

Youth Solutions – Policy and Procedures

1 Policy statement

Youth Solutions is committed to respecting and protecting the privacy of individuals. Youth Solutions understands its role in protecting and respecting the rights of service users around the way they are visually represented. This policy aims to guide Youth Solutions' collection of photograph, video and informed consent mechanisms.

2 Purpose, scope and outcomes

The purpose of this policy is to protect Youth Solutions' service users and stakeholders and their right to provide, or not provide, consent for the taking and use of photographs and video.

Youth Solutions must seek consent from individuals it takes photographs or video of, in order to give Youth Solutions permission to use the photographs within its promotion of the service. This is generally done utilising the [Form – Media Consent](#) to ensure written permission is collected (exceptions to this are defined in **Section 5 Policy detail, action and procedures**). In the case of an individual being under 18 years of age, their form must be signed by a parent or legal guardian.

Given the nature of its work with young people, Youth Solutions must take a delicate and cautious approach to use of images and video of service users, only seeking to obtain consent for photography or video use when doing so will not be harmful to the person(s) and their identity.

3 Definitions

Please refer to the [Policy and Procedure Definitions](#) document, section 2.2 Policy & Procedure, for all definitions.

4 Principles

Youth Solutions recognises the need to be consistent, cautious and thorough in the way that photographs and videos of service users, stakeholders, staff, Board, Youth Advisory Group (YAG), Peer Educators, students and volunteers are recorded, stored and managed.

All individuals, including service users, stakeholders, staff, Board, YAG, students and volunteers have legislated rights to privacy of personal information, including the taking and use of photographs and videos.

All staff, Board members, students and volunteers are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality. This policy should be viewed closely with the [Policy – Privacy and Confidentiality](#).

5 Policy detail, action and procedures

A [Form – Media Consent](#) should be completed for all individuals who are being captured in identifying video or photographs by Youth Solutions. A consent form *must* be completed for any video or photograph to be used for external publication purposes, which may include social media use or distribution to mass media in line with Youth Solutions articles.

Without consent, showing a video or photograph of a person outside of Youth Solutions, may be in breach of privacy laws. Therefore, use a photograph or video of a person, informed consent should be gained.

POLICY – PHOTOGRAPH AND VIDEO CONSENT

No identifying photographs or videos are to be taken and/or used of young people/service users without consent from the individual and the parent/carer (if under 18). Legally, young people over the age of 15 can provide their own consent, subject to proof the young person understands what they are consenting to. However, Youth Solutions will continue to ask for the parent/carer of a person under the age of 18 to sign the consent form on their behalf.

Consent forms are to be saved/filed and brief detail added to the Register – Media Consent (along with a notation about the circumstances of the photograph or video being taken, for future reference to the photograph/video).

Consent forms inform the individual and/or parent/carer that the photograph or video could be used to promote the Youth Solutions service. It also reminds the consenting party they can contact Youth Solutions to withdraw consent, if they wish for the photograph or video to stop being used.

Youth Solutions commits to utilising the photographs and video it collects of service users, stakeholders and community for positive purposes only.

In relation to its service delivery, Youth Solutions may take photographs and video without consent only if the person or people are unidentifiable in the photograph, eg a photo of a crowd. However, should a person in this content, even if they are unidentifiable, indicate that they wish for a photograph or video not to be taken of them or wish for a photograph that was taken to no longer be used, Youth Solutions will comply with this request.

Youth Solutions fundraising events also draw large crowds of stakeholders who support the service and its work in the community. With the scale of these events, it is usually deemed impossible to obtain written photograph consent of all attendees, however given the positive context of these events, Youth Solutions may still wish to take photographs and video. As such Youth Solutions must display the Sign – Event Photo and Video Consent informing guests that photographs and video may be being taken. The sign also notes that photos can be used for positive promotion of the service, but that Youth Solutions staff and volunteers will ask before taking identifying individual or group photos. Importantly, it notes that Youth Solutions staff and volunteers will respect the wishes of guests should they wish not to provide consent to be photographed. Importantly, this is also communicated within all event presentations/welcomes.

All photographs or videos are considered to be a ‘record’ and thus are to be protected as personal information in line with the Privacy Act (Cth) 1988.

In the interests of protecting the identity of those who *do not* consent to their name accompanying a photograph or video, these items uploaded/utilised using a filename that does not include the person’s name.

6 Delegations and responsibilities

All Youth Solutions staff, Board, YAG and volunteers must read, understand and implement the Policy – Photograph and Video Consent.

Position	Delegation or task
Board	<ul style="list-style-type: none">Endorse the policyBe familiar with Youth Solutions guidelines for Photograph and video use
CEO	<ul style="list-style-type: none">Oversee the orientation processEnsure consent forms are completed by staff, Board members, volunteers, students and service users who may have their photograph or video taken.

POLICY – PHOTOGRAPH AND VIDEO CONSENT

	<ul style="list-style-type: none"> Comply with the policy
Staff	<p>Manager Marketing & Engagement</p> <ul style="list-style-type: none"> Comply with policy Share knowledge and expertise with new employees Complete Form – Media Consent for all people you photograph and update details in the Register – Media Consent Manage Register – Media Consent and files <p>All staff</p> <ul style="list-style-type: none"> Comply with the policy Share knowledge and expertise with new employees Complete Form – Media Consent for all people you photograph and update details in the Register – Media Consent

7 Policy implementation

This policy is developed in consultation with all staff and approved by the Board. All staff are responsible for understanding and adhering to this policy.

This policy will be reviewed in line with Youth Solutions’ quality improvement program and/or relevant legislative changes.

8 Risk management

This policy is in place to ensure Youth Solutions is legally compliant with standards around collection and use of photography and video, as well as upholding its commitment to protecting the rights and privacy of its service users, stakeholders and community members,

Non-compliance with this policy could result in Youth Solutions breaching guidelines and laws, which could place Youth Solutions at risk of legal action. Non-compliance could also have detrimental effect to the safety, wellbeing and privacy of individuals involved.

As such Youth Solutions will ensure all staff and volunteers are made aware of this policy and are supported to maintain the outlined photograph and video consent practices.

Policies and procedures is a standing agenda item for Youth Solutions staff meetings to discuss any relevant issues.

9 Breaches

As noted above, there are various risks, and associated penalties, for breaching the Policy – Photograph and Video Consent, which can include legal action taken against Youth Solutions.

If staff are concerned with the conduct of a colleague regarding copyright the matter should be raised with the staff member’s direct supervisor. If that is not possible, follow the delegation indicated in the Policy – Internal Grievances

If a service user or stakeholder is concerned with the conduct of a Youth Solutions staff or Board member, a complaint should be raised as per the [Policy – Complaints Handling](#). Information on making a complaint will be made available to service users and stakeholders via the Youth Solutions website. Additionally, a complaint can be taken over the phone by any staff member.

10 References to other relevant internal sources

- [Policy – Child Protection](#)
- [Policy – Copyright and Intellectual Property](#)
- [Policy – Database and Records Management](#)
- [Policy – Records Management](#)
- [Policy – Privacy and Confidentiality](#)
- [Policy – Social Media](#)
- [Register – Media Consent](#)
- [Form – Media Consent](#)

11 References to external sources

Australian Government, Privacy Act 1988, Compilation 2014, accessed on 24/10/2023 via <http://www.comlaw.gov.au/Details/C2014C00076>

Australian Law Reform Commission, 2008, *For Your Information: Australian Privacy Law and Practice (ALRC Report 108)*, accessed on 24/10/2023 via <https://www.alrc.gov.au/publication/for-your-information-australian-privacy-law-and-practice-alrc-report-108/>.

eSafety Commissioner, 2023, *Consent for sharing photos and videos*, accessed on 24/10/2023 via <https://www.esafety.gov.au/young-people/consent-sharing-photos-videos>.

12 Quality and accreditation standards

12.1 Australian Service Excellence Standards (ASES)

Provided by Quality Innovation Performance (QIP)

Standard 2.2 – Policy and Procedures

Standard: Policies and procedures are in place and consistently applied, reviewed and updated to address legislative, industry, contractual and organisational requirements.

Outcome: Good service is consistently provided to stakeholders.

Requirements:

- The organisation has identified and documented its legislative obligations and related actions
- Policies and procedures support consistent service provision and the safety of children, young and vulnerable people in accordance with organisational objectives, industry and legislative requirements.
- Policies and procedures are authorised and have a periodic review date.
- Documentation is subject to planned reviews to ensure it reflects and supports agreed work practices.
- Records are available to demonstrate consistent application of policies and procedures for all areas of operation of the organisation.
- Records are legible and retrievable and are securely stored with defined retention times and disposal method.
- Privacy and confidentiality principles are consistent with the Australian Privacy Principles (APP) and applied in the collection, storage, use and disclosure of personal information and related records.

Document control

Please note this document is uncontrolled when printed.

<i>Policy</i>	Photograph and Video Consent	<i>Effective date</i>	November, 2011
<i>Responsibility</i>	CEO or designate	<i>Approved by</i>	Board
		<i>Review date</i>	Refer to Register

POLICY – PHOTOGRAPH AND VIDEO CONSENT

Record of policy review

<i>Reviewed</i>	<i>Reason for Review</i>	<i>Reviewed by</i>	<i>Additional comments</i>
November, 2011	Policy for external review		This policy will support the social media, website and communications policies to ensure safe use of visual communication both internally and externally.
September 2014	Due for review	Amanda Partridge	
October 2016	Due for review	Amanda Dillon	
August 2017	Due for review	Amanda Dillon	
March 2019	Reviewed / no major edits	Amanda Dillon	
October 2021	Due for review	Geraldine Dean	No major changes
October 2023	Self-assessment	Amanda Dillon	References checked and updated