

1. Purpose

To ensure Relationships Australia Victoria (RAV) fulfils its obligation to maintain the privacy of clients, students, employees and contractors, RAV takes its privacy obligations very seriously. 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. 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

- 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.
- b) If a person is identifiable in a photograph, the ideal approach in all cases is to obtain the informed and voluntary consent of the people in the pictures. RAV will, as often as possible, give notice to people attending an event that photos will be taken for specific purposes.
- c) Consent will be obtained by completing the "RAV Photo Video Consent Form" or associated specific form.
- d) If a person expressly requests that their image is not to be published, RAV will respect that person's right to privacy.
- e) RAV will retain and use the images for no longer than seven (7) years after the date on the consent form.
- f) RAV staff consent to their imagery being used for RAV and sub-brand (headspace, Family Relationship Centre, Open Place etc) purposes only.

2.2 Images of Children

- a) Parental consent must be obtained for 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 15 to 18 can consent.
- 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 15 or over has capacity to consent, unless there is something to suggest otherwise. An individual aged under 15 is presumed not to have capacity to consent.

2.3 Public Events

- a) Representatives of RAV are often tasked with taking photos and videos at public events, at which RAV has a presence (presentation, stall, public facing work).
- b) Prior to the event, RAV representatives must answer the following:
 - (i) Would people attending the event expect photographs to be taken?
 - (ii) Would people in the photograph consider themselves to be in a public place and not have reasonable expectation of privacy?
 - (iii) Do you think it's likely that anyone 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) ensures that promotional flyers for the event (if prepared by the RAV Communications and Marketing Department, and where appropriate) contain the following statement: *Photos and videos will be taken at this event, if you do not want to be included in photos or videos taken at this event please let the organisers know.*
- b) makes it clear through announcements (if practicable) and the placement of notices at the event, that photos may be taken, and if members of the public have any concerns, to talk to a RAV staff member
- c) places notices at the event detailing how to contact the organisation to advise on any privacy concerns
- d) checks with the hosting venue for their rules on taking photos and videos and ensures that RAV complies with these rules
- e) collects completed consent forms, where possible, from people whom feature in photos and videos intended for use by the organisation in advertising or promotional material, where the number of people appearing in the photo or video is five 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).
- f) maintains current records of photos/videos and linked consent forms in formal registers at centres.

2.4 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.

2.5 Complaints

- a) If a person wishes to make a complaint about an alleged breach of the Australian Privacy Principles (APPs), they should first complain, either orally or in writing, to the manager of the centre that has provided the service delivery. If the complaint is not resolved, the person should be directed to make

the complaint in writing to the RAV Complaints Officer, whose role it is to review, investigate and respond to the complaint. If still unresolved, the complaint will be referred to RAV's Chief Executive Officer (CEO) for final attempted resolution within RAV. If the complaint remains unresolved, the person may complain to the Office of the Australian Information Commissioner (OAIC). This complaint must be made in writing and may be made at any time after 30 days from the date of making the original complaint to RAV. All responses within RAV should be as prompt as possible, bearing in mind the person's right to complain to the OAIC.

- b) Complaints are to be resolved by the CEO or appropriate delegate.

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

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