

Student Images, Privacy & Copyright

The *Information Privacy Act 2000* covers the collection and use of personal information. Personal information is information that identifies a person. A photograph, video or digital image of a student is personal information about that student. Therefore a school should consider how student images are recorded and used with regard to the privacy of the student and their family.

In general student images are used to:

- record student participation at school and in school events;
- celebrate student effort and achievement; and
- promote the school and events held by the school.

Images of students are integral to school magazines and school newsletters. In addition parents expect to be allowed to photograph and record student performances or be provided with a recording of the event. Photographs of students also appear regularly in local newspapers.

These uses are a vital part of a school environment and privacy law will not dramatically change these activities.

- Schools can use photographs of students for **student identification cards** without asking for consent from parents. These ID cards are in the custody of the student, so no personal information is disclosed.
- Usually once a year a photographer takes individual, **class and team photographs** for sale to parents and for use within the school. Before photo day parents receive notice of when photographs will be taken and they are afforded the opportunity to opt out of this. This practice has been part of school life for decades and the taking of class photographs is expected as part of the usual educational year.
- Class and team photographs are included in a **school magazine** or yearbook. Most people within the school community expect that these photos, along with appropriate identification, will be included in the publication. This use is therefore reasonably expected and consistent with the original purpose of recording a student's participation in school and school activities.

Traditionally the circulation of these materials has been limited to the local community. However, changes in modes of recording and delivery, such as having school magazines available on CD Rom or on a school website, means that access to student images has increased and, when on a school website, become worldwide.

A school should develop a standard approach to notification of the usual uses of student photographs.

Let parents and students know of the school's usual approach to taking and using student photographs and give them an opportunity to request limitations on how photographs of their child or themselves may be used. For example, raise the issue in the school newsletter.

'At _____ school we celebrate the efforts of our students by mentioning their participation in school events and their achievements in our school newsletter. Occasionally photographs of students are included. We also use photographs of students in our school magazine along with examples of their work. Photographs of students are on our school intranet site. On the school website there are images of students but we only ever use group photographs and we identify a student only by their first name, class or year number. If an individual photograph

and full name is required, we will only publish this on the website with the consent of the parent and student.

We allow parents to record school performances as this creates a memento that can be shared with other family members. Video or audio recording is permitted at school under a copyright license paid by DE&T on behalf of all government schools (AMCOS/ARIA license).

We invite local press to school events and they are expected to follow school policy on the publication of photographs of students. When a story is about an individual achievement we will always seek your consent before passing information or photographs to the press for publication. Unless a story features an individual child only group photos are published and students' identified by first name and year only.

If you have any concerns about how photographs of your child may be used by the school please let us know.'

Whether a school allows parents to record performances or not is a decision for the school. Many schools prefer to have a professional recording done. Whatever decision is taken, privacy concerns may be raised, and so letting parents know what the school's approach to this is will help manage these concerns

A school should develop a standard approach to consent to the uses of student photographs.

- A general consent to the usual uses (see notice for newsletter above) followed by specific consent to intranet or website use of student images is advised.
- Allow for separate consent for sensitive uses of student images, i.e. for publication on a website or in the press.
- Negotiate an agreement with the local press that student photographs will not be put on a newspaper website.
- Consent for the use of student photographs can be sought at the time of enrolment but not be 'bundled' with consent for other activities. It should be on a separate consent form.
- The consent form should not seek a 'blanket' consent i.e. asking for permission to use student photos however the school sees fit.
- Separate consent will still be required when using student-created work to obtain release from copyright obligations.

Copyright is the legal protection of literary, dramatic, artistic, and musical works, sound recordings and performances. It provides creators with the legal right to control the use of their creations. The legislation is contained within *The Copyright Act 1968*.

The Act can also apply to the use of photographs or images of students. This information sheet relates to the requirements of the Information Privacy Act but, when considering how to use student images such as recordings of student performances, copyright issues are also of concern. The consent of any students who appear in performances recorded, filmed or transmitted should always be obtained. It is prudent to obtain the written consent of both the child and the parents/guardian before recording or filming a student reciting a poem, performing in a school play or classroom demonstration. Forms for this are available on DE&T@Work.