



## Customer Photography and Filming Consent Policy

Nunawading Swimming Club Inc takes the privacy of its customers and children very seriously and is committed to maintaining a safe physical and emotional environment for everyone. A vital part of this commitment is ensuring that all necessary steps are taken to protect our members from inappropriate use of their images online, on display or elsewhere.

### Adherence with the Swimming Australia (SA) Safeguarding Children and Young People Policy.

This Policy is intended to be read in conjunction with the Safeguarding Children and Young People Policy which is the overarching policy that concerns conduct and complaints procedure for anyone involved in the sport of swimming. A copy of the full policy may be found on the Swimming Australia website.

### Policy

Just Swimming and Nunawading Swimming Club regularly take photos and video's which are used across various platforms, including written, electronic and/or multimedia materials. These images may be used for advertising purposes, for our websites and on social media to positively promote the programs and services offered.

Any still photography and video filming of and by Just Swimming or Nunawading Swimming Club will ensure the privacy of its members, children and young people, and

will do their best to ensure no person is recognisable. Any still photography or video filming where a person's identity is clear or can be reasonably worked out, Nunawading Swimming Club Inc will request and receive written consent before publication.

## Principles

### The Law

In Australia, generally speaking, there is no law restricting photography of people (including children) in public spaces, as long as the images are not:

- Indecent
- Being used for voyeurism
- Protected by a court order (e.g., child custody or witness protection)
- Defamatory
- Being used for commercial purposes

There is also nothing to prevent a person from photographing outside the property boundary, unless it is taken for indecent purposes, as above. Consensual photos of a child (including your own) also contravene Criminal Codes and censorship laws if the child is photographed in a provocative or sexual manner.

However, where a sporting event is held on council owned facilities, the owners of the property are able to restrict or ban photography and videography and may have a discussion with leaseholders to determine a mutually agreed photographing policy.

Federal privacy laws protect the personal information of all people and images of individuals in photographs or videos may be treated as personal information where a person's identity is clear or can be reasonably worked out from that image.

## Principles

Nunawading Swimming Club Inc follows the procedures outlined in **Safeguarding Children and Young People Policy** which states:

### 1. Professional boundaries

(a) A Person in a Position of Authority must establish and maintain professional boundaries (both in- person and online) when working with Children/Young People who are involved in our sport. Professional boundaries ensure that the nature of the relationship between a Person in a Position of Authority and Child/Young Person does not move from a professional one to a personal one and becomes harmful or exploitative of the Child/Young Person and/or family.

(b) A Person in a Position of Authority, unless they are also an Approved Person must not:

1. use a personal phone, camera, or video camera to take images or video footage of Children/Young People unless prior written authorisation from the Relevant Organisation is provided;

### 2. Photographs or video of Children/Young People

(a) An Approved Person may photograph or film their Child/Young Person when participating in our sport.

(b) When arranging official photography/videography of Children/Young People involved in our sport,

Relevant Organisations must:

1. obtain prior written consent from the Child/Young Person's parent or carer. Where appropriate and possible, consent should also be sought from the Child/Young Person. Written approval could include electronic messaging formats such as email or SMS;
2. give due consideration to Children/Young People who are protected by a court order;

3. appoint a photographer/videographer who holds a current WWCC;
4. ensure the photographer/videographer is supervised at all times;
5. ensure the context is directly related to participation in our sport;
6. ensure the Child/Young Person is appropriately dressed and posed; and
7. not distribute images or videos (including as an attachment to an email) to anyone outside the Relevant Organisation without parent/carer knowledge and approval.

(c) Relevant Organisations must store images (digital or hard copy) in a manner that prevents unauthorised access by others and must be destroyed or deleted as soon as they are no longer required.

(d) Relevant Organisations must not publish images or footage of a Child/Young Person or identify the Child/Young Person pictured, whether online or in print, without written consent from the Child/Young Person's parent or carer. Where appropriate and possible, consent should also be sought from the Child/Young Person.

(e) Relevant Organisations must ensure any Employee, Volunteer or Contractor (such as an event photographer) comply with the above requirements whilst working at an Activity.

## Acquiring Images

The Nunawading Swimming Club Inc Process (outlined below) must be followed when acquiring images. The additional following must also be adhered to:

- Parents should only take images (still and moving) of their own children, unless they have the express approval of the parents of other children.
- Parents/guardians and young people have a right to decide whether images are to be taken and how those images may be used.

- Care should be taken to ensure that images are not inadvertently or deliberately sexual or exploitative in nature, nor open to obvious misinterpretations and misuse.
- All photos should ensure the context is directly related to participation in swimming.
- Cameras phones, videos and cameras are not permitted inside changing areas, showers, first aid room or toilets.
- Photographers, professional or not, are not allowed unsupervised or individual access to children.
- Facebook Live or Instagram Live may not be used unless consent is given for every single person in the pool.

## Displaying Images

The Nunawading Swimming Club Inc Process (outlined below) must be followed when displaying images. Sometimes it is not the acquiring of images that may be of concern, but how the image will be used. Therefore, the additional following must also be adhered to:

- Avoid naming a young person in an image. If this is not possible, avoid using both a first and last name.
- Personal information such as a residential address, email address, phone number, social media name, hobbies, likes/dislikes, school etc must not be displayed.
- Only use appropriate images of young people, avoiding positions or poses which could potentially be misconstrued or misused and ensuring suitable dress is worn in each image.
- Except in the case of young people and their parents/guardians distributing images of themselves or their own children to each other or appropriate others,

images are not to be distributed to anyone outside of this without knowledge and consent.

- Images are not to be exhibited on affiliated clubs' websites without parent/guardian knowledge and approval. Any caption or accompanying text may need to be checked and authorised.
- The publisher of photos/videos must obtain permission of parents/guardians of children under the age of 18.
- It is also desirable that adults are asked for permission to be published too.

## Storing Images

- Care should be taken when safely storing digital files, negatives and proofs to avoid unauthorised access and inappropriate use.
- Hard copy images should be stored in a locked drawer or cabinet - Electronic images should be stored in a 'password protected' folder.
- Secure destruction of all images should be arranged.
- Association photos of regular competition may remain on the Just Swimming website for one month.
- Special Association event photos may remain on the Just Swimming website for one year.

## The Just Swimming Process

- Just Swimming reserves the right to refuse permission to photographers/video operators if the correct process is not followed or for any other valid reason

## Professional Photographing, Recording and Filming.

This applies to professionals who have been organised to attend Just Swimming specifically to capture images for a special event and not to spectators whose regular vocation may coincidentally be as a professional photographer themselves.

- Professional photographers/filming/video operators who wish to record Association events should seek accreditation from Just Swimming by producing a letter from the club/company/organisation outlining the motive and reasons for attending and recording it.
- Student or amateur photographers/filming/video operators who wish to record Association events should seek accreditation from Just Swimming by producing a letter from the club/company/organisation outlining the motive and reasons for attending and recording it. They must register on the day using the Just Swimming Process and be made aware of this Policy.
- Professional photographers/filming/video operators who are invited, requested or employed to record Association events should be from an accredited company or business.
- If necessary, a contract may be written to clearly outline who will retain the taken images, as well as any restrictions for use and sale.

## Breach of Policy

If a person is taking photographs/videos without permission, then the Association may request the person to stop. Just Swimming may ask for information such as:

- name
- if they have a relationship with a participant and which participant it is
- which club they are representing
- if they have a legitimate reason to take photos/video

If a person is taking photographs/videos inappropriately, then Just Swimming will immediately ask them to stop. In both cases, Just Swimming may then explain this Policy and if/how it has been breached or how to comply correctly. The person will be provided with an opportunity to respond and if their response is deemed unsatisfactory, they may be asked to refrain from taking further photos/videos and also for proof that the photos have been deleted. If the person refuses, a club delegate may be called to intervene (if appropriate) or the police may be called to escort them off the property.

An incident report should be submitted to the Child Safety Officer involved as soon as is practicable following the event.

Breaches or failure to comply with this Policy may result in appropriate disciplinary action, including, but not limited to:

- Reprimand
- Signing and submitting of Just Swimming Photography Policy and Codes of Behaviour
- Official warning
- Suspension
- Expulsion and cancellation of membership from Just Swimming

## Raising a Complaint to Just Swimming

### Reporting Procedure

- Just Swimming takes the misuse of photographic or recorded images very seriously and any concerns are acted upon swiftly and appropriately. If a member of Just Swimming suspects or becomes aware that any images of our members are being used inappropriately, they can:

- Inform their supervisor immediately;
- Report the issue with a formal written grievance lodged to Just Swimming as soon as possible;

- Inform the police immediately if the conduct may be unlawful or dangerous.

## Appeals

- Any registered member who is sanctioned under a disciplinary process for breach of this, or similar policy has a right of appeal under the Swimming Australia Member Protection Policy.

## External Options for Remediation

- The organisation encourages all individuals covered by the scope of this policy to attempt to resolve complaints using internal processes in the first instance, as this is often the most effective means of rectifying such matters and ensuring that a cohesive working environment can be maintained.

- Notwithstanding this, any individual who feels they have been subject to bullying, discrimination, harassment or violence by Just Swimming; or any individual who is unsatisfied with the outcome of the internal grievance and complaint resolution process, may seek to have their complaint resolved externally by the relevant body, association or tribunal.

Contact details for relevant bodies who can assist in the resolution of complaints are:

**Swimming Australia**

T: National Integrity Manager Tel: +61 3 9910 0723

W: <https://www.swimming.org.au/>

**Swimming Victoria**

T: 03 9230 9400

**Worksafe Victoria**

T: 1800 136 089

W: <https://www.worksafe.vic.gov.au/>

**Victorian Human Rights and Equal Opportunity Commission**

T: 1300 292 153

W: <https://www.humanrightscommission.vic.gov.au/the-workplace>

**Review**

The Customer Photography and Filming Consent Policy will be reviewed every 12 months.