



## 1. Document control

<b>Overview</b>	The Photography Policy provides guidance to staff and clients on the appropriate taking, use and storage of images taken of YMCA NSW staff or clients or on YMCA NSW premises.
<b>Objective</b>	To reduce the risk of YMCA NSW staff and clients images being used for inappropriate purposes and to provide procedure that will ensure YMCA NSW sites, events and other activities protect the health, safety and welfare of our clients.
<b>Scope</b>	All YMCA NSW staff and volunteers including Board Directors, student placements, any consultants or contractors engaged by YMCA NSW and clients of YMCA NSW.
<b>Policy owner</b>	General Manager - Recreation and Camping
<b>Policy approver</b>	Chief Executive Officer
<b>Effective date</b>	03 August 2016
<b>Review date</b>	03 August 2018
<b>Related procedures</b>	

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## 2. Definitions

<b>Term</b>	<b>Definition</b>
<b>Child or Young Person</b>	Refers to a person under the age of eighteen years
<b>Vulnerable Adult</b>	An adult, aged 18 or over: Who is, or may be, in need of community services due to age, illness or a mental, intellectual or physical disability. Who is, or may be, unable to take care of himself/herself, or unable to protect himself/herself against significant harm or exploitation.
<b>Staff</b>	Any person YMCA NSW employs, or engages – including paid employees, volunteers, Board Directors, contractors, consultants and student placements.
<b>Employee</b>	Paid employees of YMCA NSW.
<b>Volunteer</b>	Unpaid volunteers, student placements and Board Directors.
<b>Client</b>	Any user of YMCA NSW services – children’s services, recreation services, camping services and community programs including children, young people, vulnerable adults, parents/guardians and facility users.
<b>Photography</b>	Any still or moving image taken by a camera, mobile phone, video, DVD recorder or any other medium used to take still or moving pictures.
<b>Social Media</b>	The use of online, web-based and mobile technologies to turn communication into an interactive dialogue in a public forum. Forms of social media include, but are not limited to: <ul style="list-style-type: none"> <li>• Facebook</li> <li>• Twitter</li> <li>• Instagram</li> <li>• LinkedIn</li> <li>• YouTube</li> <li>• Snapchat</li> <li>• Blogging (web logs, blogs)</li> <li>• Forum discussions</li> <li>• Internet dating sites (RSVP, Tinder).</li> </ul>
<b>Safeguarding</b>	Refers to the individual and collective conscious efforts and commitment by all staff of YMCA NSW, to be aware of and adhere to their responsibilities as defined by organisational policies, procedures, Standards of Conduct and relevant laws. Staff are expected to take all possible actions to prevent risks of harm to anyone in receipt of YMCA NSW services who are in one of the following categories: <ol style="list-style-type: none"> <li>1. A child or young person or group of people who are under 18 years of age</li> <li>2. A vulnerable adult</li> </ol>
<b>Cloud Storage</b>	Cloud storage is a service model in which data is maintained, managed and backed up remotely and made available to users over a network (typically the <u>Internet</u> )



### 3. Policy statement

YMCA NSW is committed to providing the highest levels of client services. This includes protecting client's privacy, promoting positive behaviours and attitudes and protecting the health, safety and wellbeing of clients and our staff. By introducing the Photography Policy regarding the acquisition and display and use of images, this policy reiterates the YMCA NSW commitment to our clients and staff.

The greater ease of taking and modifying images has raised concerns in today's society about the potential risks of abuse posed directly or indirectly to children and young people through the inappropriate use of photographs.

It is not the intention of YMCA NSW to prevent parents/guardians from taking photos of their children, young people, vulnerable adults or others, but rather to ensure that photographic practices are carefully managed and effective prevention measures in place to deter anyone with undesirable intentions from taking and publishing inappropriate images.

Images of people can be used inappropriately or illegally. Images of a child or young person if photographed in a provocative and sexual manner can contravene Criminal Codes and censorship laws. YMCA NSW requires every person and organisation bound by this policy, to obtain permission before taking an image of YMCA NSW staff, clients or on YMCA NSW premises. They should also make sure the person understands how the image will be used.

#### Australian Legislation

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

- Indecent (such as "up skirts" etc, photographs taken covertly in change rooms toilets or other invasions of privacy).
- Being used for voyeurism or made for the purpose of observing and visually recording the others person's genital area.
- Protected by a court order (e.g. child custody or witness protection)
- Defamatory
- For commercial purposes (person's likeness is used to entice people to buy or it appears they are endorsing a product).
- Consensual photos of a child (including one's own child) also contravene criminal laws and censorship if the child is photographed in a provocative or sexual manner.

Where an event is held on private property, such as a childcare centre, camping or recreation site, other privately owned land, a school or council owned facility ( but not, for example, a council road or park), owners of private property or venues are able to restrict or ban photography. There is nothing however, to prevent a person from photographing / videoing outside the property boundary unless it is taken for indecent or improper purposes, as listed above.

The use of Remote Piloted Aircraft (drones) is prohibited at all YMCA NSW sites as per the Civil Aviation Safety Authority legislation unless authorized by YMCA NSW.

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#### 4. What YMCA will do to promote this policy

YMCA NSW will ensure that all staff and clients have access to this policy. This policy will be made available to all clients through the YMCA NSW website. This policy will be communicated to all staff including board members, volunteers, contractors and consultants.

#### 5. Policy Requirements

YMCA NSW may take photographs or videos within our sites for various reasons within our programs. Photographs can be used to assist our clients identify with a program and assist in developing healthy self-esteem and for creating lifelong memories. Such reasons include: for display within YMCA NSW sites, for coaching purposes and performance improvement and for programming requirements in children's services.

Parents/guardians or individuals provide permissions for this to occur on enrolment/membership forms.

Other reasons for photography by YMCA NSW are for promotional purposes such as printed program material, website images, social media and these images will only be published with additional permissions from parents/guardians or individuals.

##### 5.1 YMCA NSW staff responsibilities

###### 5.1.1 Service photography

Where YMCA NSW staff are taking images of clients:

- Clients are to be explicitly informed of how the photos will be used (internal, external website, social media etc.) and ensure clients provide permission using the *Photography Release Form* prior to any images being taken
- YMCA NSW staff are not to use their personal phone, camera or video camera equipment for recording purposes in the workplace
- YMCA NSW staff will ensuring images are loaded on to YMCA NSW computer equipment at the end of each use/shift. Images are not to be loaded on to staff personal computers
- Where a specific program requires photos or videos to be taken by staff, only YMCA NSW equipment will be used for taking and storing images or video and parent/guardian permission has been sought

###### Exceptions to 5.1.1

- Where a specific program requires photos or videos to be taken of clients by staff for program specific purposes (such as coaching) and YMCA NSW equipment is not available, staff may use personal equipment on the completion of a risk assessment. The risk assessment is to be completed in consultation with the manager and submitted to the YMCA NSW Chief Risk Officer for approval of the process prior to images being taken. Risk minimisation must include:
  - Parent/guardian or individual permission has been sought for all images taken. Clients are to be informed of the purpose of the images (as per point 1 above), that the images are to be taken on a YMCA NSW staff members personal equipment and what the process is in regards to the storage of the images
  - Clients are to be appropriately dressed and posed when being photographed
  - Images are taken in the presence of other YMCA NSW staff or parents/guardians

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- Ensuring images are loaded on to YMCA NSW computer equipment at the end of each use/shift. Images are not to be loaded on to staff personal computers
- Images are to be removed from the device after loading and this is to be verified by another staff member/manager. Removal includes deletion of any dissemination of images (e.g. emails, cloud storage etc.)

### 5.1.2 Client photography

Where clients are taking images on YMCA NSW premises or programs:

- Staff must take reasonable steps to ensure that members of the public do not take photography/videography of children, young people or vulnerable adults at a YMCA NSW service without parent/guardian permission. Parents/guardians are permitted to take photography/videography of their own children, young people or vulnerable adults with prior approval from service staff and the completion of the *Photography Permission Form*.
- Where a member of the public is believed to be inappropriately photographing any clients at a YMCA NSW site, staff are required to ask the individual to stop. If the individual refuses, the police are to be called to deal with the matter. The incident is then required to be reported in the YMCA NSW online incident reporting tool within 24 hours.

### 5.2 Client responsibilities

- YMCA NSW requires the privacy of others to be respected and prohibits the use of any photography enabled device such as camera phones, videos, tablets and cameras inside change rooms, showers and toilets
- Clients are not permitted to take photography/videography on YMCA NSW premises without prior approval from service staff. Parents/guardians are permitted to take photography/videography of their own children, young people or vulnerable adults only and are required to seek approval from service staff and the complete the *Photography Permission Form*
- Clients are to seek permission from an individual, including a YMCA NSW staff member, or a parent/guardian of a child or young person prior to take any images of that person
- Clients need to be aware that any images taken are for private use only
- Clients are to inform YMCA NSW staff if they do not wish their child/young person's photo to be taken whilst they are engaged in a YMCA NSW program
- Clients are to indicate their consent or lack of consent for images to be taken of their child, young person or vulnerable adult who are engaged in a YMCA NSW program on their enrolment/membership form
- Clients can withdraw their consent at any time by informing a YMCA NSW staff member
- Clients are required to inform a YMCA NSW staff member if they suspect another client is taking any images of YMCA NSW staff or clients without consent
- Clients are to inform a YMCA NSW staff member if they believe a client or YMCA NSW staff member is taking inappropriate or illegal images as per the legislation listed above

### 5.3 Photography permission

- Photography permissions are included on all enrolment and membership forms of YMCA NSW. This ensures clients are aware that images are likely to be taken whilst on site by YMCA NSW

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- Parents/guardians are permitted to take photography/videography of their own children, young people or vulnerable adults only and are required to seek approval from service staff and complete the *Photography Permission Form*
- Where images or video are to be used of clients by YMCA NSW for promotional material – brochures, website, social media or advertising, written permission must be sought from clients and or parent/guardians using the *Photography Release Form* prior to images being taken and clients are to be explicitly informed of the use and storage of images taken
- Care must be taken to ensure that images of children and young people who are under a court order are not recorded or published without written permission
- All clients or their parent/guardians will be notified and approval sought if a YMCA NSW staff member requires to photograph or video a client for program specific purposes (such as coaching tool) and require to use their personal equipment for taking images and will follow the steps in 5.1.

### 5.4 External Photographers

#### 5.4.1 Images for YMCA NSW

Where a contract photographer is to be engaged by YMCA NSW to acquire images of clients for YMCA NSW purposes (such as stock photos to be used for promotional material):

- Staff are to ensure that the contractor engaged, allows images taken to remain the property of the YMCA NSW, and cannot be used or sold for any other purpose. All negatives / proofs etc need to be destroyed or given to YMCA NSW at the conclusion of the photo opportunity
- Staff are to ensure photographers do not to have unsupervised or individual access to children, young people or vulnerable adults
- Clients are to be informed that YMCA NSW has engaged the services of an external photographer, the purpose, usage and storage of images and staff are to ensure written permission is obtained prior to any images being taken
- YMCA NSW has the obligation to advise the contractor of any limitation as prescribed by client permissions, a court order or law
- The contractor is required to be suitably identifiable and provide a valid and verified Working with Children Check (NSW) or Working with Vulnerable People Check (ACT).

#### 5.4.1 Images for sale

Where YMCA NSW engages a contract photographer to acquire images for the purpose of selling images to clients (such as underwater photographs):

- Staff are to ensure photographers do not to have unsupervised or individual access to children, young people or vulnerable adults
- Clients are to be informed that YMCA NSW has engaged the services of an external photographer, the purpose, usage and storage of images and staff are to ensure written permission is obtained prior to any images being taken
- The contract photographer is to clearly outline to clients that all images taken will remain the property of the photographer, and cannot be used or sold for any other purpose and the length of time they will be stored
- The contractor is required to be suitably identifiable and provide a valid and verified Working with Children Check (NSW) or Working with Vulnerable People Check (ACT).

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### 5.5 Promotional material – YMCA NSW website, social media or other publications

Where images or video are to be used of clients by YMCA NSW for promotional material – brochures, website, social media or advertising:

- When taking photos of clients staff are to ensure that clients are explicitly informed of how the photos will be used (internal, external - website, social media etc) and ensure clients provide permission using the *Photography Release Form* prior to images being taken
- When determining whether it is appropriate to publish an image for promotional purposes, consideration should be given to both the potential for inappropriate use of an image and the possibility that an individual could make contact with a child or young person by using any personal or site details placed on line
- YMCA NSW will not name or identify the client or display personal information such as residential address, email address or telephone numbers without gaining permission from the client or parent/guardian
- No information about hobbies, likes/dislikes and school shall be posted with a child or young person's photograph
- YMCA NSW will endeavour to ensure that any photos taken for promotional material reflect the diversity of the organisation and its clients and communities
- YMCA NSW is concerned with the health and wellbeing of its clients and as such will exclude images that may be deemed offensive or unflattering. Furthermore YMCA NSW will not actively publish imagery which suggests the use of tobacco, alcohol and prohibited drugs
- While some editing of images is acceptable, YMCA NSW will not modify, merge or manipulate images in a way which may cause embarrassment or distress to the client or cause the final image to be inappropriate

### 5.6 Storage of images

YMCA NSW will ensure that appropriate technical and organisational measures are taken against unauthorized or unlawful processing of personal data and against accidental loss of personal data. Images must be stored and disposed of securely to prevent unauthorised access, ensure confidentiality and protect identity as per the Privacy Act 1988.

- Images are only to be stored on to the YMCA NSW network. No images are to be stored on YMCA NSW equipment such as computers or hard drives or on staff equipment
- Images are to be deleted from the photography device once uploaded on to the network
- Images should only be stored on portable storage devices for a temporary period until access is available to load images to the YMCA NSW network
- Images are to be deleted/destroyed once they are no longer required
- Should images need to be kept for a short period of time, they must be protectively stored and password protected. Such equipment must be stored securely and access should be restricted.
- YMCA NSW will make every effort to delete any images of deceased Indigenous and elderly clients or staff to ensure cultural respect and sensitivity is maintained.

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**5.7 Specific Exclusions to these Provisions include:**

- Specific exclusions are in place for YMCA NSW camp sites in regards to hire groups utilising YMCA NSW premises. Hire groups take responsibility to ensure that all clients have photography permission. Permissions will be sought if YMCA NSW requires taking images of such clients.

**6. Implications**

Any failure by a YMCA NSW staff member to comply with the requirements will be treated seriously by the YMCA NSW and may lead to disciplinary action including termination of employment or the cessation of the volunteer’s engagement.

Any failure by a client of YMCA NSW to comply with the requirements will be treated seriously and may leave to cancellation of membership/enrolment.

Breaches of law will be referred to the Police.

**7. Accountability and responsibility**

<b>Role</b>	<b>Responsibility</b>
<b>YMCA NSW Board Directors</b>	<ul style="list-style-type: none"> <li>• Ensure adequate resources are allocated to allow effective implementation</li> </ul>
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>• Plan organisational resources and requirements for policy and procedure implementation</li> <li>• Ensure annual organisational reporting is completed</li> </ul>
<b>Executive Leadership Team</b>	<ul style="list-style-type: none"> <li>• Ensure implementation of the <i>Photography Policy</i> across the organisation</li> <li>• Ensure YMCA NSW managers, staff and volunteers have access to this policy and related procedures and understand their obligations in relation to the <i>Photography Policy</i></li> <li>• Ensure managers and supervisors have access to advice and support to implement <i>Photography Policy</i> requirements</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Ensure access to the <i>Photography Policy</i> for all staff members and volunteers</li> <li>• Ensure adequate training is provided for all staff and volunteers for the policy’s implementation</li> <li>• Provide advice and support to staff in relation to this policy</li> </ul>
<b>Marketing Team</b>	<ul style="list-style-type: none"> <li>• Ensure access to the <i>Photography Policy</i> for all clients via the YMCA NSW website</li> <li>• Ensure all images published on YMCA NSW website have the expressed permission of each person in the images</li> <li>• Ensure all images are appropriate, are not offensive or unflattering and do not identify personal information without permission</li> <li>• Provide advice and support to staff in relation to this policy</li> </ul>
<b>Managers and Supervisors</b>	<ul style="list-style-type: none"> <li>• Ensure all images published for promotional material (social media etc.) have the expressed permission of each person in the images</li> <li>• Ensure all images are appropriate, are not offensive or unflattering and do not identify personal information without</li> </ul>





	<p>permission</p> <ul style="list-style-type: none"> <li>• Ensure the <i>Photography Policy</i>, and other obligations under this policy, are implemented in their workplace.</li> <li>• Ensure all YMCA NSW staff have received relevant induction and training and that the workplace culture supports a transparent, continually improving environment</li> <li>• Ensure all YMCA NSW staff understand and can access the policy and procedure, and other related policies and procedures, and comply with them at all times.</li> <li>• Immediately report any breaches of this policy to YMCA NSW management</li> </ul>
<b>Staff Members and Volunteers</b>	<ul style="list-style-type: none"> <li>• Review, understand and adhere to the <i>Photography Policy</i></li> <li>• Participate in approved training and education programs</li> <li>• Immediately report any breaches of this policy YMCA NSW management</li> <li>• Comply with any procedures relating to this policy</li> </ul>
<b>Clients</b>	<ul style="list-style-type: none"> <li>• Adhere to the policies and procedures of YMCA NSW</li> <li>• Adhere to the <i>Photography Policy</i></li> <li>• Immediately report any breaches of this policy to YMCA NSW management</li> </ul>

## 8. Interactions with related documents

Related policies	Link to the policy
YMCA NSW Safeguarding Children, Young People and Vulnerable Adults Policy	
YMCA NSW Standards of Conduct	
Safe Behaviours Policy	
Privacy Policy	
Social Media Policy	

Related procedures	Link to the procedure

Other related documentation	Link to documentation
Photography Release Form	
Photography Permission Form	
YMCA NSW Risk Assessment	

Related legislation	
Privacy Act 1988	Children and Young Persons (Care and Protection) Act 1998 (NSW)
Children and Young People Act 2008 (ACT)	Child Protection (Working with Children) Act 2012
Child Protection (Working with Children) NSW Regulation 2013	Working with Vulnerable People (Background Checking) Act 2011 (ACT)
Children (Education and Care Services National Law Application) Act 2010 No 104	Education and Care Services National Regulations 2011
United Nations Convention on the Rights of the Child	United Nations Convention on the Rights of Persons with Disabilities

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## 9. Monitoring, Evaluation and Review

The Photography Policy will be reviewed bi-annually by and in consultation with YMCA NSW Board Directors, Executive Leadership Team and other stakeholders

## 10. Document History and Version Control

Version	Date Approved	Author	Brief Description
2	December 2009	M. Rupnik	Review and update. New format
3	January 2011	AM. Nolan	New structure
4	July 2012	AM. Nolan	Reviewed for NQF compliance
5	April 2016	L. Durrell	Review and update. New format
6	August 2016	L. Durrell	Amendment to 5.1.1

## 11. Endorsement

I endorse the Photography Policy:

Name	LEWA HART	Role	CEO
Signature		Date	2/8/16