



Photography, Filming and Recording Policy

1. Aim

- 1.1 At Tombolo Academy we are committed to ensuring the safety, wellbeing and participation of all children and young people under our care.
- 1.2 Having a child safe school environment includes ensuring that all children feel and are safe at Tombolo Academy.
- 1.3 This Policy sets out how Tombolo Academy ensures the collection, use and disclosure of photographs, films (including video and digital images) and other recordings (e.g. audio) of our students is consistent with privacy and copyright laws and the provision of a child safe school environment.
- 1.4 Our Photography, Filming and Recording Policy has been endorsed by the School Board. It is publicly available on our website.
- 1.5 If you are a non-English speaker who needs help to understand this Policy, please contact Melissa NeSmith on admin@tombolo.vic.edu.au.

2. Scope

- 2.1 The application of this policy is relevant to the School Board, the Principal, to School staff and parents.

3. Policy

- 3.1 Photographs, films and other recordings of individuals, including Tombolo Academy students, are considered personal information and protected by privacy laws in the same way as other personal information, such as the *Privacy Act 1988* (Cth). They may also be protected by copyright laws, such as the *Copyright Act 1968* (Cth).
- 3.2 This Policy outlines how Tombolo Academy collects, uses and discloses images of our students to ensure compliance with these laws, including those circumstances where we will seek parent or carer consent for this, and how consent can be provided or not or subsequently withdrawn.
- 3.3 In this Policy, generally when we refer to:
 - a) collection - this means how images of students are taken within Tombolo Academy
 - b) use – this means how we store, share and distribute images of students within Tombolo Academy
 - c) disclosure – this means how images of students are shared and distributed outside of Tombolo Academy and may be available to other students, parents and carers and the wider school community.
- 3.4 Tombolo Academy will ensure that parents and carers are notified upon enrolment and at the commencement of each school year of the ways in which our School may use images of students. There are many occasions during the school year where school staff photograph, film or record students participating in school activities or events, for example, classroom activities, sports events, concerts, excursions, camps, etc.
- 3.5 We do this for many reasons, including to celebrate student participation and achievement, showcase learning programs, document a student’s learning journey/camps/excursions/sports events, commemorate school anniversaries and occasions, and communicate with our parents and carers and school community in newsletters and on social media.
- 3.6 Tombolo Academy will collect, use and disclose student images reasonably, appropriately and sensitively, consistent with our obligations under the Victorian Child Safe Standards, our Child Safety Code of Conduct, Child Safety and Wellbeing Policy, Privacy Policy and Child Safety Record Keeping Policy.
- 3.7 To ensure the safe and ethical collection and use of student photographs and/or film, Tombolo Academy will:
 - a) Protect the personal information of individuals
 - b) Respect the individual’s right to control how and for what purpose their personal information is used
 - c) Comply with the relevant legislation and department policy.

- 3.8 If at any time a parent, carer or student has a concern about the collection, use or disclosure of any images they should contact the Principal, Helen Barrett, by phoning (03) 9598 7552 or emailing principal@tombolo.vic.edu.au.

In addition to the processes outlined below, parents and carers can contact Tombolo Academy at any time to withdraw their consent for any future collection, use or disclosure of images of their child. However:

- a) If the images have already been published and are in the public domain, it may not be possible for consent to be withdrawn.
- b) There may be occasions when Tombolo Academy will record whole of school or large group events, such as school concerts and, if your child participates, they may appear in these recordings, which will be available to the whole school community.
- c) Tombolo Academy can still collect, use and disclose images in circumstances where consent is not required (see below for more information).

4. General collection, use and disclosure

- 4.1 Tombolo Academy may from time-to-time photograph, film or record students to use within our school community, including:

- a) in our communication, learning and teaching tools (for example, emails, blogs or apps that can only be accessed by students, parents and carers or school staff with passwords)
- b) for student identification
- c) for official school photographs of classes and individual students
- d) for display in classrooms, on noticeboards, television and computer screens, etc
- e) to support a student's health and wellbeing (e.g., photographs of a student's pencil grip to assist in occupational therapy assessments)
- f) to record students' performances conducted as part of our curriculum
- g) in other publications.

- 4.2 Tombolo Academy staff members may use their own personal devices to capture images of students for reasonable and legitimate educational purposes. If this occurs, staff are expected to upload the images to our database and delete the images from their device within a week of the images being captured.

- 4.3 Photographs, video or recordings of students may also be used and disclosed in publications that are accessible to the public. This includes (but is not limited to) publishing student images on Tombolo Academy's website and in our newsletter (also publicly available on our website), in our social media accounts (e.g. Facebook, Instagram, LinkedIn and YouTube), school year books, school handbooks, and promotional material used internally and externally such as visual and promotional

materials (e.g. brochures, billboards, banners and videos) and in other situations on a case by case basis.

- 4.4 An Annual Consent Form and Collection Notice will be distributed to parents and carers on enrolment for consent to the collection, use and disclosure of student images for these common school purposes. Parents or carers can withhold their consent or can subsequently withdraw (and also reinstate) their consent for their child to be photographed or filmed in certain circumstances by contacting the Principal.
- 4.5 Tombolo Academy will notify parents or carers individually if we are considering using any images of their child for specific advertising or promotional purposes.

5. Official school photographs

- 5.1 Each year Tombolo Academy will arrange for a professional photographer to take official school photographs of students. This will generally involve both class photos and individual photos being taken.
- 5.2 Official school photographs may be:
 - a) purchased by parents and carers
 - b) used for student identification
 - c) stored on Tombolo Academy databases for educational and administrative purposes.
- 5.3 Tombolo Academy will notify parents and carers in advance of the date that official school photographs are being taken. There is no obligation on any parent or carer to purchase any photographs taken.
- 5.4 Consent for official school photographs to be taken is covered by the Annual Consent Form. Parents or carers who choose to opt-out of having their child participate in official school photographs must contact Tombolo Academy before the date the photos are scheduled to be taken to advise that their child will not participate.
- 5.5 Tombolo Academy ensures that agreements or contracts with the photographers we hire include a confidentiality clause relating to appropriate information handling.

6. School performances, sporting events and other approved activities

- 6.1 Tombolo Academy generally permits parents and carers, students and invited guests to photograph, film or record school performances, sporting events and other school-approved activities.

- 6.2 Tombolo Academy requests that those who photograph, film or record school activities only do so for their own personal use and do not publish the images in any form, including on social media, without the prior consent of persons whose children also appear in the images.
- 6.3 There may be some circumstances where filming, photographing or recording of school performance, sporting events or approved activities by parents and carers and invited guests may not be permitted by Tombolo Academy due to school, course or privacy requirements. In such cases, those in attendance will be notified.
- 6.4 Tombolo Academy does not own or control any images of students taken by parents or carers, students or their invited guests at school activities.

7. Media

- 7.1 The media or the Department of Education's Media Team may seek to photograph, film or record students for a news story or school event. This may include broadcast media, online or social media or print media, including newspapers and magazine publications.
- 7.2 Tombolo Academy will, on receipt of any such request:
- a) provide parents and carers with information about the organisation involved and when and for what purposes the photography, filming or recording will occur, and
 - b) seek prior, express parent or carer consent to the collection, use and disclosure of the student's image in writing.
- 7.3 Students will only be photographed, filmed or recorded by the media at Tombolo Academy if our express consent is provided for that specific media event. Tombolo Academy does not own or control any photographs, video or recordings of students taken by the media.

8. Crowd or event settings

- 8.1 Crowd shots that do not feature any particular individual do not need a signed consent from each person. Tombolo Academy will use opt-out consent instead, for example:
- a) by providing information about intended photography and filming in event invitations and newsletters
 - b) by hanging up posters at entrances to advise that a photographer is present, and requesting that anyone who does not wish to be photographed make themselves known.

- 8.2 Parents, carers and visitors taking photographs or video of crowds or performances, are required by Tombolo Academy to only use and disclose the materials respectfully, for example, when posting on social media.

9. Images to manage student behaviour and legal obligations

- 9.1 On occasion it may be necessary for Tombolo Academy staff to photograph, film or record students to:
- a) for identification purposes in order to implement discipline and/or behaviour management policies
 - b) fulfil legal obligations, including to:
 - i. take reasonable steps to reduce the risk of reasonably foreseeable harm to students, staff and others (duty of care)
 - ii. provide a healthy and safe workplace (occupational health and safety laws).
- 9.2 In these circumstances, Tombolo Academy does not require or obtain consent from parents or carers or students to photograph, film or record students. However, when students' images are taken for any of these purposes, staff will only collect, use and disclose of these images in a way that is reasonable and appropriate in the circumstances.

10. Research

- 10.1 Tombolo Academy will ensure that specific written parent or carer consent is obtained before allowing any student to be recorded for the purpose of research.

11. CCTV

- 11.1 Tombolo Academy is not required to obtain parent or carer consent to install closed circuit television (**CCTV**). However, Tombolo Academy will, wherever CCTV is installed, ensure there is signage in place that notifies staff, students, Volunteers, contractors and others that CCTV is in operation that is:
- a) situated at all school entry and exit points
 - b) easy to understand, including people from non-English speaking backgrounds
 - c) clearly visible, distinctive and located in areas with good lighting, placed in normal eye range and large enough so that any text can be read easily
 - d) checked regularly for damage, theft or vandalism.
- 11.2 In addition to signage, where CCTV is installed, Tombolo Academy will include a CCTV privacy notice on our website that:

- a) explains the purpose of the CCTV system
- b) provides the location of CCTV cameras (either by listing the locations or providing a map)
- c) explains how to request a record of any footage
- d) provides a link to this Policy for further information on how Tombolo Academy may use the CCTV system and who may access the footage.

12. Other occasions

12.1 There may be a range of other occasions where Tombolo Academy students are photographed or filmed and which involve the collection, use or disclosure of student images by or to third parties not otherwise covered in the above categories and this Policy. Where circumstances are not covered by the Annual Consent Form or any of the specified consents, Tombolo Academy will:

- a) provide parents and carers with information about the event or activity, the organisation involved and when the photography, filming or recording will occur
- b) seek express parent or carer consent in writing prior to the event or activity.

13. Copyright

13.1 Copyright in images taken by Tombolo Academy will be wholly owned by the school. This means that Tombolo Academy may use the images in ways described above without notifying, acknowledging or compensating a student or their parent or carer.

13.2 If a photograph or video has been taken by someone outside Tombolo Academy, copyright permission may need to be gained to establish how that image or footage is used in publications, on websites or social media.

14. Breach

14.1 Staff, including the Leadership Team and Principal, Volunteers and Third Party Contractors who breach this Policy and Procedures may be subject to disciplinary actions that may result in a range of measures including (depending on the severity of the breach):

- a) remedial education
- b) counselling
- c) increased supervision
- d) the restriction of duties
- e) appointment to an alternate role suspension
- f) in the case of serious breaches, termination of employment, contract or engagement.

14.2 Where any other member of the School community breaches any obligation, duty or responsibility within this Policy and Procedures, Tombolo Academy will take appropriate action.

15. Review

15.1 Tombolo Academy is committed to the continuous improvement of our Child Safety Program. We have established processes for the review and ongoing improvement of our child safe policies, procedures, and practices for overall effectiveness and to ensure compliance with all child safety related laws, regulations and standards.

15.2 Tombolo Academy reviews this Policy at least every two years or after any significant child safety incident. We seek feedback from families and our School community in the development and review our child safety and wellbeing policies and procedures. We record and analyse all complaints, concerns, and safety incidents to identify causes and systemic failures and inform continuous improvement. We report on the outcomes of relevant reviews to staff, Volunteers, the school community, and families and students.

16. Policy Administration

Created date	March 2023
Policy Owner	The Principal
Consultation	School Staff School Board
Legislation	Education and Training Reform Act 2006 (Vic) Victorian Child Safe Standards as implemented by Ministerial Order 1359 Privacy Act 1988 (Cth) Copyright Act 1968 (Cth)
Endorsed by	School Board
Endorsed on	June 2023
Last review	June 2023
Next review	June 2025