

PHOTOGRAPHY, FILMING AND AUDIO POLICY

SCOPE OF APPLICATION

This policy is applicable to the following entities:

- Tyndale Christian School Inc
- Tyndale Christian School – Strathalbyn Inc
- Tyndale Christian School – Murray Bridge Inc

INTERPRETATIONS

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

<i>Audio -</i>	recording sound, for example; but not limited to voices.
<i>Capture –</i>	any form of collection, recording, gathering, 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.
<i>Filming -</i>	when a moment is captured with the use of a camera, phone or other device that records the movement of an event. This term shall be used interchangeably with 'record/ing' and shall have the same meaning.
<i>Photograph(y) -</i>	the taking of a still image with the use of a camera, phone or other device.
<i>Publish –</i>	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.
<i>Recorder –</i>	any person who is capturing a photo, file or audio recording in any form and with any device.
<i>School or schools -</i>	all or any one of the Tyndale group of schools
<i>Third party –</i>	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.
<i>Usual uses -</i>	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: <ul style="list-style-type: none"> ▪ 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; ▪ recording the celebration of student effort and achievement, such as at assemblies and graduation services; ▪ student administration services, such as class lists and rolls; in administration systems; on student ID cards; on health care documents; ▪ publishing in documents provided to the school community, such as newsletters, daily bulletins, year books and annual reports; and ▪ to promote the School and events held by the School.

RATIONALE

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', 'down blouse' or 'swimwear' 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 under the Criminal Code Act 1995 (Cth) 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 recordings.

Surveillance systems (CCTV)

The School has implemented surveillance systems, including closed circuit television systems (CCTV), to monitor people and their activities within the school grounds, and to protect people and property.

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 also having the consent of a parent.
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 at the time of enrolment and periodically thereafter for Website, Promotional Material and School Publications.
 - *Specific/copyright consents* for the collection, use and disclosure of recordings by third party organisations.

- *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 for 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 at the time of enrolment and updated periodically thereafter, 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 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 *S1.53B Photography, filming and audio - Specific Consent Form*.

Table 1 summaries 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	Consent Type
Website - Community	<ul style="list-style-type: none"> ▪ Team App ▪ eNews ▪ Media Centre ▪ Social Media Platforms ▪ Website ▪ Electronic Direct Mail ▪ Parent Portal 	Usual uses	General Consent
Website – Public	<ul style="list-style-type: none"> ▪ Social Media Platforms ▪ Website 	Usual uses	General Consent
Promotional Material	<ul style="list-style-type: none"> ▪ Course Booklets ▪ Flyers ▪ Posters ▪ Brochures ▪ Local Newspapers ▪ Radio 	Usual uses	General Consent
School Publications	<ul style="list-style-type: none"> ▪ Individual and class photographs ▪ School Yearbook 	Individual and class photographs are organised on an annual basis and later sold	General Consent

Type	Application	Purpose	Consent Type
	<ul style="list-style-type: none"> Student ID Cards 	to parents/guardians as well as used in the school yearbook and for student ID cards.	
Specific/Copyright	<ul style="list-style-type: none"> Third parties 	<ul style="list-style-type: none"> any circumstances that is not covered by the <i>general consent</i>; if the circumstances are unique or different; and if it may involve disclosure to third parties. 	Specific Consent

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.

Table 2 - Third parties and community members summarises the guidelines for third parties, so that those within the School community are aware and are able to comply:

Table 2 - Third parties and community members

Third Party or School Community Member	Application/Purpose	Additional Information	Consent Type
Parents, Guardians	Private use only	The School acknowledges that parents and guardians may want to record events. It is important that such records remain private and for personal use (i.e. not for public distribution) if any other child (or identification of them or their piece of work) is included in this recording. Policy S1.54 Social Media – Parent Guidelines provides more information on this topic.	N/A
Staff (Mobile Devices)	Refer Table 1	Staff are permitted to use a personal mobile device to make a recording of a student, parent or other individual, if: <ul style="list-style-type: none"> The recording is used for official school business, and not a private matter; Consent has been sought and received from that individual for the recording to be used or disclosed consistent with the procedures in this policy; The recording is for the purposes of protecting people and property, or to aid the School leadership or 	Refer Table 1

Third Party or School Community Member	Application/Purpose	Additional Information	Consent Type
		<p>police or other authorities to identify persons suspected to be involved in criminal activity or affecting the safety and security of people and property;</p> <ul style="list-style-type: none"> ▪ The personal device has password or PIN protection activated, and this is not shared with anyone else (e.g. friend, spouse); ▪ The recording is not stored in the 'cloud' - i.e. the recording must be stored on the personal device; and ▪ The recording is moved to secured School storage at the earliest possible time, and removed from the personal device. ▪ Regarding school-provided devices, recordings shall be transferred to secured School storage at the earliest possible time, and removed from the personal device. 	
Student (Mobile Devices)	<i>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 S2.40 Student Mobile Devices.</i>		
School Photographer	Refer Table 1	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 School 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 a Principal.	Refer Table 1 The approved provider also requires a Confidentiality Agreement. Refer to H4.04 for Screening requirements.
Other Professional Photographer	Any (including commercial)	At times other Professional Photographers/Videographers are used, they must be authorised by the Head of School or Director of Marketing and Community Relations as a third party who has a legitimate reason to take images or recordings of students. Students must not be approached, photographed or	Specific/Copyright Consent The approved provider also requires a Confidentiality Agreement. Refer to H4.04 for

Third Party or School Community Member	Application/Purpose	Additional Information	Consent Type
		recorded whilst at School (or engaged in School activities outside the School) without the permission of a Principal or Director of Marketing and Community Relations.	Screening requirements.
Media	Any (including commercial)	At times other media organisations are used, they must be authorised by the Head of School or Director of Marketing and Community Relations 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 a Principal or Director of Marketing and Community Relations.	Specific/Copyright Consent
Other third party not specified in this table	Any (including commercial)	For any other purpose not specifically listed.	Specific/Copyright Consent

Communication and implementation of this policy

The Director of Marketing and Community Relations 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 Director of Marketing and Community Relations will oversee communication to the wider School community at the commencement of each term via eNews, Website and Social Media platforms.

The Campus 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.

The message to be communicated is as follows:

Tyndale Christian School understands 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.

Community/public event implementation

From time to time, an event coordinator may engage the services of an event recorder either in a third party or school community member (employee) capacity. The purpose of engaging the event recorder is to capture audio, film or photography of the event.

It is the responsibility of the event coordinator to oversee communication to those attending the community/public event with written/visible communication via the multiple media available in conjunction with a verbal announcement.

The message to be communicated is as follows:

Tyndale Christian School will be capturing this community/public event in the form of audio, film and/or photography.

Please note that by attending this community/public event, you are providing permission for your image to be used by Tyndale Christian School for promotional and/or marketing materials.

Breaches or concerns

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

PROCEDURES

The staff member arranging or approving the activity shall:

1. Parental consent must be received. Use either the S1.53A *Photography, filming and audio – General Consent Form*, or the S1.53B *Photography, filming and audio - Specific Consent Form*, as appropriate.
2. Ensure that recordings used as a coaching aid are taken with the parent's written consent and understanding that it is part of the academic programme.
3. Clearly stipulate in a signed agreement with a recorder - prior to works commencing - that the School will retain ownership of the images or recordings. Also, the agreement should outline arrangements regarding digital files or recordings and any restrictions for their use (including web based sources) and sale.
4. Provide a clear brief to the recorder about what is considered appropriate in terms of content and behaviour of the students being photographed or recorded. For example, students engaged in physical education or swimming present a greater risk of potential image or recording misuse, so in this case, the recorder shall be instructed to record groups rather than individual students. Further recording of students in swimwear/bathers is not permitted.
5. Issue the recorder with identification that must be worn at all times whilst on site. It is also required that they have a current Working with Children Check (or equivalent accepted by the Department of Human Services).
6. Ensure that recorders have supervised access to students/one-on-one recording sessions.
7. Only use images and recordings of students in suitable dress (no swimwear/bathers) to reduce the risk of inappropriate use both now and in the future.
8. Avoid naming the student. If it is not possible, avoid using both the first name and surname.
9. Never publish personal details (email address, telephone number, address, hobbies, and likes/dislikes). This is not only a potential breach of privacy, but also has potential to be used illegal purposes, such as grooming tools by paedophiles or other persons.
10. Where possible, use technology to prevent the misuse, downloading or direct copying of images or recordings to another source via measures such as watermarking, browser restrictions and disabling 'right mouse click' functions which would allow an image to be downloaded, copied or sent.

11. Where possible, de-identify the persons in images using available means to hide their identity, such as obscuring, pixilating and blurring the image, where consent has not been provided or where their possible identification in the recording may place them at risk or give rise to wrongful or misleading interpretation of the circumstances.
12. Communicate to this policy and *S1.54 Social Media – Parent Guidelines* to parents who are intending to take images or video recordings at an event.
13. Ensure that any images or recordings should always be securely stored, including removal of recordings from the recording device after they have been transferred to safe storage.

REFERENCES

- A4.02 Privacy policy
- A4.02A Standard collection notice
- *S1.53B Photography, filming and audio - Specific Consent Form.*
- S1.54 Social Media – Parent Guidelines
- H4.51 Social Media – Marketing Guidelines
- S2.40 Student mobile devices
- Privacy Compliance Manual, Independent Schools Council of Australia and National Catholic Education Commission, May 2018
- "What do I need to think about if I want to put photographs of video of people on the web?", Office of the Australian Information Commissioner, accessed 10/07/2018 <https://www.oaic.gov.au/agencies-and-organisations/faqs-for-agencies-orgs/businesses/what-do-i-need-to-think-about-if-i-want-to-put-photographs-or-video-of-people-on-the-web>
- "Images of children and young people online", Child Family Community Australia, April 2015, accessed online from <http://www.aifs.gov.au/nch/pubs/sheets/rs18/rs18.pdf> on 10/07/2018
- Child Protection Act 1993
- "Student photographs and privacy", Association of Independent Schools SA, <http://www.ais.sa.edu.au/compliance-framework/student-photographs-and-privacy/> accessed July 2018
- "Images of children", Australian Sports Commission, accessed online from http://www.ausport.gov.au/supporting/clubs/resource_library/managing_risks/child_protection/guidelines_use_children_images/images_of_children_21/03/2014
- "Photography policy", Stirling North Primary School, March 2015, accessed online from <http://www.stirlingnorth.sa.edu.au/docs/Photography%20policy.pdf> on 18/07/2019.

POLICY INFORMATION

Document title and number	S1.53 Photography, filming and audio
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Sub-classification	S1 – Student safety and welfare
Approver	Executive Leadership
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Officer responsible for this policy	Director of Marketing and Community Relations