

6.6 Photographing/Videoring people and publishing photos

Objective

The intent of this Policy is to ensure photos and videos taken for Shire of East Pilbara use are handled with consistency and respect the privacy of the people in the images.

Policy

This Policy applies to anyone recording images (still or video) on behalf of the Shire, including Shire staff, Councillors and contracted photographers. This Policy and related procedures should be followed anytime an image is recorded for Shire purposes including:

- Use in promotional materials;
- Use in corporate documents;
- Use on any website or social media channel maintained by the Shire of East Pilbara;
- Adding to an image library for future use;
- Keeping records of an event or activity;
- Any other Shire use.

This Policy is not intended to cover recording of images by people not working or engaged directly by the Shire of East Pilbara (e.g. local newspaper photographers) for non-Shire purposes.

Definitions

Adult	Anyone over the age of 18 (in this case the term does not refer to people being cared for by another adult).
Adult under a guardian's care	Anyone over the age of 18 who is in the care of another adult, usually due to physical or cognitive impairments, and who by nature of those impairments cannot give their own consent.
Minor	Anyone under the age of 18 (the age of legal maturity in Australia).
Guardian	Anyone over the age of 18 who has responsibility for a minor or other adult either indefinitely (as in a parent or legal guardian) or temporarily (as in a grandparent, carer, other adult relative, teacher, group leader or the parent of one of the minor's friends etc).
Consent	Consent is informed and voluntary permission to record and use images, or when someone knowingly gives permission for their likeness (or the likeness of someone in their care) to be in images to be used for a variety of purposes. In some circumstances people give consent by signing a form or registering for an event. Sometimes a form is not necessary, but consent is still given verbally.

Images	Any recorded image, whether a still photo (digital or film) or moving image (video or digital in any format).
Subject	The main focus of the image. It can be broad, like a basketball game, or narrow, like a basketball player.
Public Space	Public space consists of areas that are not privately owned or occupied, such as public parks and streets. Shopping malls are not public areas, they are owned by large corporations.
Consent Form	Consent forms can be located at the file path: S:\Document Centre\FORMS and TEMPLATES\Corporate Services\Community Wellbeing\Photo Consent Forms

Overview

According to Australian law, recording images of people in public spaces is legal, as long as those images are not used for a commercial purpose.

As a government and non-commercial entity, the Shire can legally use images it takes in a public space. Most of the time these images are being used for promotional purposes (to promote Council events or services). It is the Shire's responsibility to its constituents to ensure their personal information (including their likeness) is treated with respect.

Some state or local laws may apply within the Shire which must be adhered to (e.g. use of cameras within recreation and aquatic facilities).

General Public

Shire staff and contractors will be permitted to photograph (unless specifically asked not to) people who attend local events and activities organised by the Shire or one of its contractors. These images may be used in Shire publications associated with the activity where the photo was taken, or for Shire related public documentations. At times, these images may include photos of children and Indigenous people who are associated with or in attendance at generic community events and activities generally held in public locations. However, if images are being taken of children in Shire run activities, or of Indigenous cultural or ritual materials, the following will apply:

Children

The vast majority of photographs of children are taken in appropriate circumstances and are used for acceptable purposes.

Any prevention would require a vast number of exceptions (E.g. family, friends, and media). For this reason, a prohibition of this nature would seem unenforceable and perhaps a disproportionate response to the issue being sought to be addressed.

However, photographing children involved in Shire run children's sport and recreation activities can put children at risk, particularly if the images are being posted on websites or distributed in publications. For this reason, the Shire's staff and contractors will not photograph or publicly use any images of a minor

taken from any of its dedicated youth sports or recreational activities that it provides, unless adult/guardian approval has been provided.

Indigenous People

Due to the sensitivity of some Indigenous cultural material such as dances, art, persons and historical sites, it is essential to obtain permission to capture and use images and videos..

This requires consultation with the Indigenous person in a photograph/video and also the custodians of any Indigenous cultural material included in the photograph/video.

On the basis of respect for Indigenous culture, consultation with the Indigenous people who own or are responsible for images depicting cultural or ritual knowledge when considering any use of the images is required. There may be more than one person, or more than one group of people to consult. They should be provided with sufficient information, in a suitable form, to make an informed decision, and enough time to discuss the request, consider the request and come to a decision.

Staff or contractors who are taking any photos which are deemed to have cultural or ritual significance, should seek the relevant permission both to take and then use the images.

Indigenous cultural protocols prescribe that the images of deceased Indigenous Australians should not be displayed following their passing. If in doubt, staff should seek necessary confirmation or respect any requests for recall.

Use

Where required, obtaining consent gives the Shire the right to use images for the sole purpose of producing promotional material for the Shire of East Pilbara (including brochures, newsletters, advertisements, online [website and social media] and DVD/video) or for use by other non- commercial organisations working in a joint project with the Shire.

Record Keeping

The Communications Team will keep copies of images and required consent forms.

Copyright

The Shire of East Pilbara owns the copyright for all the images in its image library taken using its resources. Other organisations sometimes may request the use of one of the Shire's images. Consultation with the Communications Team before sending a Shire image to another entity is required. The Shire can share images with non-commercial organisations working on a joint project, but it generally would not share images for commercial use (except in limited circumstances as decided by the Communications Team, and only with the permission of the subject of the image).

This Policy should be adhered to by all Shire of East Pilbara staff and contractors when running an event/activity where photographs or video images will be taken and/or published.

Authorisation Details

References:			
Authorised by:	Council		
Date:	26 August 2011	Item No.	9.2.4

Review/Amendment Date	29 June 2018	Item No.	9.2.4
Review/Amendment Date	26 June 2020	Item No.	
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Responsible Directorate	Chief Executive Officer		
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