



# Adelaide Christian Schools

## Photo and Video Policy

September 2020

# ADELAIDE CHRISTIAN SCHOOLS

## Photo and Video Policy

*The terms College and School are used interchangeably*

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### Sunrise Christian School

<b>Chair of Authorising Body</b>	Signature	Dated
<b>CEO</b>	Signature	Dated

## ADELAIDE CHRISTIAN SCHOOLS

The role of Adelaide Christian Schools (ACS) is to oversee, govern and support a number of schools both in Australia and overseas. These schools are co-educational and have several structures from OSHC, ELC-7 through to R-12 settings.

Australian schools under the governance of ACS and covered by the ACS Privacy Policy include Adelaide Christian Schools Early Learning Centres, Sunrise Christian School, Sunrise Christian School Whyalla and Temple Christian College.

The terms College and School are used interchangeably in this Policy.  
The terms Principal and Director are used interchangeably in this Policy.

## POLICY STATEMENT

Adelaide Christian Schools is committed to the safety and privacy of all staff, students and visitors. This policy has been written to ensure our commitment to the safe and responsible use of recordings within the School community to:

- 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 relevant legislation and government policy.

### Privacy

The Privacy Act 1988 (Cth.) covers the use of personal information, i.e. information that identifies a person. Photographs, film or audio of students are considered 'personal information'. Therefore, the School is required to handle the use of recordings with regard to the privacy of the student and their family.

### Safety and duty of care

In Australia there is no law which restricts recording of human beings (including students), provided that the content is not:

- indecent ('up skirt' or 'down blouse' taken/filmed covertly in any circumstance and including change rooms or toilets);
- made for the purpose of observing and visually recording a person's breasts and pelvic region;
- protected by a court order (i.e. child custody or witness protection);
- defamatory; or
- for commercial purposes (e.g. a person's likeness is used to entice people to buy a product).

Students are protected via criminal laws which prohibit recording of students in a provocative or sexual manner.

### Copyright

The Copyright Act 1968 (Cth.) can also apply to the use of photography, film or audio and the School will respect and protect copyright when dealing with recordings.

## INTERPRETATIONS

In this policy, the following terms shall be interpreted as follows:

**Audio** - is defined as a sound for example but not limited to voices.

**Capture** – means any form of collection, recording of, gathering in, noting, drawing or artistic replication or any form of conversion of a photograph, film or audio of a person (or likeness thereof) onto any form or medium.

**Filming** - is defined as when a person captures a moment with the use of a camera, phone, tablet or other device that records the movement of an event.

**Photograph(y)** - is defined as the taking of a still shot picture with the use of a camera, phone or other device.

**Publish** – means any manner used to send, release, distribute, provide, make available or accessible, allow use of, broadcast, display, or post, or any other such means which makes a capture available or accessible to another person, using any physical, analogue, digital or other such means of access.

**Recorder** – refers to a person who is capturing a photo, file or audio recording in any form and with any device. The person may be a professional or amateur photographer, videographer, audio technician (or similar profession or qualification), or may be a staff member, student, parent, volunteer, visitor or guest.

**Recording** – means any form of photograph, film or audio recording, irrespective of the recording or storage device or medium, and includes, drawings, works of art or artistic interpretations.

**School or schools** - shall mean all or any one of the Adelaide Christian School group of schools

**Third party** – means any contractor, consultant, supplier, special service provider or any other individual or organisation engaged or authorised by the School to perform services on its behalf.

**Usual uses** - means uses that could be reasonably be expected to occur in a school environment, as a result are in accordance with the Privacy Act including, but not limited to:

- individual, class and team photographs for sale to parents and for usual uses within the School;
- recording student participation at School and in School events such as class activities, sports activities, musical and drama productions;
- celebrate student effort and achievement, such as at assemblies and graduation services;
- for student administration services, such as class lists and rolls; in administration systems; on student ID cards; on health care documents;
- to publish in documents provided to the school community, such as newsletters, daily bulletins, yearbooks and annual reports; and
- to promote the School and events held by the School.

## POLICY

1. The School will not capture or publish recordings of persons without the consent of that person and, in the case of students, without having the consent of a parent/guardian.
2. The School will have a standard approach to notification of, and consent to, the usual uses of student recordings as outlined under the 'Interpretations – Usual uses' section of this policy. This standard approach includes:
  - General consents for the collection, use and disclosure of photographs, film and audio of students sought for Website, Promotional Material and School Publications.
  - Specific/copyright consents for the collection, use and disclosure of recordings by third party organisations will be obtained.
  - Specific/copyright consents for the collection, use and disclosure of student-created work to obtain release from copyright obligations.
3. The School will use policies, notices and signs to advise people that surveillance systems are in use. The School will not use these systems to monitor employee performance. Surveillance systems will not be placed in sensitive areas such as toilets, change-rooms, staff rooms or similar.
4. When the School is informed in writing that a student is subject to a court order prohibiting the collection, use and disclosure of recordings, the School will no longer take or use their recordings.

## Consent documentation

General consents are provided by parents for usual uses as outlined under the 'Interpretations – Usual uses' section of this policy, and include website, promotional materials and school publications as described in Table 1- Consent purposes below.

The specific/copyright consents are required where:

- School use of a student creative work is requested;
- Use of a recording of a student is considered to be outside of the usual uses described in this policy.

This would include publishing of recordings for specific purposes or periods of time;

- Provision or access by or to third party organisations;
- The circumstances are unique or different, and it would be unreasonable to expect that parents and students would have expected the circumstances to be covered by usual uses and general consent; and-
- Situations where the identity and other personal information of the student is published.

Specific/copyright consents require the completion of the Photography, Filming and Audio Consent Form. Table 1 summarises the consent types and their purposes, so that those within the School community are aware and are able to comply.

**TABLE 1 – CONSENT PURPOSES**

Type	Application	Purpose
Digital	<ul style="list-style-type: none"><li>• School apps</li><li>• Media centre</li><li>• Social media platforms</li><li>• Website</li><li>• Electronic direct mail</li><li>• Parent classroom apps (SeeSaw, etc)</li><li>• Assembly presentations including PowerPoint and other media</li></ul>	The School outlines the collection and use of recordings within this policy and enrolment documentation.
Promotional Material	<ul style="list-style-type: none"><li>• Curriculum and course booklets</li><li>• Flyers</li><li>• Posters</li><li>• Brochures</li><li>• Local Newspapers</li><li>• Radio</li></ul>	The School outlines the collection and use of recordings within this policy and enrolment documentation. The identity of the student in the promotional material will not be identified.
School Publications	<ul style="list-style-type: none"><li>• School Photographs</li><li>• Class Photographs</li><li>• Magazines and Yearbook</li><li>• Student ID Cards</li></ul>	The School arranges for a photographer annually to take individual and class photographs that are later sold to parents/ guardians. Before the photographer comes to the School, written communication is provided to the parents/guardians regarding when photographs will be taken, the storage of these photographs, and the proposed other use of the individual photograph, e.g. student ID cards for Middle and Senior School students.
Specific/Copyright	<ul style="list-style-type: none"><li>• Third parties</li></ul>	The School outlines the collection, use and disclosure of recordings whenever one or more of the following circumstances apply: <ul style="list-style-type: none"><li>• any circumstances that is not covered by the general consent;</li><li>• if the circumstances are unique or different; and</li><li>• if it may involve disclosure to third parties.</li></ul>

**TABLE 2 – THIRD PARTIES AND OTHER SCHOOL COMMUNITY MEMBERS**

The School is required to have a degree of control over the collection, use and disclosure of photographs, film and audio by third parties and other School community members during school hours for usual uses as outlined under the ‘Interpretation – Usual uses’ section of this policy.

The following table summarises the guidelines for third parties, so that those within the School community are aware and are able to comply:

Third Party or School Community member	Consent Documentation	Purpose
Parents, Guardian	General consent	<p>The School acknowledges that parents and guardians may want to record events. This policy is not intended to restrict this legitimate practice. Yet, it is important that such records remain private and for personal use (i.e. Not for public distribution), and that all possible avenues have been undertaken to ensure other students are not included in this recording unless permission has been granted by the parent or caregiver of the other child/ren included.</p>
Staff (mobile devices)	General consent	<p>Staff are permitted to use a personal mobile device to make a recording of a student, parent or other individual, if:</p> <ul style="list-style-type: none"> <li>• The recording is used for official school business, and not a private matter;</li> <li>• Consent has been sought and received from that individual for the recording to be used or disclosed consistent with the procedures in this policy;</li> <li>• The recording is for the purposes of protecting people and property, or to aid the School leadership or police or other authorities to identify persons suspected to be involved in criminal activity or affecting the safety and security of people and property;</li> <li>• The personal device has password or PIN protection activated, and this is not shared with anyone else (e.g. friend, spouse);</li> <li>• The recording is not stored in the ‘cloud’ - i.e. the recording must be stored on the personal device; and</li> <li>• The recording is moved to the designated secure storage location specified by the school at the earliest possible time, and removed from the personal device.</li> </ul> <p>In regard to school-provided devices, recordings shall be transferred to the designated secure storage location specified by the school at the earliest possible time and removed from the device.</p>

<b>Third Party or School Community member</b>	<b>Consent Documentation</b>	<b>Purpose</b>
Student (mobile devices)	General consent	This policy does not specifically deal with student use of mobile devices and the ability for students to take images and recordings of others. This is dealt with in policy Student Mobile Devices.
School Photography	General consent Confidentiality Agreement National Police Check or WWCC	The School arranges for a school photographer annually to take individual and class photographs that are later sold to parents/guardians. The School Photographer must be authorised by the Principal as a third party who has a legitimate reason to take images or recordings of students. Students must not be approached, photographed or recorded whilst at School (or engaged in School activities outside the School) without the permission of the School Principal.
School Official Professional Photographer	General consent Confidentiality Agreement National Police Check or WWCC	At times other Professional Photographers/ Videographers are used, they must be authorised by the Principal as a third party who has a legitimate reason to take images or recordings of students. Students must not be approached, photographed or recorded whilst at School (or engaged in School activities outside the School) without the permission of the Principal.
External Media	Specific/ copyright consent	At times other media organisations are used, they must be authorised by the Principal as someone who has a legitimate reason to take images or recordings of students. Students must not be approached, photographed or recorded whilst at School (or engaged in School activities outside the School) without the permission of the Principal.
Other third party not specified in this table	Specific/ copyright consent	For any other purpose not specifically listed.

## COMMUNICATION AND IMPLEMENTATION OF THIS POLICY

The Principal will ensure the School's staff understand the application of this policy and will be available to staff for advice and to guide implementation.

The Principal will oversee communication to the wider School community at the commencement of each term via the school app, Website and Social Media platforms.

The Principals will oversee communication to the wider School community at the commencement of all assemblies, chapel services, graduation celebrations, public events and so forth with written/ visible communication via the multiple media available in conjunction with a verbal announcement to ensure that this policy is adhered to.

The following is a guideline of the message that can be communicated at the Principal's discretion:

- Adelaide Christian Schools understand that at all School events or functions that those in attendance may wish to take photos, film or audio recordings of their child/children.
- We do not intend to restrict this legitimate practice. Yet, out of respect to our wider School community, and in accordance with the Privacy Act 1988, Copyright Act 1968 and Child Protection Legislation we ask that photos, film or audio recordings taken at any School event or function that contain other students remain private and for personal use and are not for public distribution, without the consent of the relevant student's family.
- The School accepts no legal responsibility if photos, film or audio is taken and publicly distributed without consent from the relevant parents and or students.

### **Procedures**

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Each school will have their own procedures that will be followed including storage of photos.

This procedural document is made available alongside this policy.

### **Breaches or concerns**

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Staff, parents, students or other members of the School community are asked to advise the School if there are any concerns regarding the use of inappropriate or intrusive images or recordings by any persons.

Breaches and concerns will be taken seriously, and when necessary, disciplinary process will be followed.