

Photography and Media Consent policy and procedure

Purpose and Scope

Access4u has the responsibility to act within the NDIS Commission and Australian privacy laws when photographing customers and employees for promotional purposes. Subjects of the photographs have the right to understand and control how the image will be used, and withdraw consent at any time.

Key aspects of the policy:

- Informed consent – Access4u will explain why they are taking the photograph and how it will be used.
- Voluntary – Consent must always be explicit and, where possible, in writing. Customers cannot be coerced to take part in photography or other media, and can decline at any time.
- Documentation – Access4u will keep record of photography consents through their Talent Release Copyright Agreement filing system.
- Privacy and Confidentiality – We will treat all customer photos as sensitive and confidential information, and respect a customer's right to privacy and confidentiality.
- Children and Vulnerable Adults - Special care is needed, with parent/guardian consent required for children (under 18) as well as vulnerable adults where relevant and/or necessary.

This procedure ensures our compliance within the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles.

Compliance within this procedure is mandatory for all Access4u staff members, contractors, volunteers, and any other person supporting our customers.

Responsibilities and delegations

This policy applies to	Governing Body. Staff and Volunteers
Specific responsibilities	The Board – Responsible for ensuring effective governance mechanisms are in place. The CEO and Managers – Responsible for monitoring and ensuring adherence to Policy and related procedures. Ensure due diligence and take reasonable steps to ensure Access4u are meeting their obligations. Ensure objectives of the policy are achieved. Staff – Responsible for adherence to this and related policies, procedures and forms that support this policy.
Policy approval	CEO

Policy context – this policy relates to:

Standards	National Disability Insurance Scheme Quality and Safety Framework
Legislation	• National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 • National Disability Insurance Scheme Act 2013 • Disability Discrimination Act (DDA) 1992 • The Disability Services Act SA 1993

	• The Disability Act 2006
Contractual obligations	• NDIS Code of Conduct • Privacy Act 1988 • The Australian Privacy Principles under the Privacy Amendment (Enhancing Privacy Protection) Act 2012
Organisation policies and procedures	• Privacy Policy • Confidentiality Policy
Forms, record keeping, other documents	• Talent Release Form and Copyright Agreement • Access4u customer service agreement

Policy Directives

- The purpose of taking the photos or videos must be clearly defined and must align with the customer, or their person responsible, consent. This may include for purposes such as assessment, treatment planning, progress tracking, or promotional material.
- We limit the use of customer photos and videos to authorised personnel for the purpose it was collected and any secondary purpose in compliance with our legal obligations under the Privacy Act.
- The purpose of taking any photos or videos of customers must align with our legitimate interests and enhance the quality of care provided to the customer.
- We capture photos or videos that are respectful and promote the dignity of our customers.
- We do not exploit or sensationalise our customer's disability, when capturing photos or videos of our customers we focus on their abilities, achievements, and positive experiences.
- When using photos or videos for promotional or educational purposes, we ensure the content accurately represents the customer's experience and promotes inclusivity. We do not use images that portray individuals with disabilities as objects of pity or inspiration.

Procedure

Obtaining Consent

- Consent must be explicitly obtained by the subject before taking the photograph or video. The preferred method of obtaining consent is to use the Talent Release and Copyright Agreement Form, which includes a clear explanation of how, when and where the photos or videos will be used and who will have access to these.
- Consent forms must be completed by the individual and/or the individual's guardian (especially if under 18) before the publishing of any content that includes the individual.
- Records of consent must be retained within the relevant electronic file, and must include the date, method of consent and any specific conditions or limitations as outlined by the customer or their person responsible.
- Although it is legal to take photographs freely and without consent in public places, Access4u will always make an attempt to gain informed consent, especially if children or those with disability are present.

Confidentiality and privacy

- We treat all customer photos and videos as sensitive and confidential information.
- We respect our customer's right to privacy and confidentiality.
- We maintain strict confidentiality regarding our customer's photos and videos.

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- Customer photos and videos are only used for the agreed purpose and are not shared with third parties without consent.

Storage

- Customer photos and videos are stored securely in the relevant electronic file or within an approved interactive communication application (with consent from the customer or their person responsible).
- Customer photos and videos must never be stored on our employee's personal devices.
- Access to customer photos and videos is limited to authorised employees only and we have strict protocols to safeguard against unauthorised access and sharing of customer's personal information.
- Customer photos and videos should be deleted immediately after use from all cameras and mobile phones, or other equipment, as part of our duty of care to ensure customer privacy.

Changes to permissions for use

- Permission can be withdrawn at any time by contacting to us. We will act immediately on any changes in permission to using, taking and storing customer photos and videos, including removing and destroying files from our network.
 - The exception to this may be where a Talent and media release from has been completed and the images are publicly available and are unable to be removed.
- Should we wish to use the material for a purpose other than already agreed, in a way other than already agreed, or beyond the agreed date, a new agreement must be completed and signed by the customer or their representative.

Reporting

- Any unauthorised access or use of customer photos and videos must be reported immediately to the employee's manager and an incident reported in our Incident Management System.