

# Consent to use media and creative work procedure

This is a mandated procedure under the operational policy framework. Any edits to this procedure must follow the process outlined on the [creating, updating and deleting policy documents](#) page.

## Overview

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

Media includes, but is not limited to, electronic or printed versions of:

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

This procedure applies when gaining consent for the department to use or distribute media from:

- parents or guardians
- 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 and preschool and events
- celebrating student and child effort and achievements
- marketing and communication initiatives promoting the school and preschool, events or public education.

This procedure provides staff with instructions to follow when intending to use names, images or creative work of students or adults and distribute that information in various forms of media, both electronic and



printed.

## Scope

This applies to all department 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 staff via publicly accessible websites, secure intranets, print or social media and promotional material or publications.

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# Detail

## 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 only).

Consent may be granted for any combination of the above, as specified on the relevant consent form, or by additional signed written approval. All signed consent forms must be filed in a central location at the school or preschool.

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 or guardians.

While it is not a legal requirement, and to demonstrate respectful relationships, students and children should be involved whenever possible in decisions to use their images, artwork or other material they have produced. 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 [publication of images or information about a child under guardianship](#) (in this procedure).

When more than one individual appears in 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 and children in:

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

Where any doubt exists about 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 publicly available locations)
- contacting the Communications directorate for further advice at [education.comms@sa.gov.au](mailto:education.comms@sa.gov.au).

# Publication of images or information about a child under guardianship

## 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.

Participating in events involving photography or video may be agreed as part of the case planning process or in the education plan meeting. The child or young person's case manager must ensure participation is appropriate and 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).

## 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 they are in out-of-home care and less than 18 years old.

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

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.

# Media containing references to Aboriginal and Torres Strait Islander people

Student work that references Aboriginal and Torres Strait Islander people who may be deceased should be accompanied by warning text. This is a mandatory requirement for student work as well as publications and documents that may be printed, routinely accessed over long periods of time or used as reference material.

Warning text is not mandatory for websites where the content is frequently refreshed or can be easily removed. School or preschool leaders and government council members may decide whether or not to include warning text.

Warning text 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.

# Department for Education staff

The following specifically relates to department staff.

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). Staff should include instruction to do so along with their signed consent form.

See [copyright and intellectual property](#) (in this procedure) 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.

## Using names with identifying images

Parents and 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 personal information appearing on any website or social media site can be searched using the individual's name and 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 if permission is revoked.

Using student full names in media should be avoided. First names may be used; however parents and guardians may request their child's name be omitted in writing. 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 or 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 [school photographs and commercial photographers](#) (in this procedure).

Staff 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.

## Photography at swimming and aquatic programs

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

Care should be exercised when taking media or considering the distribution of media of students and children and young people 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 stakeholders (centre management, program staff, school and preschool staff, parents and guardians) 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 or 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 or 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 parents not include other students, instructors or staff in their photos without their permission. See [Department for Education staff](#) (in this procedure).
- advise individuals taking photos 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 'Using names with identifying images'.

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

## 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.

More information on the [risks of publishing digital photos](#) is on EDi.

## School photographs and commercial photographers

It is a requirement that:

- no child or student may be photographed in a group or individually without written permission of a parent or guardian

- parents or guardians must provide additional consent to publish the child/student's full name
- schools and preschools must seek permission from parents or guardians to release the child or student's full 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 school or preschool leader's approval on each occasion. The following procedures must be observed:

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

## Dealing with external media organisations

If a journalist, photographer or news crew comes to the school or preschool for an event, you should ensure all children and students have additional permission from their parents or guardians to have their photo taken or be filmed by the media. In cases where the organisation wish to use the media for additional purposes (ie promotional or advertising purposes), the organisation must seek additional consent.

For additional information, see the [news media procedure \(PDF 143KB\)](#).

## 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, preschool or relevant employee.

Schools and preschools must communicate with parents and guardians on an annual basis and obtain written agreement to ensure circumstances have not changed and 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 or student's situation changes and the school or preschool becomes aware of the situation, a new consent form must be obtained. Changes may include:

- changes to the child or student's name

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

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

## 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:

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 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 [duration and changes to consent agreement](#) in this procedure).

## Providing media to members of the school community or extended family

If a member of the school community or a child or 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 and guardians of all students in the photograph.

## Recording consent in data management systems

Schools, preschools and early years staff are encouraged to use appropriate categorisation for each

individual's consent as per their site's data management system.

For EMS, add the appropriate level of consent as a custom defined field for media consent. Find out more about [managing permissions in EMS on edit](#).

For EDSAS, the below codes can be used. If a code is not listed in EDSAS you will need to add it. Find out more about [managing permissions in EDSAS on edit](#).

- PHFC – full media consent
- PHPC – partial media consent
- PHLC – limited media consent
- PHNO – no media consent
- PHSC – permission for yearly school photographs
- PHYB – permission to be published in the annual school yearbook and magazine only.

For EYS, enter a descriptive code and description based on the level of consent given. Find out more about [managing permissions in EYS on edit](#).

You should also note any additional permission requests in your data management system's comments field when possible.

If your data management system is not listed above, consent should be recorded and categorised appropriately depending on the level of consent granted, as well as any additional requirements requested.

## Roles and responsibilities

### All staff

Ensure that appropriate consent is received when media and creative work of students, children and adults is intended to be distributed via publicly accessible websites, secure intranets, print or social media and promotional material or publications.

### Communications Directorate

Monitor and review this procedure and associated consent forms to ensure relevance and currency.

Offer advice to staff on issues relating to this procedure.

## Definitions

### department

Department for Education

# EDSAS

Education Department School Administrative System (financial system used in schools)

## Supporting information

[Consent form – child \(PDF 84KB\)](#)

[Consent form – adult \(PDF 676KB\)](#)

[Creative Commons licensing](#)

[Cyber safety school resources](#)

[Department for Child Protection: Who can say OK?](#)

[State records of South Australia: Photographic Images and Privacy – Information Sheet](#)

## Related legislation

[Copyright Act 1968 \(Cth\)](#)

[Children and Young People \(Safety\) Act 2017 \(SA\)](#)

## Related policies

[Department of the Premier and Cabinet Circular PC012: Information Privacy Principles \(IPPS\) Instructions](#)

[Code of Ethics for the South Australian Public Sector](#)

[SA Government Intellectual Property Policy \(PDF 370KB\)](#)

[Social media policy](#)

[Social media guideline](#)

[News media procedure \(PDF 143KB\)](#)

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## Contact

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