

Privacy and photographs

Commonly asked questions about photographs

Q: Can photos of the child or young person in my care be put on my fridge or in frames around the house?

A: Yes, they can. Always ask the child or young person if they would like their photos displayed in the house. For many children and young people, this gives a sense of belonging. When they leave or transition out of your care, ask if they would like to include the photos in an album to take with them.

Q: Can photos of the children and young people in my care be put on my Facebook page?

A: Always check what the policy is with child protection or the agency. It is highly recommended that you use social media cautiously and thoughtfully. It is important to have a discussion with the child or young person's child protection worker or agency case manager if you require more information, advice or support, before deciding whether or not to post photos of a child or young person in your care on social media. Care needs to be taken to ensure the child or young person is not identified as being subject to a Children's Court protection order.

The Act has clear penalties where confidentiality breaches occur. Be aware that photos may reveal the child or young person's location. Some smart phones embed tags that can provide geographic information. Other photos can provide clues, such as a school or city name. Think before you post. Be sensitive to how messages may be interpreted by others, including the child or young person's parents, and child protection worker or agency case manager.

Q: Can photos of children or young people be published in their school newsletter?

A: Wherever appropriate, children and young people in care should be included in school photos, including newsletters. In most cases, parents are aware of the school their child or young person is attending and will not want them excluded from these. However, care must be given to the possible consequences of children or young people's photos being published in school publications, such as where there is a risk of their school being identified by a parent whose access is significantly restricted. Care needs to be taken to ensure the child or young person is not identified as being subject to a Children's Court protection order.

It is essential that relevant school staff are advised of any confidentiality and safety issues regarding the children and young people appearing in school publications.

You should always check with the child or young persons' child protection worker or agency case manager that the parents are comfortable with the publication of their child or young person's photo prior to publication occurring.

Q: Can children or young people's photos be published in newspapers?

A: Children and young people participating in community sport or other activities, such as a community event, may find their achievements published by local newspapers or broadcast by local television news.

Care needs to be taken to ensure the child or young person is not identified as being subject to a Children's Court protection order and never refer to court matters. Wherever possible, ensure appropriate permissions have been obtained from child protection or the agency, and the child or young person's parents prior to photos being taken.

Q. Are there protocols for displaying photographs of family members of Aboriginal children and young people?

A. Across Victoria and the country, there may be cultural and/or family protocols relating to deaths in the Aboriginal and Torres Strait Islander community. Protocols for displaying photographs, images, and/or speaking someone's name that need to be respected. If not already known, you may need to become informed of this process to assist the child or young person if they are on a journey of cultural identity. It is recommended that you speak with your local Aboriginal community service for advice about the correct protocols and procedures.

Useful resources

eSafety Commissioner (Australian Government) – Useful information on helping a child or young person to stay in control of their personal information, online photos and social media identity

<https://www.esafety.gov.au/parents/issues-and-advice/privacy-child>

Aboriginal and Torres Strait Islander Cultural protocols

https://www.oxfam.org.au/wp-content/uploads/2015/11/2015-74-ATSI-Cultural-Protocols-update_WEB.pdf

Consider this before you share your kids' photos on social media without their consent

<https://www.abc.net.au/everyday/sharing-photos-of-your-children-on-social-media-without-consent/10798576>

The information contained in this factsheet is based primarily on information from the Manual for Kinship Carers, published by the former Department of Human Services (now Department of Families, Fairness & Housing) in 2017.