



PHOTOGRAPHY – ACQUIRING AND DISPLAYING IMAGES OF CHILDREN

POLICY NAME: Photography – Acquiring and Displaying Images of Children Policy

DATE OF ISSUE: May 2008 for adoption in June 2008 – Replaces the Gymnastics NSW Photography Policy which was implemented in January 07.

POLICY COVERAGE: All MWGC and Gymnastics NSW events and activities including competitions, education events, meetings, seminars or any other activity organised by MWGC and / or Gymnastics NSW.

DATE OF REVIEW: December each year

CONTROLLING BODY: Gymnastics NSW

1. INTRODUCTION

Most people taking photos of children at sporting events are doing so for acceptable reasons and are using appropriate methods, for example, a parent videoing their child at a sports presentation or photographing their child on the field during play or a professional photographer taking photos for a club.

It is worth noting that many photographs taken in public places will include subjects who have not consented to their photo being taken, and people, including children, are frequently photographed by security cameras without their knowledge or permission.

The small size of many cameras and the advent of mobile phone cameras make it easier to take photos and harder to monitor. Digital photo publication can now be printed at home and photos can be taken, altered, and transmitted quickly to a vast audience by posting on the internet or “on sending” the photo to mobile phone users.

This greater ease of taking and modifying images has raised concerns about the potential risks of child abuse posed directly and indirectly to children and young people through the inappropriate use of photographs on sports web sites and in publications. Evidence in Australia and internationally, indicates that information posted on an internet site or published in a magazine or newspaper has the potential to be used to target children, to locate them, and then to condition or ‘groom’ them for abuse or exploitation. Certain individuals will also visit sporting events to take photographs or video footage of young sports people for inappropriate adaptation and use. The end result is that, in spite of the best intentions of the sporting organisation, children’s images can end up being misused.

(This information has been adopted from the information sheet ‘Acquiring and Displaying Images of Children’ released as a part of the Australian Sports Commission Harassment Free Sports Information Sheet Series 2007. The information is not intended to be, nor should it be relied upon as a substitute for legal or other professional advice. Organisations and individuals should seek their own legal advice in relation to these issues)

This policy aims to reduce the risk of Gymnastics NSW members images being used for inappropriate purposes and to provide procedure that will ensure Gymnastics NSW events and other activities protect the health, safety and welfare of children.

2. STATEMENT OF PRINCIPLE

MWGC and Gymnastics NSW is committed to providing the highest levels of membership service. This includes protecting members privacy, promoting positive behaviours and attitudes, and protecting the health safety and wellbeing of members. By introducing policy and procedure regarding the acquiring and displaying images of children, this policy reiterates this commitment to our members.

3. SCOPE

This policy applies to participants, spectators, official's, coaches, judges and staff at all MWGC and Gymnastics NSW events and activities including competitions, education events, meetings, seminars or any other activity organized by Gymnastics NSW.

4. RELATED DOCUMENTS

Related documents include:

Privacy Policy, which governs the collection and use of personal information;

MWGC Occupational Health and Safety Policy;

MWGC Constitution;

Member Protection Policy (including codes of behavior) which sets out the procedures where members have a grievance regarding discrimination, harassment, sexual harassment, child protection, or sexual relationships;

Discipline Policy, which sets out procedures for disciplinary action where members are accused of misconduct and/or failing to comply with the rules of the Association;

Child Safe and Child Friendly Policy, which establishes the interests of children above all other competing considerations.

This list is not exhaustive and members should consult the Gymnastics NSW website for other relevant information.

5. THE LAW

In New South Wales and Australia, generally speaking, there is no law restricting photography of people (including children) in public spaces as long as the images are not considered as:

- indecent
- being used for voyeurism or made for the purpose of observing and visually recording the other person's genital or anal region
- protected by a court order (for example child custody or witness protection)
- defamatory

- being for commercial purposes (person's likeness is used to entice people to buy or it appears they are endorsing a product). This may require a Model Release/Consent Form to be signed
- Consensual photos of a child (including your own child) also contravene Criminal Codes and censorship laws if the child is photographed in a provocative or sexual manner.

Where a sporting event is held on a club's private property, privately owned land, a school or council owned facilities, the owners of private property or venues are able to restrict or ban photography.

Where a sporting event is held on private property not owned by the organisers, there needs to be a discussion with the owners to determine a mutually agreed photographing policy. There is nothing, however, to prevent a person from photographing outside the property boundary unless it is taken for indecent purposes, as previously discussed.

Many facilities do not allow the use of mobile phones (regardless of whether they have camera features) in change rooms and some local government pools require permission for photography anywhere in their venue.

If a person is taking photographs inappropriately (e.g. breaching the restrictions or ban in place for that private property or venue), then venue management can request the person to stop. If the person refuses, the police or security may be called to escort them off the property (without threatening violence, detention, or confiscation of the camera or film).

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6. ACQUIRING IMAGES

6.1 *Notification and consent*

MWGC and Gymnastics NSW will advise all event competitors and coaches that their photograph may be taken during a MWGC and Gymnastics NSW event and be used in MWGC and Gymnastics NSW publications and on the Gymnastics NSW website. This notice will be printed on the entry form to the competition.

If an individual does not want their photograph taken at a MWGC and Gymnastics NSW event, they should indicate this, in writing at the time of entering the event.

All athletes on state teams and their parents will be notified if a coach wants to video the athlete(s) as a tool to analyse and improve performance.

In the unlikely event that a photo or video session is to occur outside of an event, state team travel or training, the consent of the parent guardian and their agreement to be present, or represented by a person nominated by them, must be obtained before the photography or video session occurs.

6.2 *Authorized photographers*

Only MWGC and Gymnastics NSW authorized photographers are permitted to take photographs on the competition floor at a Gymnastics NSW event. (Please see Authorized Photographers terms of reference)

6.3 *Flash photography*

Flash photography is prohibited at all MWGC and Gymnastics NSW competitions.

6.4 *Parents and spectators*

MWGC and Gymnastics NSW permits parents and spectators to take photographs from the spectator area provided all shots are appropriate. Parents should only take images (still and moving) of their own children, unless they have the express approval of the parents of other children. Parents who suspect that other spectators are taking images of their child, or taking photos of another child that is not the child of the person taking the image, may report the incident to the Competition Manager. For the purpose of this clause the taking of such images is considered inappropriate behaviour and shall be dealt with in accordance with clause 8.

6.5 *Unsupervised access*

No photographer, including but not limited to, professional photographers, spectators, fans, coaches or members of the media, shall have unsupervised or individual access to children.

7. DISPLAYING IMAGES

7.1 *Personal information with photograph*

MWGC and Gymnastics NSW shall not publish a persons name, or personal information such as their residential address, email address or telephone numbers with photographs unless prior permission has been sought and given.

No information about hobbies, likes/dislikes and school shall be posted with a child's photograph as this information has the potential to be used as grooming tools by paedophiles or other persons.

7.2 *Photographs taken by MWGC and Gymnastics NSW at events.*

MWGC and Gymnastics NSW will take photographs at gymnastics events for use on the MWGC and Gymnastics NSW website and other publications. If notified by a member that they do not wish to have their photo taken, MWGC and Gymnastics NSW will not take the members photograph.

7.3 *Diversity*

MWGC and Gymnastics NSW will endeavor to ensure that the photos published on the MWGC and Gymnastics NSW websites and print publications reflect the diversity of the organisation and it's members.

7.4 *Health and Well-being*

MWGC and Gymnastics NSW is concerned with the health and well-being of its members, and as such should exclude images that may be deemed offensive or unflattering. Furthermore MWGC and Gymnastics NSW will not actively publish imagery which suggests the use of tobacco alcohol and prohibited drugs.

In selecting photographs for use in MWGC and Gymnastics NSW publications and the MWGC and Gymnastics NSW website, MWGC and Gymnastics NSW shall not intentionally expose any person to hatred, ridicule, or contempt.

7.5 *Duplication of images*

MWGC and Gymnastics NSW shall take all reasonable steps to reduce the ability to duplicate images of children used on the website.

8. PROCEDURE FOR REPORTING THE TAKING OF, AND USE OF, INAPPROPRIATE IMAGES AT A GYMNASTICS NSW EVENT

It is MWGC and Gymnastics NSW policy that parents and spectators are permitted to take photographs from the spectator area at MWGC and Gymnastics NSW events, provided all shots are 'appropriate' as defined by this policy (see definitions at clause 15 and clause 6.4). The Events Manager should be alerted to anyone taking inappropriate images, or in anyway acting suspiciously.

The Events Manager will approach suspicious photographers and ask for the following information:

- Name, which can be verified by inspecting the drivers license;
- Whether the individual is a parent or family friend of a participant, and who that participant is;
- Which club the participant is representing.

The Events Manager should advise the person that a complaint has been made regarding the photo's being taken. The Event's officer should subsequently provide the person with an opportunity to verbally respond to the claim.

If the Event's Manager is unsatisfied with the response provided they may ask the person to refrain from taking photos, the camera or other videoing device may be confiscated, or the Events Manager may ask the person to leave the venue. The Event Manager's decision is final.

An incident report should be completed by the Events Manager to report of any reports of inappropriate photography whether acted upon by them or not. The report should be provided to the Chief Executive as soon as practicable following the event.

9. AUTHORISED PHOTOGRAPHER TERMS OF REFERENCE

To become an Authorized Photographer photographers must:

Prior to the event:

- apply to the Event Manager by completing all sections of the application form and returning it to the Events Manager.
- show references and past work.
- complete a prohibited employment declaration.
- sign an agreement which states that they will comply with all relevant Gymnastics NSW policies.

When all criteria has been satisfied the Event's Manager will confirm whether authority will be given to take photographs from the floor at a competition.

At the event authorized photographers should:

- dress appropriately (uniform is preferred)
- follow all instructions of the Events Manager
- wear the identification provided to them by the Gymnastics NSW Events Manager.

Failure to follow any of these criteria may result in the removal of Authorized Photographer status and may result in removal from the competition floor.

10. CONCERNS OR COMPLAINTS

If a parent, guardian or other person has a complaint with respect to the acquiring or displaying images of children by MWGC and Gymnastics NSW or any of its affiliate members and the complaint would not fall within the clause with respect to the *'Procedure for reporting the taking of, and use of, inappropriate images at a MWGC and Gymnastics NSW event.'*, contained within this policy, the complaint should be made in accordance with the MWGC and Gymnastics NSW Grievance Policy or MWGC and Gymnastics NSW member protection Policy, whichever is relevant. A copy of the policy may be found on the MWGC and Gymnastics NSW website.

11. POLICY BREACHES

It is a breach of this policy for any person or organization to which this policy applies, to have been found to have done anything contrary to this policy. All people that breach this policy will be subject to the *Gymnastics NSW Discipline Policy*.

12. POLICY PROMOTION

This policy will be made available to all members via the GNSW website at www.gymnsw.org.au and through the annual yearbook, or its equivalent publication.

This policy will be communicated to all staff members, board members, sports management committee members, and regional committees annually.

13. REVIEW

This policy will be reviewed by the MWGC and GNSW board of management prior to the commencement of every calendar year.

14. ADDITIONS OR AMENDMENTS

In addition to the annual review of this policy recommended changes to the policy may be submitted to the MWGC and GNSW Board of Management for consideration, at any time. In the event that the changes are accepted, the policy will be updated, dated and circulated to all relevant stakeholders.

15. DEFINITIONS

- ‘inappropriate behaviour’ means images which are considered:
 - indecent (such as “up skirt” or “downblouse” photographs taken covertly in change rooms, toilets or other invasions of privacy);
 - being used for voyeurism or made for the purpose of observing and visually recording the other person’s genital or anal region
 - protected by a court order (eg. child custody or witness protection)
 - defamatory
 - being for commercial purposes (person’s likeness is used to entice people to buy or it appears they are endorsing a product). This may require a Model Release/Consent Form to be signed. Consensual photos of a child (including your own child) also contravene Criminal Codes and censorship laws if the child is photographed in a provocative or sexual manner.
- ‘photography’ means any still or moving images taken by a camera, mobile phone, video, DVD recorder or any other medium used to take still or moving images.