New South Wales Ice Skating Assoc Inc

Photography & Video Policy

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Related Policies/Procedures/Forms:	Member Protection Policy WHS Policy		

Introduction

Most people taking photos of participants at skating 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 ice during competition or a professional photographer taking photos for a Club or Association.

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 & vulnerable people, 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, young & vulnerable people through the inappropriate use of photographs on sports websites 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 & vulnerable people can end up being victims of abuse.

1 Purpose of the Policy

The NSW Ice Skating Association (NSWISA) Photography & Video Policy forms one part of the NSWISA Member Protection Policy (MPP), and as such, should be read in conjunction with the MPP. This Policy applies to NSWISA and all Affiliated Clubs.

The Law

In Australia, generally speaking, there is no law restricting photography of people (including children & vulnerable people) in public spaces as long as the images are not:

- indecent (such as 'up skirt' or 'down blouse' photographs taken covertly in change rooms or toilets)
- being used for voyeurism or made for the purpose of observing and visually recording a 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 endorse or entice people to buy a product).
- Photos of a child (including a person's own child) also contravene Criminal Codes and censorship laws if the child is photographed in a provocative or sexual manner.

This policy is designed to provide an understanding of issues surrounding the acquisition and display of images of registered members participating in figure skating activities throughout NSW. It also serves as an administrative reference in relation to the management of photography and videography by any person at NSWISA and Affiliated Club functions, events and competitions.

2 Scope

This Policy applies to participants, spectators, officials, coaches and staff at all NSWISA & Affiliated Club events and activities including competitions, training and development events, meetings, on and off ice seminars or any other activity organized by NSWISA or their Affiliate Clubs.

3 General Policy

3.1 While only the owner/operator of the private property or venue is able to restrict, ban or require permission of photography anywhere in their venue, NSWISA and/or Affiliated Clubs can stipulate conditions under which photography is permitted at sanctioned events. Such conditions usually include (a) the requirement to register a written application to photograph and/or video at events, (b) only allowing parents to photograph/video their own child and/or (c) the appointment of an official photographer &/or videographer to the event.

3.2 Images of children can be used inappropriately or illegally. Images of a child (including your own child) if photographed in a provocative and sexual manner can contravene Criminal Codes and censorship laws. NSWISA requires every person and organisation bound by this Policy, wherever possible, to obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

3.3 NSWISA requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets.

3.4 NSWISA and Affiliated Clubs will only use appropriate images of a child, relevant to figure skating and depicting the child suitably clothed in a manner that promotes participation in figure skating.

Wherever possible, NSWISA and Affiliated Clubs will seek permission from a child's parent/guardian before using the image.

3.5 When using a photo of a child NSWISA and Affiliated Clubs will not name or identify the child or display personal information such as residential address, email address or telephone numbers without gaining written consent from the parent/guardian.

3.6 NSWISA and its official photographers/videographers may take photographs and video at events for use in the IJS, on its website, its social media, live streaming, for distribution, for PR/media reports and other publications.

If notified by a member that they do not wish to have their photo/video taken, NSWISA or its official photographers will not take the members photograph/video, with the exception of video required to evaluate the performance in the IJS.

NSWISA are to be advised in writing that the members photo/video is not to be taken at the time of event entry or no later than 24 hours prior to the commencement of the event, citing the members full name, event, and division (if applicable).

3.7 NSWISA and Affiliated Clubs will not display information about a child's hobbies, likes/dislikes, school etc. in an inappropriate manner as this information has the potential to be used by paedophiles or other persons to groom a child, however some of this information may be used to create skater profiles and for PR purposes in a similar manner to that undertaken by ISU.

3.8 Photography and video footage are usually only required at NSWISA and Affiliated Clubs sanctioned events and competitions for four purposes:

- Skater/Coach/Officials training and development
- NSWISA and Affiliated Clubs promotion and publicity, including live streaming and social media
- Participants and family use
- Use by officials using the IJS at the competition

3.9 A number of ice rinks in NSW may already have particular photography/video restrictions or guidelines in place which NSWISA or Affiliated Clubs as a user of the centre, is required to follow.

4 NSWISA Recommended Guidelines

4.1 So that financial Members are aware that photography and videography will in all probability occur at events including competitions at Affiliated Clubs, Members acknowledge on their membership application the fact that they are aware that images are likely to be taken and that such images may be used for NSWISA purposes.

4.2 Except for situations described in 3.3, individuals are able to photograph or video their own child at competitions, functions or events being hosted by NSWISA and Affiliated Clubs, with the exception of test sessions where still or video recording is not permitted.

If an individual, other than someone appointed by NSWISA or an Affiliated Club, is videoing or photographing another child other than their own, express permission from that child's parent or legal guardian must have been given prior to the commencement of the event.

4.3 Exceptions to Freedom to Photograph

There are specific instances in law where the taking of any image is banned. Such instances generally relate to child custody matters, wards of the state, restraining orders and witness protection. It is also possible that from time to time other circumstances may also preclude the taking of any image of an individual.

Where such orders are in place it is the responsibility of the parent or guardian or individual to notify NSWISA and Affiliated Clubs or the relevant Association including where appropriate the provision of a confidential copy of the order. In such cases NSWISA and Affiliated Clubs will use its best endeavours to prevent the taking of such images with the exception of recordings required to evaluate the performance using the IJS.

4.4 Photography for Publication or Commercial Use

Where a photographer/videographer has been contracted by NSWISA or Affiliated Club at an event to acquire images of individuals or teams for the purpose of selling images to participants or interested persons, the contractor is required to be suitably identified and provide the appropriate certificate issued by the Office of the Children's Guardian.

Where a contractor has been engaged, NSWISA or Affiliated Club has the obligation to advise the contactor of any limitations as prescribed by a court order or law.

NSWISA or Affiliated Clubs will encourage wherever possible, the use of the appointed Official Photographer.

4.5 Photography for Private Use

There are no restrictions on parents, guardians and/or family members taking photos or video footage of their children participating in figure skating events provided the images are for personal use and do not encroach on the limitations as described in 3.3.

Equally there are no restrictions on officials (including coaches, Judging or Technical Conveners) taking images for coaching purposes, judging or technical officials' development or general publicity provided 3.3 is observed.

It is a requirement that no flash photography or camera lights be used when videoing or photographing at an event as a WHS precaution.

4.6 Rink Operator Video/Photography Policy

Where a Rink Operator has their own Video/Photography Policy in place, NSWISA or Affiliated Clubs must refer to that policy and abide by its guidelines.

4.7 Inappropriate Photography

Where an individual is believed to be inappropriately photographing any financial member, NSWISA or Affiliated Club can ask the individual to stop. If the individual refuses, the police may be called to deal with the matter.

An ***Authorized Person*** from NSWISA or Affiliated Club (NSWISA Board or Committee, Club Executive Member, Competition Convener) should approach suspicious photographers and ask for the following information:

- Name: which can be verified by inspecting a driver's license;

- Whether the individual is a parent, family member or family friend of that participant, and who that participant is;
- Which Club the participant is representing

The ***Authorized Person*** should advise the person a complaint has been made regarding photos/video being taken. The ***Authorized Person*** should provide the person with an opportunity to verbally respond to the claim. If the ***Authorized Person*** is unsatisfied with the response they may ask the person to refrain from taking photographs or ask the person to leave the venue. ***The Authorized Person's*** decision is final.

4.8 Reporting Inappropiate Photography

An incident report should be completed by the ***Authorized Person*** and/or Competition Convener to document any reports of inappropriate photography whether acted upon by them or not. The report should be provided to NSWISA Board as soon as practicable following the event.

The information in this publication (Photography & Video Policy) is of a general nature only and it is neither intended to be relied upon as, nor to be a substitute for, specific professional advice. No responsibility can be accepted where an individual or group or by any person acting on behalf of any individual or group does not comply with the general policy or intent of the policy or any material in this publication (Photography & Video Policy).

Version History:

Version	Approval Date	Change
1.0	01/11/2015	Policy Introduction
2.0	06/06/2019	Policy Update
3.0	14/07/2020	Policy Update
3.0	27/04/2021	Policy Renewal
4.0	27/04/2022	Policy Update