

July 2017

# Photographing / filming students in the classroom and at school

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Guidance from the PPTA ICT Advisory Committee on taking images, both photographs and video, of students and teachers in the classroom. The key legislation that provides advice about the collection and sharing of personal information, including images, is the Privacy Act 1993.

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## Check and abide by your school policy

If the school does not have a policy they should develop one. Netsafe publishes some model policies:

[The Netsafe Kit for Schools: Policy & Use Agreements](#)

If you do not agree with your school's policy, find out the reasoning for it and get it changed if necessary, don't just ignore it.

School policies should reflect the right of students and teachers to privacy.

We recommend reading and following this guide:

[Privacy in schools: A guide to the Privacy Act for principals, teachers and boards of trustees](#). By Dalziel, K. (2009), Office of the Privacy Commissioner (see pages 34-35 in particular).

## Information Privacy Principles

The Information Privacy Principles cover how agencies may collect, store, use and disclose personal information – including taking and publishing photographic images in school.

Netsafe summarises the principles in this way:

In general terms schools should:

- Only collect personal information they really need
- Get it directly from the person where possible
- Be open with people about what's going to be done with it
- Be fair about how you get it
- Keep it secure
- Let a person see it if they want to
- Fix it if the person thinks it's wrong
- Take care that it's accurate before using it
- Dispose of it when it's no longer needed
- Use it only for the purpose for which you got it
- Only disclose it if you have good reason to do so
- Only use 'unique identifiers' where this is clearly allowed

[Netsafe Privacy and Schools](#)

[Office of the Privacy Commissioner. Privacy 101: An introduction to the Privacy Act](#)

## What is your purpose in taking photographs / filming

What do you intend to do with images/film that you take? Is it for professional learning and development purposes, sharing lessons or other reasons?

- **Only collect personal information you really need**

**Privacy Principle 1** requires that you only collect information that you need to have, for the lawful purposes of school. A good starting point is the school's charter or strategic plan.

"A good approach for schools is to consider whether or not the information is needed to complete a process such as enrolment or an application to attend a school camp. If so, then the school probably needs to collect the information." (Dalziel, K., p.11)

## Informing students and their parents/legal guardian

- **Get it directly from the person where possible**
- **Be open with people about what's going to be done with it**
- **Use it only for the purpose for which you got it**

Students and their parents need to know that you wish to take photographs or video images, why and where the images will be published and who will have access to them.

## Obtaining permission

Give prior notice to students and parents along with the ability for them to decline to be filmed or photographed.

When a student enrolls is often the time schools ask parents and students to sign an agreement that confirms whether the school can use information, including photographs of the student, in its publications or on the school website. Some schools also use a generic permission form to be signed at the start of each year for those subjects that require filming for assessment.

Students should be able to opt out of having their photos used by the school.

Below is a draft permission statement used on a student enrolment form:

"From time to time the school takes photographs of students to record activities within the school for the students' learning journals, for the school newsletter and for the school website. It is the school's policy that any photos for publication are either positive depictions of the children/young people or the photographs are taken in such a way to avoid identification. Please advise the school if you have any concerns about publication of your child's photo." (Dalziel, K, 2009, p. 47).

### Other examples:

[Sacred Heart Girls College policies](#) (pdf)

[Golden Bay High School permission to publish student work, images & details](#) (pdf)

Permission obtained for a specific purpose cannot be considered permission for another purpose.

“Information Privacy Principle 10 – use personal information for its purpose ... If a student consents to being photographed for a school project, the school may not subsequently use the photograph for promotional advertising without consent” (Dalziel, K. p.20).

## When you are taking photographs or filming let students know

- **Be fair about how you get it**

Give some advance notice. Information collection, including taking photographs at school, should be lawful, fair and not unreasonably intrusive.

## Secure storage

- **Keep it secure**

Schools / teachers have an obligation to take care of the personal information about students that they hold. They must have reasonable measures in place to avoid loss of information or unauthorised access or use.

Do not store student images and student work on your personal mobile devices. Ensure you download student information and store securely and appropriately at school. Your school policy should set out the school’s recommended process.

## Photographing / filming teachers

The privacy principles apply to how schools may collect, store, use and disclose personal information about school staff. This includes photographing and filming teachers. Permission should be sought, and must be given, before images can be published.

Check your school policy.

If you need support contact your local PPTA field officer.

[Contact PPTA](#)

## Social media

Be mindful when posting photographs and video of school events to social media. Seek permission before posting.

## Clandestine photography and video

The privacy principles apply to students taking photographs or making videos of other students and teachers.

Clandestine photography and video is unacceptable, this includes body worn cameras and video recording in the classroom or playground.

All schools should be teaching and modelling digital citizenship.

[Digital citizenship - resource ideas for teachers](#)

## Fixed school cameras

Many schools install security cameras as one tool to protect and manage school property and for health and safety reasons.

"If cameras are installed, schools should display notices about the presence of cameras and schools should have clear policy guidelines about storage and access to the information collected." (Dalziel, K. p.35).

## Schools/Boards of Trustees responsibility

National Administration Guideline 5 includes a statement that "Each board of trustees is also required to: provide a safe physical and emotional environment for students"

[Ministry of Education National Administration Guideline 5](#)

Schools also need to be aware that the Health and Safety at Work Act 2015 requires them to provide a safe workplace for teachers - this includes keeping teachers safe from cyberbullying by students.

Tools to support teachers who experience cyberbullying include the school's student acceptable/responsible use policy and/or teacher acceptable/responsible use policy, and the provisions in the Harmful Digital Communications Act (HDCA.)

[Harmful Digital Communications in Schools](#)

## What defines a Harmful Digital Communication?

The HDCA establishes a number of principles on top of the new criminal offences. These principles define harmful digital communications in a civil setting, and are in addition to the new criminal offences.

- 1) A digital communication should not disclose sensitive personal facts about an individual.
- 2) A digital communication should not be threatening, intimidating or menacing.

- 3) A digital communication should not be grossly offensive to a reasonable person in the position of the affected individual.
- 4) A digital communication should not be indecent or obscene.
- 5) A digital communication should not be used to harass an individual.
- 6) A digital communication should not make a false allegation.
- 7) A digital communication should not contain a matter that is published in breach of confidence.
- 8) A digital communication should not incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual.
- 9) A digital communication should not incite or encourage an individual to commit suicide.
- 10) A digital communication should not denigrate an individual by reason of his or her colour, race, ethnic or national origins, religion, gender, sexual orientation, or disability.

<https://privacy.org.nz/news-and-publications/guidance-resources/hdca-faqs/#related-issues>

## Resources

Dalziel, K. (2009) [Privacy in schools: A guide to the Privacy Act for principals, teachers and boards of trustees](#). Wellington. Office of the Privacy Commissioner (strongly recommended – see pages 34-35 in particular)

Education Council [Our Code Our Standards: Code of Professional Responsibility and Standards for the Teaching Profession](#)

Netsafe [Privacy and schools](#)

Netsafe [The Netsafe Kit for Schools: Policy & Use Agreements](#)

NZ Police [What are the rules around taking photos or filming in a public place?](#)

Office of the Privacy Commissioner [Information Privacy Principles](#)

## Contact your local PPTA field office for specific advice

This advice is of a general nature. Please contact your local PPTA field office for advice or support in specific situations.

[Contact your local PPTA field office.](#)