



# Photography and Video Guidelines

April 2019

## 1. INTRODUCTION

The increasing use of social media, digital photos and videos has led to questions about when and where it is appropriate to take photos and video in relation to FV matches and events.

FV pursues high standards of safety in all aspects of football in Victoria. This guideline provides guidance for clubs, players, coaches and managers, and parents and friends, at FV matches and events regarding photography and video recording.

This policy does not apply to FV accredited media personnel, or professional photography or broadcasting matters such as copyright infringement. This policy is not legal advice and must not be relied upon as such.

## 2. GENERAL POSITION:

### 2.1. In public spaces

- (a) Many people are surprised to learn that in Australia there is generally no law restricting photography of people (including children) in public spaces.
- (b) As a general rule, photography is not restricted in public spaces provided the images are not:
  - (i) indecent (i.e., taken within change rooms, toilets or other invasions of privacy) or provocative in relation to minors;
  - (ii) being used for voyeurism, or for the purpose of recording a person's private areas;
  - (iii) protected by a court order (i.e., child custody); or
  - (iv) for commercial purposes (i.e., used for endorsement without permission).
- (c) There are some state or local laws you may be aware of (i.e., some beaches have banned taking photos of people), but there is no overall law banning photos (including of children) in public areas or for football.

#### ***Case study***

Sam is a parent of an U15s girl's player. Sam attends trainings and games and takes photos and videos of the girls playing.

Another parent raises a concern to the Club. The other parent believes that Sam is not allowed to take photos of the girls playing without the consent of the other girls' parents.

#### ***What next?***

Provided Sam is not taking indecent or voyeuristic pictures, Sam is permitted to photo and video the girls' games.

The Club should discuss the concerns raised with Sam, in order that he and the Club can act in a respectful manner.

If the parent requests Sam to stop taking pictures of their daughter, FV would expect Sam and the Club to act with courtesy and respect those wishes.

### 2.2. On private property

- (a) Where an event such as a football match is held on private property the owners of the private property are able to restrict or ban photography or videoing.

Private property in this example includes: a privately-owned stadium; other privately owned land; a school; or enclosed council-owned facilities (but not, for example, a council park or unenclosed council oval or pitch that the public may freely enter). Where a club leases or licences a council park or pitch, restricting photos or videos will depend upon the provisions of the lease / licence (a licence is unlikely to grant such rights, whereas a lease may be more likely to grant such ability). Clubs should check the specific provisions of their agreement.
- (b) Be aware that a person may still be able to photo or record from *outside* the private property of things occurring *inside* the private property (unless for indecent or improper purposes).

## 3. PHOTO OR VIDEOS AT FV MATCHES OR EVENTS

- 3.1. The general starting point is that photos or videos of people may be taken in a public place.
- 3.2. At football games, this is more often than not parents and friends taking photographs of their children, or amateur or professional photographers filming a match.

- 3.3. Some people however may consider photos or videos of themselves or their children to be unwarranted or obtrusive.
- 3.4. Whilst there is no generally recognised right to privacy in these situations, common sense and courtesy must always apply. Note also the following taken from clause 5.2 of the FFA’s Member Protection Policy:

There is a risk that images of children may be used inappropriately or illegally. [FFA and FV] require that individuals and associations, wherever possible, obtain permission from a child’s parent/guardian before taking an image of a child who is not their own and ensure that the parent knows how the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets which we control or are used in connection with our sport.

3.5. Key points to remember:

- (a) It is not illegal to take photographs in a public place, nor is consent required.
- (b) Respect the privacy and wishes of others.
- (c) Courtesy is king!

<i>If you...</i>	<i>You should...</i>	<i>Remember also...!</i>
If you do not wish to be photographed or videoed (or do not wish your child to be either):	You should approach the photographer and politely request that no photos or video be taken of you / your child.	You are <u>not</u> entitled to confiscate a person’s camera or mobile phone (and neither are clubs, coaches or team managers).
If you have politely asked the person to stop taking photos or video, and they refuse:	You should report the matter to the Host Club personnel including the reasons why you are concerned.  The Host Club may be able to assist you, or alternatively, you or the Host Club may wish to report the incident to the FV.	Confronting the individual, or acting aggressively toward the person may inflame the situation and lead to a tribunal matter. Act with <u>respect</u> and <u>courtesy</u> at all times.
If you have reason to believe that a person is taking inappropriate images or video:	You should notify the Host Club.  If possible, also notify FV staff who may be present, or send a message to your FV Club Coordinator.  If you believe it is necessary to notify police or other relevant security (eg venue security), please advise FV and the Host Club of your decision; it may have already been done.	Take steps to remember the person’s attire and appearance, including any other identifiable characteristic (eg, car registration, team supported, whether known to any other persons, etc) and report it to FV.

**4. PERSONAL SAFETY AND MISCONDUCT MATTERS**

- 4.1. Unfortunately, football is not immune to misconduct occurring at matches or events.
- 4.2. Your safety, and the safety of those attending football matches, is paramount.
- 4.3. If misconduct occurs and you want to record it, please remember the following guidelines:
  - (a) Safety is your first consideration. Only record misconduct if safe to do so.
  - (b) Be careful to not inflame the situation. Sometimes a “flare-up” that would ordinarily settle down quickly may be heightened if being recorded.
  - (c) Only record the *misconduct*: do not keep a video trained on an individual “just in case” they might act-up. This is likely to inflame a situation and cause conflict.

- (d) Avoid following someone around recording everything they do or say, or baiting them into action in order to lure a response. This is not viewed favourably by FV (and unlikely to be viewed favourably by the independent tribunal).

***Case study***

Juan is watching his son's team play against another U15s team.

During the game the other team's parents and supporters are constantly rude and abusive. They verbally abuse the umpire, and repeatedly threaten Juan's team's supporters with bad language and gestures.

Juan wants to record the misconduct on his phone in order to report it to FV, but wonders whether that will just inflame the situation?

What next?

The misconduct should be brought to the Host Club's attention, and also the Referee's attention.

Often a polite and respectful conversation with the other team about supporters' behaviour can settle things down.

If the behaviour continues, safety is Juan's first consideration. Only record misconduct if safe to do so.

If a recording is made, it should be provided to FV as soon as possible for review. Do not wait until FV asks for it, as we may not know that the recording exists.

- 4.4. Do not post recordings of misconduct on social media (Facebook, YouTube, Twitter, Snapchat, etc). This may create further tensions and may expose you to personal liability.
- 4.5. Advise FV if you have a recording of an incident as soon as practicable. Don't wait until FV approaches you, as we may not know you are waiting to hear from us.
- 4.6. If police are called to a scene of misconduct, advise FV of this fact.
- 4.7. FV will assess all photos / videos of misconduct that are submitted to us for breaches of the GDT (misconduct rules). You may be required to provide further info to help with the case.

***Case study***

Vic's son's team is playing a "grudge match" against their local rivals. Already this year the previous match went to tribunal for misconduct, and Vic is aware other clubs have complained about this opposition as well.

During the game, Vic has his phone constantly recording everything the other coach and bench say and do. He follows the other team's coach around before and after the match, and records everything.

The other coach asks Vic to stop and tells him that he doesn't appreciate Vic recording him and his U15s players. Vic replies that he is allowed to.

record whatever he wants, and that because of the team's misconduct last game, he is not going to stop recording.

Who's right?

This is a classic example of a parent wanting to do the correct thing, but maybe going about it the wrong way.

No one should have a phone shoved in their face if they have politely asked not to be recorded. This is likely to inflame the situation.

Misconduct should be recorded, and not individuals on the off chance that they may get out-of-line at some later stage.

Remember, respect and courtesy are key.

## 5. TAKING AND USING IMAGES OF CHILDREN TO PROMOTE THE CLUB

From time to time, FV clubs and teams may seek to promote football in magazines, posters, websites, television or so on. In our sport, this often involves the use of images of children.

FV recommends that clubs and teams adopt the following practices for using photos of children. These are adapted from the Australian Sports Commission's best practice guidelines:

- 5.1. Obtain permission from parents or guardians and clearly outline your purpose: how is the image going to be used? Where is the image going to be displayed? For how long?
- 5.2. If the image is going to be taken at a place away from the Club's usual venue, make sure that parents are aware of this. Give them the option to be present.
- 5.3. If your Club uses professional photographers, make sure they are aware that any images taken will remain the property of your Club and cannot be used or sold for other purposes. Any negatives must also be destroyed or handed over to the organisation.
- 5.4. Do not allow photographers to be unsupervised or be alone with children.
- 5.5. There should be no identifying personal information accompanying photographs, such as the child's name, address or telephone number. Group shots reduce the risk of identifying individual children.
- 5.6. Only use images of children that are relevant to the Club's activities and services, such as children participating in football or training. Take care that appropriate attire is displayed.
- 5.7. Decide who will have access to view the images of the children posted to a website. Most websites are public places that any person can access; however, some websites can be more secure by using private pages accessible only to registered members. The practice of using private pages enables members of groups, clubs or other organisations to share information with each other more securely.
- 5.8. Provide details for parents or other persons about who to contact if they have concerns or complaints around the use of inappropriate images or inappropriate behaviour in obtaining images.

### *Case study*

Jo is divorced and has sole custody of the children. The children play in the local MiniRoos team.

Jo has a restraining order against the other parent due to prior abuse.

The Club wants to promote its teams around the local community through posters, ads in the newspaper, and pictures online.

The Club wants to use pictures of the MiniRoos in its promotions.

Jo is worried that team photos or promotions may alert the other parent to the whereabouts of the children.

### *What next?*

Jo should inform the club of the concerns.

The club should respect Jo's wishes, particularly given the legal implications involved in this case.

Group shots or film to be used on the website or in material promoting the club should be screened to remove images of Jo's children but can then otherwise be used.

Clubs should develop permissions (part of the membership sign-on) for obtaining and using images of children.

If your Club films children or the team for analysis purposes to improve performances, advise parents.

## 6. PHOTOS OR VIDEOS OF INDIGENOUS OR MINORITY CULTURES

Not all cultures and communities are comfortable with photography or video recordings for a variety of reasons. These may include religious or spiritual beliefs, legal issues, or simply general unease at the prospect of being recorded.

We ask all people to be particularly careful when taking photographs or videos involving minority groups, indigenous cultures, or other persons or communities with such beliefs.

Please seek permission before taking images or videos of football events involving such groups.

You should pay respect to the wishes of all participants. If you are asked to cease, please do so. Even if you are not asked, please consider whether your behaviour may be offensive to others.

## **7. PHOTOGRAPHY AT OFFICIAL FV EVENTS**

As noted above, FV is currently responsible for a number of major events including Dockerty Cup matches, finals fixtures, NTC games and CIB events.

Clubs should adopt the procedures for their own events. Photographers should check with the relevant event organisers to determine what (if any) policies are in place in these situations. This can normally be done by approaching a member of the organising committee on the day of the event.

From time to time, FV or the event organising committee will appoint an official photographer to provide photographic services at FV events. All other photographers seeking access to FV events must be officially accredited. You should contact FV prior to an event to ask whether media accreditation is required.

All accreditation is granted on the express condition that any photograph / film / imagery taken of Registered Participants during or in connection with any of these events may only be used for editorial and non-advertising purposes. Any commercial reproduction of photographs (including selling of images or forwarding to external organisations) must receive prior written approval by FV. The accreditation passes are non-transferable.

## **8. OTHER MATTERS**

### **8.1. Privacy Act**

Under the *Privacy Act* if an individual's identity is apparent (or can reasonably be ascertained) from a photograph or other image, then the collection, use and disclosure of that image is covered by the *Privacy Act*. This also extends to video.

As with other forms of personal information, the coverage of images is limited by the scope of the *Privacy Act* (for example, *Privacy Act* doesn't cover images taken by an individual in their private capacity, etc).

### **8.2. Consent at large events:**

From time to time, FV or its Clubs carry out photography of FV Registered Participants for promotional purposes. In some instances (for example, major events) it is not practical to obtain consent in all situations. In these cases, either a disclaimer should be displayed in prominent positions around the site or the disclaimer should form part of the event entry criteria or participant registration process.

### **8.3. Copyright of photographic images:**

Copyright protects a range of materials, including photos. A photo is protected by copyright automatically from the moment it is taken. For photos, unless there is an agreement to the contrary, the general rule is that the photographer is the owner of copyright. There are a number of exceptions to this general rule, including: photos taken in the course of employment; or commissioned photos. For more information on ownership of copyright, contact FV's legal department.

### **8.4. More questions**

If you have more questions or concerns about anything in this Guideline, please contact FV to discuss. Clubs should contact their respective Club Coordinator in the first instance, or otherwise please email [discipline@footballvictoria.com.au](mailto:discipline@footballvictoria.com.au) with the heading "Photo Policy" in the subject line.