



Photography and Images Policy

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Endorsement	General Manager Corporate Services, 8 April 2015 Policy Review Panel, 4 May 2015
Authorisation	Council, 26 May 2015
Expiry date	1 March 2017
Responsible officer	Manager Customer Engagement
Policy owner	Communications Coordinator

1. Purpose

The intent of this policy is to ensure photos and videos taken for Melton City Council use are handled with consistency and respect to the privacy of the people in the images.

2. Scope

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

- use in promotional materials
- use in corporate documents
- use on any website or social media channel maintained by Council
- adding to an image library for future use
- keeping records of an event or activity
- any other Council use.

This policy is not intended to cover recording of images in the City of Melton by people outside of Council (e.g. local newspaper photographers) for non-Council purposes.

3. Definitions

Word/Term	Definition
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 can not 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

Word/Term	Definition
	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.
Council photo shoot	An arranged photography session where the subjects are invited by a Council representative for the sole purpose of being photographed by a Council photographer (sometimes along with a photographer from the media), and the subjects are told in advance that Council will be using the images for promotional purposes. This includes video where applicable.
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.

4. Policy

The Council Plan 2013-2017 states that 'Council aims to facilitate community engagement in planning and decision making by providing information about Council services and associated activities through a range of communication tools'. Council also wants to build the value, identity and reputation of the City of Melton. Often, an image is a powerful tool to tell the story, for example in advertisements, flyers and on Council's website.

4.1. Respecting the privacy of residents and their personal information

As stated in Council's Privacy Policy, Council believes that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. While 'personal information' usually refers to names, address, etc, it also includes a person's likeness.

4.2. Obtaining consent to use images for promotional purposes

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.

However, studies have shown most people want to be asked for permission before their personal information or likeness is used, even for non-commercial purposes.

As a government and not a commercial entity, Council can legally use images it takes in a public space. However, most of the time these images are being used for promotional purposes (to promote Council events or services) and therefore permission should be sought to use them. It is Council's responsibility to its constituents to ensure their personal information (including their likeness) is treated with respect.

Sometimes it is enough to make sure the people in the image are aware they are being photographed for Council promotional purposes, but other times a consent form is required. Sometimes it is enough to post a sign and make an announcement at an event to indicate a Council photographer is on site and taking photos.

4.3. Use of a consent form

In certain circumstances a consent form must be obtained to show proof of consent.

In general, you **DO** need a consent form when:

- minors or adults under a guardian's care are the subject of the image and easily identifiable
- a single adult or small group is the subject of a image, and they are not a part of an official Council image shoot

In general, you **DO NOT** need a consent form when:

- an adult is posing for a image with the Mayor or other public figures*
- an adult is posing for a image with a larger group of people*
- the adults in the image are politicians*
- an adult is aware they are being photographed as part of an official Council image shoot*
- an adult, minor, or adult under a guardian's care is a part of an overall crowd scene (e.g. a wide shot at a carnival or event)

** Always ask people for verbal consent, even when a consent form is not required.*

When in doubt, get a signed consent form.

4.4. Use of Image

Obtaining consent gives Council the right to use images for the sole purpose of producing promotional material for Melton City Council (including brochures, newsletters, advertisements, online [website and social media] DVD/video and CD-Rom) or for use by other non-commercial organisations working in a joint project with Council.

4.5. Record Keeping

The Communications Unit will keep copies of images and consent forms. Images should not be kept only with individual units.

Appropriate images will be added to the Communications photo library.

4.6. Copyright

Council owns the copyright for all the images in Council's image library taken using Council resources.

Other organisations sometimes request the use of one of Council's images.

Consult with the Communications Coordinator before sending a Council image to another entity. Council may be able to share images with **non-commercial** organisations working in a joint project with Council, but it does not share images for **commercial use** (except in limited circumstances as decided by the Communications Coordinator, and only with express permission of the subject of the image).

5. Responsibility /Accountability

5.1	Councillors <ul style="list-style-type: none">• Seek advice from the Communications Unit on using Council images• Understand and comply with the provisions in this policy
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	<ul style="list-style-type: none"> Seek advice from the Legal Officer or the Communications Unit if unsure about applying the provisions of this policy
5.2 Executive	<ul style="list-style-type: none"> Promotion of adherence of this policy to Management team and Staff
5.3 Staff and Contractors	<ul style="list-style-type: none"> Seek approval from relevant manager for the need for event photography Seek recommendations from the Communications Unit for professional photographers to record images of an event When appropriate, provide staff to assist a photographer with obtaining consent forms during a photo shoot or event Seek training and advice for using Council cameras to record an event Understand and comply with the provisions of this policy Ensure people are aware of the purpose of a photo shoot and seek permission as appropriate for any images Obtain signed consent forms when needed, ensure they are properly completed, and <ol style="list-style-type: none"> Keep a copy for your records Provide Communications Unit with a copy Provide copies of images to Communications Unit Seek advice from the Legal Officer or the Communications Unit if unsure about applying the provisions of this policy Ensure contractors are provided with a copy of this policy
5.5 Communications Unit	<ul style="list-style-type: none"> Protect the reputation and image of Council Provide advice for appropriate methods of recording events Educate Councillors, staff and contractors about this policy and their responsibilities when taking photographs or video Maintain a copy of images and image consent forms Maintain a photo library with approved images that can be used in publications and other formats.

6. References and links to legislation and other documents

Name	Location
Photo Procedure and kit	Policy and Procedures Intranet
Image Consent forms	P:\Communications\Photography\Image Consent Forms
Council Plan 2013-2017	www.melton.vic.gov.au
Code of Conduct for Councillors	Policy and Procedures Intranet www.melton.vic.gov.au

Name	Location
Code of Conduct for staff	Policy and Procedures Intranet
Council Corporate Style Guide	Policy and Procedures Intranet
Information Management Policy	Policy and Procedures Intranet
Media Policy	Policy and Procedures Intranet
Online Engagement Policy	Policy and Procedures Intranet
Privacy Policy	Policy and Procedures Intranet
Risk Management Policy	Policy and Procedures Intranet
<i>Copyright Act 1968 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Crimes Act 1958 (Vic)</i>	www.legislation.vic.gov.au
<i>Defamation Act 2005 (Vic)</i>	www.legislation.vic.gov.au
<i>Freedom of Information Act 1982 (Vic)</i>	www.legislation.vic.gov.au
<i>Information Privacy Act 2000 (Vic)</i>	www.legislation.vic.gov.au
<i>Local Government Act 1989 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy and Data Protection Act 2014 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy Act 1988 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Public Records Act 1973 (Vic)</i>	www.legislation.vic.gov.au