

Consent to use media and creative work

Please note this procedure is mandatory and staff are required to adhere to the content.

Procedure overview

This procedure applies when media and creative work of students, children, and adults is distributed via publicly accessible websites, secure intranets, print or social media and promotional material or publications.

This procedure also includes the distribution of media featuring Department for Education employees.

Media includes, but is not limited to, electronic or printed (hard copy) versions of:

- images/photographs
- video/audio recordings
- creative work including:
 - school projects
 - podcasts
 - artwork
 - blogs
 - written work.

This procedure is applicable for gaining consent for the department to use or distribute media from:

- both parents/guardians where possible
- students who are over the age of 18 or who are living independently
- adults including department employees.

Common reasons for distributing media by schools and preschools include:

- recording participation in school/preschool and events
- celebrating student/child effort and achievements
- marketing and communication initiatives promoting the school/preschool, events or public education.

The objective of this procedure is to ensure that department staff have a clear set of instructions to follow when intending to use names, images or creative work of students and/or adults and distribute that information in various forms of media, both traditional and online.

Scope

This applies to all Department for Education staff, contractors, volunteers, who establish, manage, contribute to media and creative work of students, children and adults, which is distributed, and the distribution of media featuring students or department employees via publically accessible websites, secure intranets, print or social media and promotional material or publications.

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1. Procedure detail

1.1 Consent

A consent form must be signed granting permission for:

- the relevant type of media (eg photos, video)
- the method of media distribution (eg websites, newsletters, social media)
- identifying individuals in media (by first name).

Consent may be granted for any combination of the above, as specified on the relevant consent form, or by additional signed written approval.

If a particular type of media or method of distribution is not covered by the department's consent form, additional signed written consent must be provided by the relevant individual or their parents/guardians.

While it is not a legal requirement, students and children should be involved whenever possible in decisions to use their images, artwork or other material that they have produced to demonstrate respectful relationships. Where the child or student does not consent, the media should not be used or distributed.

For students who are children under Guardianship of the Minister, see section [1.2](#).

When more than one individual appears within the media, consent must be obtained from all individuals. If one individual does not grant permission to use the media, it cannot be distributed.

Care should be exercised when taking media or considering the distribution of media of students/children in:

- swimming attire
- performance costumes
- formal wear
- sporting attire
- or anything that could be classified as tight or revealing.

Where any doubt exists regarding the sensitivity of information provided in media, staff should consider:

- not distributing the information
- limiting access (ie password protecting content or not placing it in publically available locations)
- contacting the Communications directorate for further advice at education.comms@sa.gov.au.

1.2 Publication of images or information about a child under guardianship

1.2.1. Where a child is not identified as under the Guardianship of the Minister

Case managers should promote children and young people being part of school photos unless there are safety reasons not to do so.

Participation in events involving photography or video may be agreed as part of the case planning process or in the education plan meeting. The child's case manager is to ensure that such participation is appropriate, and that all necessary steps are taken to ensure everyone is aware of special requirements that may exist to protect the child or young person (eg when the location of the child/young person needs to remain confidential).

1.2.2 Where a child is identified as under the Guardianship of the Minister

Children under the Guardianship of the Minister will not be identified in external media when children are in out-of-home care and less than 18 years of age.

If the child or young person will be identified as being under Guardianship of the Minister, approval is required from the Deputy Chief Executive, Department for Child Protection for photos/videos to be taken.

In addition, the child's case manager must be advised of any media-based requests for images of an identified child under guardianship to be featured, as they are responsible for assessing the impact of that media coverage on the child or young person.

1.3 Media containing references to Aboriginal and Torres Strait Islander people

Media such as student project work that contains references to Aboriginal and Torres Strait Islander people who may be deceased should be accompanied by warning text to indicate that the work may include references to people who may have passed away.

This is a mandatory requirement for student project work as well as publications and documents that may be printed, routinely accessed over long periods of time or used as reference material.

For websites where the content is frequently refreshed or can be easily removed if needed, the decision to use the warning is not mandatory and should be made by the school or preschool's governing council and/or leader.

Warning text needs to be positioned to allow an individual to avoid the media in question. For example, the warning should be visible on an introduction page, at the beginning of a recording or on the front page of a document.

Example warning text:

Aboriginal and Torres Strait Islander peoples should be aware that this document may contain images or names of people who have since passed away.

1.4 Department for Education employees

While this procedure is relevant to students, children and adults, including employees, the following specifically relates to employees.

If a particular type of media or method of distribution is not covered by the department's consent form, additional signed written consent must be provided by the relevant individual.

Staff may choose how they wish to be referred to in media (eg first name/surname/title, first name/title or first name/surname).

See section [1.11](#) on intellectual property for information on the IP rights of employees.

There are legal and organisational consequences for any breaches of intellectual property rights. If you have any queries, seek advice from Legal Services on (08) 8226 1555.

1.5 Using names with identifying images

Parents/guardians should be made aware of privacy and security concerns of identifying children online. It should be explained to the person giving consent that material published on websites and social media will be accessible to people worldwide and that personal information appearing on any website or social media site can be searched using the individual's name and that the information can be copied and used by any web user.

Parents, guardians, children and students should be made aware that once media is placed online the likelihood of it being completely removed at a later date is low should permission be revoked.

Using student full names in media should generally be avoided. First names may be used if permission has been granted via the relevant consent form. Full names should be used only when specific signed permission is granted, in addition to the consent form.

In the case of publishing the annual school yearbook/magazine, consent to use the child's full name alongside their photo is part of the consent form. For information regarding the use of school photos and commercial photographers, see section [1.8](#).

Department employees may choose how they wish to be referred to in media (eg first name/surname/title, first name/title or first name/surname).

Some social media sites allow images to be tagged with names and may also use facial recognition technology to identify the subject of a photo. In some circumstances these options can be restricted or switched off. Schools and preschools should consider this when choosing which social media platform to use.

1.6 Photography at swimming and aquatic programs

Schools and preschools have a responsibility to ensure the safety of all their students and it is reasonable for the school community to develop a position on photography (still and video) at swimming and aquatic activities.

Care should be exercised when taking media or considering the distribution of media of students/children in swimming attire.

Many swimming and aquatics centres have their own policy on photography and this takes precedence over any other policy. Where a school or preschool wishes to permit photography, there needs to be agreement with the centre management.

Schools and preschools should provide both the centre management and the department's instructor in charge a copy of their photography policy and procedures, in advance of their attendance, for comment and support or further negotiation where required.

Once agreement has been reached, the policy should be communicated to all key stakeholders (centre management, program staff, school/preschool staff and parents) to assist with appropriate implementation and monitoring.

Where the instructor in charge wishes to take photographs for their program, approval needs to be sought from school/preschool in advance, explaining the reason and purpose of the photography. The photos need to be made available to school or preschool for their final approval.

In deciding to allow photography, schools and preschools may wish to:

- identify a person (educator or parent) to take photographs for school/preschool purposes and make them available to parents
- get prior approval of anyone taking photos and make them easily identifiable (eg by wearing a badge, sash or other kind of identification)
- request that parents not include other students, instructors or staff in their photos without their permission (see section [1.4](#)).
- advise individuals taking photos that they may be requested to show the photos they have taken to an instructor or staff member.

Given these considerations, school communities can decide to discourage photography, especially where the pool is open to the general public at the same time.

Procedures for identifying students, instructors or staff by name are detailed in section [1.5](#).

Schools and preschools have the authority to decline requests for the centre to take photographs of their students.

1.7 Identifying locations (geotagging)

Geotagging technology found in smart phones can disclose the geographical location where media was taken. Photographs taken of children and students with these devices should have the GPS settings turned off. This minimises the risk of personal information being accessed unintentionally when photographs are posted online.

Further information on the risks of publishing digital photos can be found on the intranet:

<https://edi.sa.edu.au/operations-and-management/communications/social-media-and-web/social-media-management/images-of-students-and-their-work>

1.8 School photographs and commercial photographers

It is a requirement that:

- no child/student may be photographed in a group or individually without written permission of a parent/guardian
- parents/guardians must provide additional consent to publish the child/student's full name
- schools and preschools must seek permission from parents/guardians to release the child/student's name, class and ID number (via the School Photo Student List EDSAS report) for the purposes of school photograph production when they seek consent for photographs to be taken.

In addition, photographs may be taken only with the principal/preschool director's approval on each occasion. The following procedures must be observed:

- principals/preschool directors must ensure that children/students remain under appropriate supervision at all times during the photographic session
- school photographs are restricted to once per year
- photographers must be prepared to sell single or multiple copies of photos to parents/guardians
- school/preschool staff may assist, but will not be held responsible for moneys collected or for the distribution of photographs
- parents are not obliged to purchase photographs, even if they have given permission for the child/student's photograph to be taken
- all notices, collection packets, etc required in connection with the photographs must be supplied by the photographer.

1.9 Dealing with external media organisations

If a journalist, photographer or news crew have been invited and come to the school or preschool for an event, you should ensure all children/students have permission from their parents/guardians to have their photo taken or be filmed by the media.

For additional information, see the [News Media procedure](#).

1.10 Duration and changes to consent agreement

Consent will remain effective until it is revoked or changed. Consent may be revoked or changed at any time with a request in writing to the school principal, preschool director or relevant employee.

It is up to schools and preschools to decide how often they distribute new consent forms. There may be a need to distribute the forms annually or using a single form for the duration of the child/student's attendance or the duration of the staff member's employment may be more appropriate.

At a minimum, schools and preschools must communicate with parents/guardians on an annual basis and obtain written agreement to ensure that circumstances have not changed and that any previous consent provided is still current.

If consent to distribute media is revoked or changed, every effort should be made to remove relevant media from distribution. This may not be possible or practical in some situations including when media is:

- already printed and distributed
- currently being indexed by search engines.

If a child/student's situation changes and the school/preschool becomes aware of the situation, a new consent form must be obtained. Such changes may include:

- changes to the child/student's name
- moving from one school or preschool to another
- child protection issues that put the child/student at risk
- the child/student reaching the age of 18 or becoming an independent student
- any other matter that may affect the safety or wellbeing of the child/student.

Where a child/student is under the Guardianship of the Minister, any queries concerning changes to consent must be referred to their case worker.

1.11 Copyright and intellectual property

Students, children and adults other than department employees generally own the intellectual property (IP) rights of the material they create. The consent forms do not transfer this ownership to the department, school or preschool.

The [South Australian Government's Intellectual Property Policy](#) states that:

Under this Policy the Government owns all intellectual property (IP) created by public sector employees, irrespective of when or how the IP was created if:

- Government resources were used to create or develop the IP; or
- The IP was a reasonably foreseeable outcome of:
 - The work being undertaken by the relevant agency; or
 - The employee's responsibilities within the agency.

There are legal and organisational consequences for any breaches of intellectual property rights. If you have any queries, seek advice from the Legal Services Unit on (08) 8226 1555.

The consent form provides permission for the department to use the media under the Creative Commons Attribution Non-commercial Licensing. This licence is perpetual (forever), free, worldwide, non - exclusive and allows for the replication, distribution, display, performance and remixing of copyrighted work for non - commercial purposes, provided that the author is credited. However if

consent to distribute media is revoked, every effort should still be made to remove the media from circulation (see section [1.10](#)).

1.12 Providing media to members of the school community/extended family

If a member of the school community or a child/student's extended family (grandparents, etc) request a copy of media where more than one child is present, the photo should not be provided unless specific consent is given by the parents/guardians of all students in the photograph.

1.13 Recording in EDSAS

Schools and preschools are encouraged to use the following codes for EDSAS data entry:

- PHOT - Permission to use image, video, voice and/or creative works
- PHNO - No permission
- PHEX - Permission to be photographed by an external media organisation
- PHSC - Permission for yearly school photographs
- PHYB - Permission to be published in the annual school yearbook/magazine.

Any additional permission information can be recorded in the comments field in EDSAS.

2. Roles and responsibilities

Role	Authority/responsibility for
All staff	Ensure that appropriate consent is received when media and creative work of students, children and adults is intended to be distributed via publically accessible websites, secure intranets, print or social media and promotional material or publications.
Communications directorate	Will monitor and review this procedure and associated consent forms to ensure relevance and currency. Will offer advice to staff on issues relating to this procedure.

3. Definitions

Term	Meaning
Department	Department for Education
EDSAS	Education Department School Administrative System (financial system used in schools)

SUPPORTING INFORMATION

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Related legislation [Copyright Act 1968](#)
[Children and Young People \(Safety\) Act 2017](#)

Related policy and other documents [Consent form for student/child](#)
[Consent form for adults \(including student over 18 years old, students living independently\)](#)
[Creative Commons licensing](#)
[Information privacy principles](#)
[Public sector Code of Ethics](#)
[State Records photographic images and privacy information sheet](#)
[Government of South Australia intellectual property policy](#)
[Who can say OK?](#)
[Department for Education communications planning guidelines](#)
[Cyber safety school resources](#)
[Social media for schools and preschools policy](#)
[Social media guideline](#)
[News media procedure](#)

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REVISION RECORD

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v1.0	SEG	June 2015	June 2016	Endorsed by SEG.
v1.1		17/08/2015	August 2016	Minor changes to clarify existing information.
v1.2	SEG	11/07/2016	July 2017	Minor updates to correct broken web links.
v1.3	Director, Communications	04/01/2019	04/07/2019	Content migrated to new template, minor editorial changes, fix broken links.