

From: s 22
To: s 22
Cc: s 22 [Davis, Carita](#)
Subject: re:SE Visit - media contingent [SEC=UNCLASSIFIED]
Date: Friday, 26 October 2018 10:05:07 AM
Attachments: [image006.png](#)

Hi s 22,

Just sending through confirmation that we have now advised SA Dept. Education about the two media personnel travelling with the Special Envoy next week.

We discussed the types of social media posts etc that were made during the NT visit (thanks Sarah for sending through examples) and asked about SA DE media policies for schools. The Executive Director advised that he will contact the relevant School Principals reminding them of their obligation in adhering to their [DfE media policy](#).

We have also circulated PMC permission forms to all of our on-ground PMC staff who will capture images as appropriate for our use also.

Cheers,
s 22

s 22
Executive and Regional Coordination|South Australia
Regional Network | Department of the Prime Minister and Cabinet
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Lvl 17, 26 Franklin Street Adelaide 5000 | GPO Box 9932 ADELAIDE SA 5001

s 22



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



Procedure

Consent to use media and creative work

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

File Number: 2013/7185

Summary

Table 1 - Document details

Publication date	June 2015
Review date	June 2018
Related legislation/applicable section of legislation	<ul style="list-style-type: none"> • Copyright Act 1968 • Children's Protection Act 1993
Related policies, procedures, guidelines, standards, frameworks	<ul style="list-style-type: none"> • Information Privacy Principles • Government of South Australia Intellectual Property Policy • Social Media policy • Social Media guidelines • News Media Policy
Policy officer (position)	Senior Online Consultant, Online Communication Services
Policy officer (phone)	8226 2068
Policy sponsor (position)	Manager, Online Communications
Executive director responsible (position and office)	Executive Director, Office for Strategy and Performance
Applies to	All staff
Key words	Photographs, media, creative work, website, consent, images
Status	Approved
Approved by	Senior Executive Group
Approval date	23 June 2015
Version	1.0

Table 2 - Revision record

Date	Version	Revision description
June 2014	0.1	Draft procedure for consultation
Sept 2014	0.2	Consultation sought from relevant groups
March 2015	0.3	Submitted to PPP for endorsement
April 2015	0.4	Approved by PPP to be submitted to SEG for formal approval
May 2015	0.5	Updated to new template
23 June 2015	1.0	Endorsed by Senior Executive Group
17 August 2015	1.0	Minor changes to clarify existing information

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1. Title

Consent to use media and creative work procedure

2. Purpose

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 DECD school/site 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 DECD 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 DECD employees

Common reasons for distributing media by schools and preschools include:

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

The objective of this procedure is to ensure that for DECD schools, sites and 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.

3. Scope

This applies to all DECD 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, DECD school/site employees via publically accessible websites; secure intranets, print or social media and promotional material or publications.

4. Procedure detail

4.1 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 DECD 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 4.2.

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, sites should consider:

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

4.2 Publication of images or information about a child under guardianship

4.2.1 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 e.g. when the location of the child/young person needs to remain confidential.

4.2.2 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 Executive Director, Families SA 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.

4.3 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's governing council and/or site 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.

4.4 DECD employees

While the entire content of the procedure is relevant to both students/children and adults, including DECD employees, the following points specifically relate to DECD employees. The information below is also included under the relevant sections.

If a particular type of media or method of distribution is not covered by the DECD 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. For example, first name, title and surname or both first and last names.

See section 4.11 on intellectual property for information on the IP rights of DECD employees.

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

4.5 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 its being completely removed at a later date is unlikely should permission be revoked.

The use of student names in media should generally be avoided. First names may be used if permission has been granted via the relevant consent form. Full names may be used if specific signed permission is granted in writing, in addition to the consent form. Unless specific consent is given, full names should not be used regardless of whether they are associated with a photo.

In the case of the publication of 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 4.8.

DECD employees may choose how they wish to be referred to in media. For example, first name, title and surname or both first and last names.

Some social media sites allow the tagging of images 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. Sites should consider this when choosing which social media to use to publish specific media.

4.6 Photography at swimming and aquatics programs

Schools 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 off-site 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 wishes to permit photography, there needs to be agreement with the centre management.

Schools should provide both the centre management and the DECD 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 staff and parents) to assist with appropriate implementation and monitoring.

Where the DECD Instructor in Charge wishes to take photographs for their program, approval needs to be sought from schools in advance explaining the reason and purpose of the photography and the photos made available to schools for their final approval.

In deciding to allow photography, schools may wish to consider the following:

- Identifying a person (teacher or parent) to take photographs for school purposes and making them available to parents.
- Getting prior approval of anyone taking photos and making them easily identifiable (eg. by wearing a badge, sash or other kind of identification).
- Requesting that parents not include other students in their photos, or instructors without their express permission (see section 4.4 on DECD Employees).
- Advising individuals taking photos that they may be requested to show the photos they have taken to an instructor or teacher.

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 the use of identifying names of students and instructors are detailed in Section 4.5.

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

4.7 Identifying locations (geotagging)

Geotagging technology found in smart phone cameras 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 DECD intranet: <https://myintranet.learnlink.sa.edu.au/ict/communication-and-online-services/social-media/managing-social-media/posting-images-of-students>

4.8 School photographs and commercial photographers

It is a requirement that:

- No child/student may be photographed in a group or individually without obtaining in advance the written permission of a parent/guardian.
- Parents/guardians must consent to the addition of the child/student's full name on class or group photographs.
- Schools 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 approval of the principal/preschool director of the school/preschool 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.
- The taking of school photographs in schools/preschools will be restricted to one period per year.
- Photographers must give an undertaking that they are prepared to sell single or multiple copies of photos to parents/guardians.
- School/preschool staff may give assistance but will not be held responsible for moneys collected or for the distribution of photographs.

- There is no obligation on the part of parents 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.

The photographer's release form below should be used in situations where DECD needs to retain copyright of the photographs.

- Photographer's release form
<http://www.decd.sa.gov.au/docs/documents/1/PhotographersReleaseForm.docx>

4.9 Dealing with external media organisations

If a journalist/photographer/news crew have been invited and come to the preschool, school or children's centre 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, consult:

- DECD Communications Guide - Working with the media
<https://myintranet.learnlink.sa.edu.au/operations-and-management/communications-and-marketing/marketing-and-promotions/communications-and-media/working-with-the-media>
- DECD News Media Policy
<http://www.decd.sa.gov.au/docs/documents/1/DecdNewsMediaPolicy.pdf>

4.10 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 site manager.

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:

- distributed via social media and shared by members of the wider community
- already printed and distributed
- currently being indexed by search engines

If a student or child's situation changes and the school/preschool becomes aware of the situation, a new consent form must be obtained. Changes may occur for many reasons, including:

- changes to the student/child's name
- moving from one school, preschool or site to another
- child protection issues that put the student/child at risk
- reaching the age of 18

- becoming an independent student
- any other matter that may affect the safety or wellbeing of a child or young person

Where children and young people are under the Guardianship of the Minister, any queries concerning changes to consent must be referred to their case worker.

4.11 Copyright and intellectual property

Students, children and adults other than DECD 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, preschool or site.

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 Legislation and 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), irrevocable, free, worldwide, non-exclusive and allows the replication, distribution, display, performance and remixing of copyrighted work provided that the author is credited and reuse of the material is restricted to non-commercial purposes only.

However if consent to distribute media is revoked, every effort should still be made to remove the media from circulation. Refer to section 4.10, Duration and changes to consent agreement, for further information.

4.12 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.

4.13 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 using the comments field in EDSAS.

5. Roles and responsibilities

Table 2 - Roles and responsibilities

Role	Authority/responsibility for
All DECD 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.
Online Communication Services Unit	Will monitor and review this procedure and associated consent forms to ensure relevance and currency. Offer advice to DECD staff and units on issues relating to this procedure

6. Monitoring, evaluation and review

The Manager, Online Communication Services will arrange for ongoing monitoring and regular reviews of the procedure at least once every six months to ensure continued relevance, accuracy, active hyperlinks and compliance with the DECD Policy Framework.

7. Definitions and abbreviations

Table 3 - Definitions and abbreviations

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

8. Supporting documents

- Consent form for student/child
<http://www.decd.sa.gov.au/docs/documents/1/ConsentFormChild.pdf>
- Consent form for adults (including student over 18 years old, students living independently)
<http://www.decd.sa.gov.au/docs/documents/1/ConsentFormAdult.pdf>

- Consent form for DECD Staff
<http://www.decd.sa.gov.au/docs/documents/1/ConsentFormStaff.pdf>

9. References

- Information Privacy Principles
http://dpc.sa.gov.au/sites/default/files/pubimages/Circulars/PC012_Privacy.pdf
- Copyright Act 1968
http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/
- Creative Commons Licensing
<http://creativecommons.org.au/learn/licences/>
- Children's Protection Act 1993
<http://www.legislation.sa.gov.au/lz/c/a/childrens%20protection%20act%201993.aspx>
- Cyber-Safety: Keeping Children Safe in a Connected World Guideline
<http://www.decd.sa.gov.au/docs/documents/1/CyberSafetyKeepingChildre.pdf>
- Code of Ethics - Use of Government/Public Resources
<https://myintranet.learnlink.sa.edu.au/library/document-library/guideline/hr/working-in-decd/employment-conditions/staff-wellbeing/no-5-code-of-ethics-use-of-government-public-resources.pdf>
- State Records Photographic Images and Privacy Information Sheet
http://archives.sa.gov.au/sites/default/files/20111025%20Photographic%20Images%20and%20Privacy%20-%20Information%20Sheet%20Final%20V2_Copy.pdf
- Government of South Australia Intellectual Property Policy
http://dpc.sa.gov.au/sites/default/files/pubimages/documents/intellectual_property.pdf
- Consents and Decisions for children and young people the Guardianship of the Minister in family based care
https://www.sa.gov.au/_data/assets/pdf_file/0018/6282/Consents-and-decisions-info-booklet.pdf
- DECD Communications Guide
<https://myintranet.learnlink.sa.edu.au/operations-and-management/communications-and-marketing/marketing-and-promotions/communications-and-media/communications-guide>
- Social Media policy
<http://www.decd.sa.gov.au/docs/documents/1/DecdSocialMediaPolicy.pdf>
- Social Media guidelines
<http://www.decd.sa.gov.au/docs/documents/1/DecdSocialMedia.pdf>
- News Media Policy
<http://www.decd.sa.gov.au/docs/documents/1/DecdNewsMediaPolicy.pdf>
- Photographer's release form
<http://www.decd.sa.gov.au/docs/documents/1/PhotographersReleaseForm.docx>

From: s 22
To: s 22
Subject: FW: re Media permission. [DLM=For-Official-Use-Only]
Date: Tuesday, 30 October 2018 11:45:00 AM
Attachments: [image001.png](#)

For Official Use Only

Media permission provided below.

s 22 | Adviser
Women, Families and Children Branch
Education, Community Safety and Health Division | Department of the Prime Minister and
Cabinet
s 22
| w. www.pmc.gov.au
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

s 22



From: s 22
Sent: Tuesday, 30 October 2018 11:43 AM
To: s 22
Cc: s 22
Subject: FW: re Media permission. [SEC=UNCLASSIFIED]

Hi s 22

Further advice regarding Army media consent below.

s 22

s 22 | Adviser
Executive and Regional Coordination | South Australia
s 22



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



From: s 22

Date: 30 October 2018 at 8:43:51 am ACDT

To: s 22

Cc: s 22

Subject: FW: re Media permission. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good morning s 22

Following up on the request below, please take this email as consent from Army for media to be present while touring the AACAP project sites.

Don't hesitate to call if you have any further queries. I can be contacted by mobile s 22 .

Regards

s 22 | Senior Project Engineer | 11 Works Section | 19th Chief Engineer Works

s 22



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From: s 22

Sent: Tuesday, 30 October 2018 8:52 AM

To: s 22

Cc: s 22

Subject: FW: re Media permission. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Sir,

Not sure if you're managed to get on to s 22 this morning – please see below clarification of what Mr Abbotts office has requested.

Regards,

s 22

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: s 22
Sent: Tuesday, 30 October 2018 8:08 AM
To: s 22
Cc: s 22
Subject: re Media permission. [SEC=UNCLASSIFIED]

Hi s 22,

Missed a call from s 22 yesterday following up re media permissions.

I can't locate his contact details.

The only information I have regarding the media request is that Mr Abbotts office has requested written confirmation that the Australia Army gives permission for media to be present while touring the AACAP project sites. This needs to be obtained before tomorrow's visit.

Confirmation via return email this morning if possible with cc to
s would be great.

Regards

s 22 | Programme Officer
Adelaide Office
Indigenous Affairs Network | Department of the Prime Minister and Cabinet
s 22
www.dpmc.gov.au | www.indigenous.gov.au
GPO Box 9932 ADELAIDE SA 5001