

1. Purpose

Relationships Australia Victoria (RAV) takes very seriously its obligation of maintaining the privacy of clients, students, employees and contractors. RAV expects all staff, managers, Board Members/Directors, students and contractors to respect the confidentiality of all personal information, and to use that information in a sensitive manner and only for the purpose for which it was collected.

RAV collects and uses personal information for the purpose of carrying out its functions and activities, including (but not limited to) assessment, service provision, fulfilling duty-of-care responsibilities, correspondence, invoicing and promotional materials, including photos and videos ('visual media'). This information ranges from name and contact details to a client's relevant personal history related to the service to be provided, to student information to staff personal information and promotional images.

This policy applies to all RAV staff, Board Members/Directors, students, (sub) contractors, volunteers, clients (current, past and prospective) and members of the public that may not be direct service delivery clients of RAV.

2. Policy

2.1 Taking Photos, Videos and Other Images ('Visual Media')

- a) The *Privacy Act (1988)* protects personal information that is held, or collected for inclusion, in a 'record'. A 'record' is defined to include a photograph or other pictorial representation of a person. If an individual's identity is apparent, or can reasonably be ascertained, from a photograph or other image, then the collection, use and disclosure of that image is covered by the Privacy Act. This extends to video images as well as still photographs.
- 2.2 If a person is identifiable in visual media, staff should try to gain informed and voluntary consent of the people in the pictures.
- 2.3 If a person is identifiable in visual media, staff must obtain consent from the identifiable individuals prior to publishing or displaying the image for either internal or external purposes, other than when individuals are in public places and are not known to be clients (see section 2.5 and particularly section 2.5.(f) below).
 - a) Informed consent must be given voluntarily by the person in the image or the parents/guardians of the person in the image. Consent will be obtained by completing the relevant RAV Photo Video Consent Form (Adult or Child Parent Guardian) or associated specific form (such as the relevant headspace consent form).
 - b) If a person expressly requests that their image is not to be published, RAV will respect that person's right to privacy.
 - c) RAV will retain and use the visual media for no longer than 7 years after the date on the consent form.
 - d) RAV staff consent to their imagery being used for RAV, Relationships Australia (RA) and sub-brand (headspace, Family Relationship Centre, Open Place etc) purposes only, however, once in the public domain, RAV is not able to control use of photographs or videos.

2.4 Images of Children

- a) Parental consent must be obtained in writing from at least one parent/guardian for images of children up to the age of 18, however, if the young person has the intellectual capability and maturity to understand the consequences of consent, a young person between the ages of 12 to 17 should additionally be consulted and provide consent via the RAV Consent Assent Form – Child/Parent/Guardian Video / Photo and Image.

- b) If parents disagree over consent, then it is deemed that consent is NOT given.
- c) If parents agree, but the child does not, then it is deemed that consent is NOT given.
- d) As a general principle, an individual under the age of 18 has capacity to consent when they have sufficient understanding and maturity to understand what is being proposed. In some circumstances, it may be appropriate for a parent or guardian to consent on behalf of a young person, for example, if the child is young or lacks the maturity or understanding to do so themselves.
- e) If it is not practicable or reasonable for RAV to assess the capacity of individuals under the age of 18 on a case-by-case basis, RAV may presume that an individual aged 12 or over has capacity to consent, unless there is something to suggest otherwise, however, parental consent is still additionally required. An individual aged under 12 is presumed not to have capacity to consent.

2.5 Public Events

Representatives of RAV are often tasked with taking visual media at public events where RAV has a presence (presentations, stalls, public facing work that is not service delivery). Prior to the event, RAV representatives must answer the following.

- (i) Would people attending the event reasonably expect photographs may be taken?
- (ii) Would people in the photograph consider themselves to be in a public place? Would they not have an expectation of privacy?
- (iii) Is it likely that no one would object to the photograph being taken?

If the answer to any of these questions is 'no', then it is not appropriate to take photos at the event. If the answer to all of these questions is 'yes', then photos can be taken provided that RAV:

- a) provides advance notice, where possible, to attendees that visual media will be taken for specific purposes, including by ensuring that flyers/promotional materials for the event (if prepared by RAV) contain the following statement:
Photos and videos will be taken at this event for promotional purposes. If you do not want to be included in photos or videos, please let the organisers know.
- b) makes it clear through an announcement (if practicable) and the placement of notices at the event, that photos may be taken, and that if individuals have concerns they can talk to a RAV staff member
- c) makes it clear through an announcement (if practicable), that individuals who do not want to be in visual media should notify the photographer/videographer. The photographer/videographer (whether a member of RAV's staff or an external person), is responsible for avoiding visual media of the identified person, and deleting photos/videos already taken.
- d) places notices at the event detailing how to contact the organisation regarding any privacy concerns
- e) checks with the hosting venue for their requirements about taking photos and videos, and ensures that RAV complies with these rules
- f) collects completed consent forms, where possible, from people in photos and videos intended for promotional or communications use by RAV. This should ideally be undertaken for formal/staged photos, where the number of people appearing in the photo or video is 5 or less. Discretion will be used by the photographer as to whether written consent is required, depending on the age of the clients (see section 4.2), the nature of the setting (i.e. photos of clients in a service delivery setting should have written consent) and the informed nature of participants (i.e., where people pose for the photo, verbal information will be provided about how the images will be used and subjects will be informed that our Privacy Policy is available on our website).
- g) maintains current records of photos/videos and linked consent forms at Central Office/in centres.

2.6 Copyright

- a) Photos taken under a contract may not be used, other than the purpose for which they were intended, without the permission of the photographer. This means that the subject of a photo does not have copyright on the photo simply because they are the subject.

2.7 Complaints

- a) If a person wishes to make a complaint or provide feedback in relation to how RAV has obtained or used an image, the person should be provided with a copy of RAV's Client Complaints and Feedback Brochure, and supported to pursue a complaint or feedback in accordance with the RAV Client Complaints and Feedback Policy and Procedure.

3. Definitions

- **Personal Information:** Under the Privacy Act and in this policy, personal information means “information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - where the information or opinion is true or not; and
 - whether the information or opinion is recorded in a material form or not.”
- **The Australian Privacy Principles (APP):** The Privacy Act outlines how not-for-profit organisations must handle, use and manage personal information.

4. Authorisation

Document #	<ul style="list-style-type: none">• C&MD PP-03
Approval date:	<ul style="list-style-type: none">• 09/08/2016, 22/12/2020, 03/2025
Next review date	<ul style="list-style-type: none">• 03/2028
Custodian	<ul style="list-style-type: none">• Senior Manager Strategic Communications, Brand and Advocacy