sought from parents/carers for the collection and use of photos and videos of their children depends on the use to which the photos or videos are to be put
- school staff supervise and manage the taking of photos and videos by children and young persons of other children and young persons while on school premises and at school-related activities and events
- the school addresses parents/carers taking and publishing photos and videos of children and young persons at school-related activities and events, through ongoing communication and education
- the school manages the risks to privacy by professional photographers and videographers through contractual undertakings
- the school communicates with and educates children and young persons in the safe and respectful taking and use of photos and videos

- photos and videos taken by and for the school are stored in accordance with the school's record keeping and management policies
- the school reserves the right to decide whether a particular person has the right to take photos or videos on school premises or at school-related activities and events.

## **Procedures**

### **Consent from Parents/Carers**

The consent required from parents/carers to the taking and use of photos and videos of a children and young person will vary depending on the context and purpose of the photography or video recording.

#### **Consent Forms**

The school works with parents/carers to provide information about and gain consent for the use of photographs and videos of children and young persons which may be taken by school staff or approved external providers. Consent forms given to parents/carers:

- notify them that their child's image may be used in photos or videos
- inform them about how these images and videos are stored and used
- request their consent before using or publishing images of their children.

A Photography/Video Consent Form is available Photograph/Video Permission form - Internal/External.

#### **Refusal of Consent**

If a parent/carer does not consent to having their child photographed or videoed, the school takes all reasonably practicable steps to ensure that the children and young person is not photographed/videoed, or if that is not reasonably practicable, then that they are not identified in photos/videos.

### **Curricular and Related Educational Activities**

A Personal Information Collection Notice is initially provided to parents/carers when a children and young person commences at St Mary's School, Echuca. This covers any personal information collected in the course of providing educational services, including photography and video recording.

A Photography/Video Consent Form is obtained from the parent/carer to the use of photos and videos of the children and young person in the course of providing educational services (available Photograph/Video Permission form - Internal/External).

## **Internal Publications**

Where images of children and young persons are to be used in the normal course of school life in St Mary's School, Echuca newsletters, on the school intranet, and within the school this will be covered by the general collection notice and consent given at enrolment.

The consent and permissions provided by parents/carers are updated yearly where photographs or videos of children and young persons may be distributed in internal school publications, such as the school's intranet.

Should issues arise where a parent/carer does not consent to the use of their child's image, the school will take all reasonably practicable steps to not include the children and young person's image.

Where the children and young person's image is part of a group of children and young persons, consideration will be given to varying the caption to either not include names, or only including the first names of the children and young persons in the image.

## **External Publications**

The school seeks specific consent from parents/carers prior to including the children and young person's image in any external publication. This includes consent for school magazines or websites which are available to the public.

## **Media**

The school seeks specific consent from parents/carers prior to any contact with the media for the purposes of photos or videos of the children and young person.

## **Promotional Use**

The school will seek specific consent from parents/carers prior to using any images of children and young persons 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.

## **Court Orders and Children under Guardianship**

Where children and young persons at the 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.

St Mary's School, Echuca will approach any relevant third parties as part of gaining consent using the Photography/Video Consent Form (available Photograph/Video Permission form - Internal/External).

## **Copyright and Children and Young Persons' Work**

Where the school wishes to publish a children and young person's work, consideration may need to be given to any copyright the children and young person may have in that work. Consent may need to be obtained under the Copyright Act 1968 (Cth) before the work may be published.

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

The school takes all reasonably practicable steps to manage and control the taking of photos or videos of its children and young persons by external parties, and their access to school premises, school-related activities and events, and children and young persons.

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 children and young persons and staff.

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

## **Photography/Video by Children and Young Persons**

The school supervises and manages children and young persons taking photos and videos of each other for educational purposes.

The school educates children and young persons 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 photos and videos.

## Photography/Video by Parents/Carers

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

## Suspicious Activity

Where a teacher, children and young person or member of staff notices behaviour which may be criminal or may endanger the health or wellbeing of a children and young person, they must report the behaviour immediately to the Principal/Responsible person.

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/Responsible person 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.

## Publishing Photos or Videos

The school will follow these general guidelines when using and publishing photos or videos in print and online publications:

- photos/videos of a children and young person will only be used where we have written permission of the parent/carer
- where appropriate, we will not identify any children and young person in the photos/videos published
- we will seek consent from a children and young person or parent/carer to comply with copyright laws before taking photos or video of a children and young person's work
- where there are photos which may potentially be misused (for example, photos of children and young persons at gymnastics or swimming events), the school will take steps to ensure only appropriate images or videos are published.

## **Record Keeping**

St Mary's School, Echuca 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) that must be managed in accordance with our record keeping and management policy and procedures.

The school will maintain a record of photographs 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.

## **Breach**

Breach in this policy may result in disciplinary action.

## **Policy Administration**

This policy is scheduled for review 3 yearly or more frequently where appropriate. All policies have been reviewed and approved by the relevant Executive Leadership Team member.

Reviewed date: 2025