

to use, record or disclose copyright material, image, recording, name or personal information

**1. PARTICULARS – PARENT / CARER TO COMPLETE**

**Name to be used in association with the individual's personal information, image, recording or copyright material: (to be completed by parents/carer)**

☒ Full name   ☐ First name only   ☐ No name   ☐ Other:

**2. PARTICULARS – SCHOOLS TO COMPLETE**

**Description of what is to be created, used, retained or reproduced:**

(Image or recording includes photographs, videos, film or sound recordings of the Individual)

☒ Individual's image   ☒ Individual's recording   ☒ Individual's copyright material

Description of copyright material, image, recording or other personal information:

☒ sound recording   ☒ artistic work   ☒ written work   ☒ film   ☒ name   ☒ photograph / image

other:

**Where will this information be used (e.g. on the website, newsletter or brochure etc).**

☒ newsletter (uploaded to the web)   ☒ printed promotional material   ☒ advertising   ☒ website

☒ displays   ☒ competitions   ☒ year books / annuals   ☒ local media

other: Social Media

**What is the timeframe for the individual's consent (e.g. is it for duration of enrolment? What date or dates?):**

Duration of Enrolment unless advised

**Which of the websites below will the individual's personal information or individual work be published on (i.e. permanently published to the public):**

☒ School websites: [www.kirwanshs.eq.edu.au](http://www.kirwanshs.eq.edu.au)

The school websites are publicly accessible by all internet users. The school may share information, photographs and videos related to the school's programs, activities and initiatives with users through its websites.

☒ School Facebook page: Kirwan State High School Government Organisation

The school Facebook page is publicly accessible by all internet users. The school may share information, photographs and videos related to the school's programs, activities and initiatives with users through its Facebook page.

☒ School YouTube Channel: Kirwan State High School

The school YouTube channel is publicly accessible by all internet users. The school may share videos related to the school's programs, activities and initiatives with users through its YouTube channel. The school does not permit users to download its videos uploaded to its YouTube channel. However third party applications may be used to overcome the school's settings.

☐ School Twitter Profile:

The school Twitter profile is publicly accessible by all internet users. The school may share information, photographs and videos related to the school's programs, activities and initiatives with users through its Twitter profile.

☐ Other:

Provide a short description, and the website address, of the other website/s:

**3. LIMITATIONS ON CONSENT – PARENT/CARER TO COMPLETE**

The Individual or Signatory wishes to limit the consent in the following way:

**IT IS NOT COMPULSORY FOR YOU TO PROVIDE THIS CONSENT - If you decide not to provide consent, this will not adversely affect academic achievement, or any relationships with teachers or the school.**

**4. DETAILS**

|                           |                              |
|---------------------------|------------------------------|
| <b>Name of Individual</b> | <b>Address of Individual</b> |
|---------------------------|------------------------------|

|                                                                                     |
|-------------------------------------------------------------------------------------|
| <b>Name of School</b> (at which the Individual is enrolled, employed or volunteers) |
|-------------------------------------------------------------------------------------|

|                                                                                                                                                       |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Signature of the Individual</b> (if over 18 years of age, or if under 18 years of age <b>and</b> capable of understanding and giving this consent) | <b>Date</b><br>/ / |
| <b>Signature of the parent or guardian</b> (required if the Individual is under 18 years)                                                             | <b>Date</b><br>/ / |

|                                           |                                              |
|-------------------------------------------|----------------------------------------------|
| <b>Name of signing parent or guardian</b> | <b>Address of signing parent or guardian</b> |
|-------------------------------------------|----------------------------------------------|

**5. CONSENT GIVEN**

On behalf of the individual identified in Section 4 of this Consent Form (the Individual), the person or persons signing this Consent Form (the Signatory)\* grant consent to the Department of Education and Training (the Department), to a State School and to any other Department or Agency of the State of Queensland (the State) to use, record and disclose the Individual's:

- name, image, recording and any other identifying information specified in the Particulars section of this Consent Form (personal information); and
- copyright material, including their written, artistic or musical works or video or sound recordings specified in the Particulars section of this Consent Form (Individual work).

\*Note: If the Individual is under 18 years of age, the Signatory must be a parent or guardian of the Individual. The Individual must also sign if he or she is under 18 and able to give and understand the consent. If the Individual is 18 or older, the Signatory and the Individual will be the same person.

**6. PURPOSE**

This consent only applies to any use, recording or disclosure of the Individual's personal information or Individual work, in connection with the Department or the State, for the following purposes:

- any activities engaged in during the ordinary course of the provision of education and training (including assessment) or other purposes associated with the operation and management of the Department or the Individual's school;
- public relations, promotion, advertising, media and commercial activities. This only includes via the internet and Social Media Websites if the relevant website is identified as a permitted website for the purposes of this consent in the Particulars section of this Consent Form;
- where the material is uploaded to a Social Media website or other website:
  - any purpose, commercial or otherwise, required by the operators of the website as a condition of uploading the personal information or Individual work; and
  - transfer of the personal information outside of Australia in the course of the operation of the website.
- use by the media in relation to the Individual's participation in school activities or community events, including, for example, dramatic or musical performances, sporting activities and award ceremonies; and
- any other activities identified in the Particulars section of this Consent Form.

**7. DURATION**

If the Department, the State or another person permitted by them is using the Individual's personal information or Individual work, or has entered into contractual obligations in relation to the Department's material that incorporates the Individual's personal information or Individual work, the consent will continue in relation to that material until the use is complete or until the contractual obligations come to an end. It is not possible for the Signatory or the Individual to withdraw the Individual's personal information or Individual work or revoke this consent in relation to such

**to use, record or disclose copyright material, image, recording, name or personal information**

existing uses of that material.

If you do wish to revoke or modify this consent in relation to any further new uses of the Individual's personal information or Individual work, the Individual or the Signatory should send a notice in writing to the person nominated in Section 9 of this Consent Form. After that notice is received, the Department and the State will still be able to continue the existing uses, but will not be able to make any further new use of the Individual's personal information or Individual work.

The Signatory acknowledges that where material is uploaded to a Social Media website or other website:

- the use and contractual obligations may be perpetual and irrevocable; and
- it may not be possible to ensure that all copies of the material are deleted or cease to be used, and the Department and the State will not be responsible for doing so.

**8. DEFINITIONS**

- 'Use' includes:
  - to create, make copies of, reproduce, modify, adapt or retain in any form, including by camera, video, digital recorder, webcam, mobile phone or any other device; and
  - to distribute, publish or communicate in any form, including in newsletters and other print media, television and the internet and Social Media websites,in whole or in part, and to permit other persons to do so.
- The Department or the State will not pay the Signatory or the Individual for giving this consent or for the use of the Individual's personal information or Individual work.
- This Consent Form revokes and replaces all previous consent forms in relation to the use of the Individual's personal information or Individual work.
- This Consent Form is a legally binding and enforceable agreement between the Signatory and the Department or the State,
- Nothing in this Consent Form limits the rights that the Department or the State reserve in relation to the use of the Individual's personal information, Individual work or other intellectual property under any other law.
- The 'Department' and the 'State' include the officers and employees of the Department and the State engaged in performing services for the Department and the State.
- 'Social Media Website' includes any website operated by a third party which facilitates the uploading and sharing of user generated content, including social and professional networking websites, web forums, blogs and wikis.
- This consent extends to the Department and the State:
  - disclosing the Individual's personal information and Individual work to the Department's and the State's agents, contractors and volunteers for the purpose of performing services for the Department and the State; and
  - permitting those persons to use, record and disclose such material to the same extent as the Department and the State are entitled to deal with the Individual's personal information and Individual work.

**9. NOTE**

The Department will use its best endeavours to ensure the person signing this Consent Form is authorised to do so, but takes no responsibility for circumstances in which it is misled as to the identity or authority or ability of a person to provide consent.

If you require a copy of this signed Consent Form, or if you wish to revoke this consent, please contact the Principal of the school at which the Individual is enrolled or works or send a request in writing to the District Office.

**10. INFORMATION****What is this consent for?**

This Consent Form authorises the Department and the State to use the Individual's personal information and copyright material, together with information about the Individual's participation in Departmental and State initiatives, for any use by the Department and the State associated with the purposes identified in Section 6 of this Consent Form. The consent covers the entire or partial use of the Individual's personal information and copyright material in conjunction with other words and images.

For example, the Individual's personal information and copyright material may appear in school newsletters, magazines, websites (including Social Media Websites) and other school, departmental or State publications, as well as in television advertising, videos, brochures, forms, public relations displays, annual reports, press advertising, internal documents such as manuals, websites, certificates and strategic plans, and posters and other promotional material. There may also be occasions on which the Department may approve the media, such as local newspapers and television stations, using information and copyright material in relation to the Individual (for example, where the Individual is involved in dramatic or musical performances, sporting activities or award ceremonies).

**Websites**

Individuals and Signatories should be aware that publication of an Individual's personal information and Individual work on Social Media Websites is similar to publication in newsletters, magazines, brochures, etc; however publication on Social Media Websites is publication of that material to the world at large.

Individuals and Signatories should be aware that the publication of an Individual's personal information and Individual work, by the Department or the State, on a Social Media Website typically constitutes a permanent and publicly available record of that material. This means that anyone may be able to copy and use an Individual's personal information and Individual work that has been published on a Social Media Website for any purpose and without the consent or knowledge of the Department, the State or the Individual. Individuals or Signatories should not grant their consent to the Department or the State to use an Individual's personal information or Individual work in connection with a Social Media Website if the Individual or Signatory does not agree to the material being permanently available to the public.

If an Individual's personal information or Individual work is published on a Social Media Website, that material will be governed by the privacy policy and terms of use of the relevant Social Media Website. The Department or State cannot reasonably control how an Individual's personal information or Individual work is used by third parties once the material has been published on a Social Media Website.

**What is copyright material?**

An Individual's copyright material may include written work (e.g. stories and poems), paintings, pictures, drawings, designs, photographs, videos, films, music, performance, recordings, computer programs, websites, sculptures, fashion, metal- or wood-works made by them or to which they contributed. In the case of students, it includes, but is not limited to, work that they create in the course of their studies during the time they are enrolled at a State school. These materials may form part of their academic assessment or be part of their studies generally and may attract copyright.

The Department understands that students and volunteers generally own the intellectual property rights in the material they create and that this Consent Form is not meant to transfer the Individual's ownership of the intellectual property in their copyright material.

**This Consent Form does not provide for copyright consent in relation to copyright works an Individual creates in the course of employment** (whether or not the material is created in normal work hours or using departmental facilities or equipment). Where copyright material is created by a State employee while performing their duties under the terms of their employment, the copyright is owned by the State as the employer (section 35 *Copyright Act 1968*). There are limited exceptions to this including, for example, where the copyright material is created by an employee pursuant to a prior agreement with the employer.

Generally, the deciding factor is whether the employee is performing their official duties. In addition, section 176 of the *Copyright Act 1968* applies where the work was created by or under the direction or control of the State. However, moral rights may still apply to copyright material created by an employee. The *Queensland Public Sector Intellectual Property Principles* provide further information on intellectual property. If as an employee you have any further queries about the ownership of the intellectual property in respect of the works you create you should contact the Legal and Administrative Law Branch.

**What is personal information?**

Personal information includes information or opinions, whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This includes the Individual's name, image or video or sound recording. It also includes the Individual's educational information such as the Individual's assessment and results, and health information and court orders provided to the Department, where such information may enable the Individual to be identified.

**What happens to the Consent Form once it is completed and signed?**

The Consent Form is retained by the Department and it will be placed on the Individual's file and/or the project file. The Individual or Signatory may request a copy of the signed form by contacting the Principal of the school.

**What if I give my consent and later change my mind?**

This consent will be in effect from the date the Consent Form is signed. The Department and the State will then start using the Individual's personal information and Individual work to create material incorporating the Individual's personal information and Individual work and entering into contractual obligations in relation to that material.

If you wish to later modify or revoke this consent, the Individual or the Signatory should send a notice in writing to the person nominated in Section 2 of this Consent Form. After that notice is received, the Department and the State will not make any new additional use of the Individual work, but any existing uses will continue.

Where the Department or another person uploads material to a Social Media Website or other website, it may need to accept contractual obligations that are perpetual and irrevocable. It may not be possible to ensure that all copies of the material are deleted or cease to be used, and the Department and the State cannot take responsibility for doing so.

**Privacy**

The consent to the recording, use and disclosure of the Individual's personal information and Individual work is required in accordance with the *Copyright Act 1968* (Cth), the *Education (General Provisions) Act 2006* and the *Information Privacy Act 2009*. Personal information will be stored securely. The Department will only disclose the Individual's personal information in accordance with your consent, except where authorised or required by law. If you wish to access or correct any of the personal information on this form or discuss how it has been dealt with, or if you have a concern or complaint about the way the Individual's personal information has been collected, used, stored or disclosed, please contact the school.