

IMAGE MANAGEMENT AND CONSENT POLICY

POLICY 1370.100.E.R

1 PURPOSE

The purpose of this policy is to ensure that all City of Darwin photographs and recordings are collected, used, disclosed, published and otherwise managed in a consistent and compliant manner, including in accordance with legal privacy requirements.

This policy provides a framework for the handling of City of Darwin photographs and recordings, for the purposes of:

- protecting the privacy of people captured in City of Darwin images
- supporting City of Darwin workplace participant in their collection and handling of City of Darwin photographs or recordings
- establishing acceptable uses for the capture, use and publication of photographs and recordings by City of Darwin
- establishing image consent processes to ensure consent is obtained and recorded in a consistent manner that meets consent requirements
- ensuring photographs and recordings are managed appropriately

2 SCOPE

City of Darwin captures and uses photographs for a number of purposes. This policy applies to all photographs and recordings that capture the image of a person (including both adults and children) that are collected and used by City of Darwin for the purposes of public relations, promotion and advertising, community outreach and engagement, and recording City of Darwin events and activities. Any reference to photographs and photography should be interpreted as including filming.

This policy does **not** apply to the following:

- workplace participant images that are required for internal functions of City of Darwin, such as administration and security functions. These workplace participant images are considered Routine Personal Work Information and include workplace participant images captured by City of Darwin for work related activities within the workplace.
- footage captured by City of Darwin's CCTV systems
- Elected Members

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2.1 SCOPE APPLICATION

2.1.1 Application to Devices

This policy applies to all photographs and recordings that are captured by City of Darwin owned cameras, mobile phones, tablets, computers, videos and any other equipment capable of recording images, with the exception of those issued to Elected Members. The policy further applies to all photographs and recordings stored on City of Darwin systems.

2.1.2 Application to Workplace Participants

All City of Darwin workplace participants who capture, use, manage or otherwise handle City of Darwin photographs and recordings must understand and adhere to the requirements of this policy.

2.1.3 Application to Community

This policy applies to all photographs and recordings that capture an image of a community member (i.e., a person who is not employed by City of Darwin).

3 POLICY STATEMENT

City of Darwin implements the following requirements for the collection, use, disclosure and management of City of Darwin photographs and recordings included in the scope of this policy.

3.1 ACCEPTABLE USES

Under this policy, City of Darwin captures, uses, stores, publishes or otherwise handles photographs and recordings that contain images of people (or other types of personal information) for the following purposes:

- public relations
- promoting and advertising City of Darwin and its services
- community outreach and engagement
- recording of City of Darwin events and activities

In accordance with the above purposes, City of Darwin may publish photographs and recordings in promotional materials, corporate documents, and on City of Darwin websites or social media channels; and/or store photographs and recordings in City of Darwin's image library for future use.

City of Darwin includes adequate information in its Privacy Statement to ensure City of Darwin workplace participant and the community are informed about the collection and use of photographs at City of Darwin, including the purposes for collecting, using and disclosing photographs, as established by this policy.

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In accordance with Information Privacy Principle 2 (IPP 2) Use and Disclosure, City of Darwin does not use, publish, or otherwise disclose photographs and recordings unless the individual consents to the alternative use or disclosure, or City of Darwin is required by law to do so. Further, City of Darwin workplace participant are prohibited from:

- accessing, publishing or sharing photographs and recordings for personal purposes
- selling photographs and recordings to external parties
- capturing, sharing or publishing photographs or recordings that contain offensive or indecent content.

3.2 COLLECTION

3.2.1 General

City of Darwin treats all photographs and recordings that capture the image of a person as personal information. In accordance with privacy obligations, City of Darwin undertakes the following prior to, or at the time of, collecting photographs and recordings that capture personal information:

- informs individuals about the collection of personal information by providing a Collection Notice
- where practical, generally when taking close up/candid photographs, requests written consent from individuals to collect, use and disclose photographs and recordings that capture their image or other personal information about them.

3.2.2 Collection Notice

In accordance with Information Privacy Principle 1.3 (IPP 3), City of Darwin provides individuals with a Collection Notice that informs them of certain matters about the collection of personal information, at or before the time photographs are taken or recordings are made. The Collection Notice includes the following information:

- the identity of City of Darwin and how to contact it
- the fact that the individual is able to have access to the photograph/recording
- the purpose for which the photograph/recording is collected
- the persons or bodies, or classes of persons or bodies, to which the organisation usually discloses photographs/recordings
- any law that requires the photographs/recordings to be collected
- any consequences for the individual if all or part of the photographs/recordings are not provided.

City of Darwin provides a Collection Notice that is tailored and specific to the circumstances of the collection.

3.2.3 Consent

Under this policy, City of Darwin obtains valid consent prior to capturing specific images of workplace participant and community members in photographs and recordings. City of Darwin has implemented an image consent process and Image Consent Form templates, that adhere with the following consent requirements:

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Obtaining consent: City of Darwin obtains valid consent that is voluntary, informed, current and specific, including through the use of Image Consent Forms (where appropriate).¹ Consent for the collection, use and disclosure of photographs and recordings is not bundled with other consents, including requests for copyright consent.

Renewal of consent: City of Darwin takes steps to ensure that the consent it obtains remains current. It may do this by requesting renewed consent at regular intervals.

Revoking of consent: City of Darwin provides a clear and easy mechanism for workplace participant and community members to vary and/or revoke their consent. The process for revoking consent is clearly outlined in Image Consent Forms.

Documenting consent: City of Darwin keeps appropriate record of consents received, to ensure it can monitor and review consents where required.

The manner and timing in which City of Darwin provides a Collection Notice and requests consent will be determinant on the circumstances surrounding the collection, and whether City of Darwin workplace participant and/or community members will be captured in the photographs. Specific requirements are set out below.

Workplace Participants: City of Darwin provides a Collection Notice or Image Consent Form to City of Darwin workplace participants either at, or before, the time a photograph is taken (e.g., at City of Darwin events or activities).

Community Members: Depending on the circumstances, City of Darwin may provide or implement the following:

- a Collection Notice and Image Consent Form at event registration; and/ or
- signage at entrances to events

Completed Image Consent Forms will be provided to Marketing, Communications and Engagement (MCE), who will maintain a register. This will ensure that MCE, who will likely be capturing the photographs and recordings, can manage consents regarding the same.

3.3 DATA SECURITY

City of Darwin implements appropriate security controls to protect photographs that contain personal information, from misuse and loss, and from unauthorised access, modification and disclosure. This includes restricting access to shared drives and networks containing images to workplace participant that require regular access, eg. MCE Department team members.

Once a photograph or recording is no longer required, City of Darwin will destroy it in accordance with any obligations under the Retention and Disposal Schedule.

¹ It may not be practicable to obtain written consent in all situations, such as at a large community event. In these instances City of Darwin still ensures the community is properly informed, and when close up/candid photographs are taken, individuals are asked for consent through the use of a Consent Form.

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3.4 ACCESS AND CORRECTION

Any application to access photographs and recordings where a person has been captured, will be managed in accordance with processes set out in City of Darwin's Privacy Statement.

4 DEFINITIONS

Elected Members means the individuals holding the office of a member of Council in accordance with the *Local Government Act 2019*, also referred to as Councillors.

Information Privacy Principles (IPPs) are the principles for collecting and handling personal information by public sector organisations that are specified in the *Information Act 2002* (NT).

Personal Information is government information that discloses a person's identity or from which a person's identity is reasonably ascertainable as per Section 4A of the *Information Act 2002* (NT).

Photograph is a picture made using a camera, in which an image is focused on to light-sensitive material and then made visible and permanent by chemical treatment or stored digitally. This may include film, digital and video images (including those taken by mobile phone). In the context of this policy, the term photograph refers to a photograph that captures the image of a person for the purposes of public relations, promotion and advertising, community outreach and engagement, and recording City of Darwin events and activities.

Recording is the action or process of recording sound or a performance for subsequent reproduction or broadcast. In the context of this policy, the term photograph refers to a photograph that captures the image of a person for the purposes of public relations, promotion and advertising, community outreach and engagement, and recording City of Darwin events and activities.

Routine Personal Work Information: Personal information that is solely related to the routine day to day work duties and responsibilities of City of Darwin workplace participant. Photographs and recordings that contain an image of City of Darwin workplace participant are considered Routine Personal Work Information where they are solely related or required to internal work-related activities.

Workplace participant: Employees, volunteers, work experience placements, contractors, consultants, and labour-hire staff of City of Darwin.

5 LEGISLATIVE REFERENCES

Information Act 2002 (NT)

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6 PROCEDURES AND RELATED DOCUMENTS

0033.100.E.R	Privacy Policy
0101.100.E.R	CCTV Management Policy
1370.001.E.R	Image Management Form
	Retention and Disposal Schedule

7 RESPONSIBILITY AND APPLICATION

The implementation, maintenance and compliance with this policy is the responsibility of the Executive Manager Marketing, Communications and Engagement.

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