

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

1 CONSENT GIVEN

On behalf of the individual identified in Section 6 of this Consent Form (the **Individual**), the person or persons signing this Consent Form (the **Signatory**)* grant consent to the Department of Education, Training and the Arts and to any Department or Agency of the State of Queensland (the **Department** and the **State**) to use, record and disclose the Individual's:

- name, image and sound or other recording;
- copyright material (**Individual work**); and
- personal information.

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.*

2 PURPOSE

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

- any activities engaged in during the ordinary course of the provision of education and training by the State and the operation and management of the Department and the Individual's school or TAFE Institute;
- assessment of students and other purposes associated with the provision of education;
- public relations, promotion, advertising, media and commercial activities;
- use by the media in relation to activities that show the Individual in a positive light, e.g., drama and musical performances, sports and prize giving; and
- any other activities, if any, identified in further schedules attached to this Consent Form.

3 DURATION

This consent will continue:

- for an Individual under 18 years of age, until the Individual turns 18; and
- in any other case, until the Individual revokes consent (by writing to the Principal of the school or the Institute Director, and, in the case of employees, writing to the District Office), and where more than one of these events may apply, until the first event occurs.

Despite the above, if, at the time such an event occurs, the Department or the State is using the Individual's name, recordings or images, or any Individual work or personal information, or the State has entered into contractual obligations in relation to that material, the consent will continue in relation to that material until the use by Department or the State is complete or until the contractual obligations come to an end.

4 UNDERSTANDINGS

- 'Use' includes:
 - to create, make copies of or reproduce or retain in any form, including by camera, video, or digital recorder, webcam, closed circuit television, 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,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 name, recording or image, Individual work or personal information.
- This Consent Form revokes and replaces all previous consent forms.
- Nothing in this Consent Form limits the rights that the Department or the State reserve in relation to the use of the Individual's name, recording or image, copyright or other intellectual property or personal information 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.
- The consent extends to the Department and the State:
 - disclosing the Individual's name, recording or image, Individual work and personal information to the

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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 name, recording or image, Individual work and personal information.

5 LIMITATIONS ON CONSENT

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

6 DETAILS

Name of Individual

Address of Individual

Name of organisation, school or TAFE (at which the Individual is enrolled, employed, or works as a volunteer)

Signature of the Individual (if over 18 years of age, or if under 18 years of age and capable of understanding and giving this consent)

Date

/ /

Signature of the parent or guardian (required if the Individual is under 18 years)

Date

/ /

Name of signing parent or guardian

Address of signing parent or guardian

7 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 or the Institute Director at which the Individual is enrolled or works or send a request in writing to the District Office.

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8 INFORMATION

What is this consent for?

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

For example, the completed material may appear in school or TAFE newsletters, magazines, websites and other school, TAFE, 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, strategic plans, posters and promotional material. There may also be occasions on which the Department may approve the media, such as local newspapers and television, using information and material in relation to Individuals – for example, drama and musical performances, sports and prize giving.

The Department has specific policies and guidelines in relation to publication of student images on the Internet – such as the Web Publishing for Schools and Publishing Student and Staff Information on School Web Sites. These policies and guidelines may be viewed at www.education.qld.gov.au

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 those persons' ownership, and that the Department and the State have permission to use the Individual's material for the purposes mentioned.

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 in normal work hours or using departmental facilities or equipment), as where copyright material is created by a State employee (teacher, teacher aide, school administrative staff, guidance officer and any other 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 where the employee has 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 Guidelines* 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 an image or recording?

In this Consent Form, an image or recording includes photographs, videos, films, or sound recordings of the Individual.

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 any personal information in the Individual's name, recording or image or Individual work, educational information such as the Individual's assessment and results, and health information and court orders provided to the Department.

Why is a Schedule used?

A Schedule may be attached to this Consent Form describing a specific use of the Individual's copyright material, image, name or recording, either because it falls outside the purposes listed in Section 2 or to confirm the consent in this form.

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, in the case of students and volunteers, contacting the Principal of the school or the Institute Director, and in the case of employees, sending a request in writing through the District Office.

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

The consent will be in effect for the period described in Section 3 of the Consent Form. The consent can be modified or withdrawn at any time by writing to the Principal of the school or the Institute Director, or, in the case of employees, writing to the District Office. However, any changes will apply only from the date that the Department receives any consent withdrawal. Any existing material will not be withdrawn from use if the Department or the State is currently using the material or where the Department or the State has entered into contractual obligations in relation to this material. In such cases the withdrawal will be effective after the Department or the State's use is complete or after the contractual obligations come to an end.

Privacy

Your consent to the use of the Individual's personal information is required in accordance with the Queensland Government's *Information Standard 42: Information Privacy* and laws including section 426 of the *Education (General Provisions) Act 2006*. These laws and the information privacy principles contained within *Information Standard 42* govern the collection, use, storage, security, and disclosure of personal information (information or an opinion, whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion). You may obtain a copy of *Information Standard 42: Information Privacy* from the Principal of the school, from the Institute Director, from the Department, or from the Queensland Government Chief Information Office http://www.qgcio.qld.gov.au/02_infostand/standards.htm. The Department of Education, Training and the Arts Privacy Plan provides detailed information about the types of information collected and its use. If you have any queries about Education Queensland's Privacy Plan and/or our privacy and security practices please forward an email to InformationPrivacy@deta.qld.gov.au