

PRIVACY TALK SPECIAL TOPIC - SCHOOL PHOTOGRAPHS

Photographs are often taken of students, in many cases by professional photographers, at the school's request. Any photograph of one or more identifiable individual(s) is considered to be **personal information**.

Schools are permitted to collect personal information, including photographs, where it is necessary to the proper administration of a lawfully authorized activity. The collection of student photographs is considered necessary to the operation of a school (a lawfully authorized activity under the *Education Act*) because, for example, photographs enable staff to identify students.

Are schools required to give notice when school photographs are taken?

Yes. A school must give notice when school photographs of its students will be taken, specifically by outside school photographers hired by the school. The school can provide notice in a variety of ways, including on the school's website/social media, letters home and by email/electronic messages.

Schools and Professional Photographers

In the Information and Privacy Commissioner (IPC) of Ontario's privacy reports **MC16-4** and **MC16-5**, the IPC found that schools are permitted to disclose limited personal information of students to a professional photographer for administrative purposes.

The IPC also concluded that disclosure for limited marketing-related purposes was permitted because it could be **reasonably expected** that a student's personal information would be disclosed to the photographer for the purpose of offering parents the opportunity to purchase their children's school photographs. However, parents/guardians should be given the choice to opt out of receiving marketing materials. The marketing options is facilitated via the photographers and their forms.

What about photographs taken by people who are not employed by the school?

Individuals not employed by the school may not be subject to the Municipal Freedom of Information and Protection of Privacy Act *MFIPPA*. However, given that schools and school boards control who has access to school property, they are ultimately responsible for the safety and security of their students and the security and confidentiality of the students' personal information, including their image.

Third-party organizations that come into the schools and make presentations, or offer certain programming sometimes will want to use student pictures or videos for promotional materials. They must provide their own consent form to accomplish this. Our Niagara Catholic ***Parent/Guardian Consent for the Collection, Use and Disclosure of Student Personal Information*** form cannot be used in these situations.

The media, such as newspapers, web-based news services, television and radio, may be invited to the school to take photos of students and/or cover newsworthy events or activities

such as student achievements/awards, and current events. Their reports may include group photos of students. Identifiable and individual student photographs would only be taken and/or names used with consent. Consent is currently facilitated via the ***Parent/Guardian Consent for the Collection, Use and Disclosure of Student Personal Information*** form.

Students participating in extra-curricular activities or school events that are open to the public or that take place in public places (i.e., singing Christmas carols in the mall, or on field trips) may be photographed by people in the community or the news media. This may result in photos or videos being posted on social media sites and in electronic or print news media sites. The Board/school have no jurisdiction over how and where these images will be posted. However, parents and students viewing these activities are encouraged to demonstrate good digital citizenship by showing respect when sharing photos of others—where possible, always seeking consent before posting.

Events inside the school, such as performances, awards assemblies, and commencement that are typically attended by family members are often photographed and video recorded by family members. Attendees should be reminded to respect the privacy of all students and their families by obtaining consent—whenever possible—before sharing or posting any images or videos online.