

Safe capture, use, storage and disposal of images and videos of children - procedure

Department of Education and Training

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Read this document with the Safe use of digital technology in early childhood education and care settings policy.

1. Summary

This procedure applies to all Department of Education and Training (department) early childhood education and care (ECEC) services and programs including preschools, regardless of regulatory status; Families as First Teachers (FaFT) programs; Connected Beginnings programs; Child and Family Centres (CFCs) and any other early childhood program delivered by government schools.

This procedure outlines what services and programs must do to minimise risks when taking, using, storing and disposing of images and videos of children using school-issued devices.

2. Procedure

2.1. Obtaining parent consent

Principals must ensure that parent consent is obtained prior to capturing, using and storing images or videos of children being educated or cared for by the service. Consent must be informed, voluntary, current and specific. Families must be informed that consent can be withdrawn at any time.

Preschools and FaFT programs must seek permission from parents by completing the Supplementary preschool enrolment form or Supplementary FaFT enrolment form. CFCs and Connected Beginnings programs must develop their own processes in relation to obtaining parent consent and consult with attending services or programs that do not have similar existing policies and procedures.

There may be instances where children's images or videos are captured for the department's media productions and publications. Where content is being captured for this purpose, the department's Taking and using visual and sound recordings including photographs policy applies. Principals must ensure that consent forms are completed prior to children being photographed or filmed. Consent forms must be contained in each child's Student Record Folder.

2.2. Safe capture of images and videos

2.2.1. Surveillance devices

Schools can decide on an individual basis whether to install surveillance systems, including closed-circuit television systems (CCTV). These systems must only be installed for the purposes of enhancing the safety and security of children and adults, as well as to support the investigations of incidents that occur on school grounds. Schools must comply with relevant legislation, including the *Surveillance Devices Act 2007*, *Information Act 2002*, and *Privacy Act 1988* (Cth). Schools must consult with the school body regarding the installation of surveillance and notifying the wider community once devices have been installed. Clear signage must be displayed to ensure that everyone attending the school is aware they may be monitored or recorded. Surveillance must not be installed where personal privacy is required, including changing areas and bathrooms.

2.2.2. Safe capture during educational programming

The taking of images and videos of children must directly relate to learning and participation in an educational program. Images and videos of children are classified as personal information and are subject to the requirements of the *Information Act 2002*. As such, ECEC settings should only collect personal information that is necessary to undertake its functions.

Children must be involved in decisions about images and videos they are present in. Educators must ask children if they would like their image or video taken and explain the reason why their image or video is being taken. Educators should look for non-verbal cues such as looking at the camera and smiling or crying and looking upset. Images and videos must not be taken when a child is experiencing distress or dysregulation.

Educators must use their discretion to determine the most practical way to seek children's consent. For example, if photographs are being taken over the course of the day, educators may choose to seek children's consent at the beginning of the day. Educators must give children time to decide if they would like their image or video taken and be supportive of and always respect a child's decision to withdraw their consent.

Under no circumstances are inappropriate images or videos of children to be taken. This includes, but is not limited to, children who are not appropriately dressed, for example, in their underwear; in a state of undress or completely undressed; or in a position that could be perceived as sexualised in nature. Inappropriate images of children that are or may be perceived as being of a sexual or exploitative nature must be reported immediately in accordance with the Mandatory reporting of harm and exploitation of children guidelines and procedures.

2.3. Safe sharing of images and videos

Sharing images and videos of children can be a useful tool when having discussions with parents and families visiting the service; and for educational programming to encourage children to share their stories, experiences and learning. When used in educational programming delivery, educators must ask children for permission before displaying a photo or video. Educators should use their discretion to determine the most practical way to seek children's consent. This may be as simple as asking if the educator can show the photo or video to other children.

Where images or videos of children are being shared via a digital application, educators must choose an application which is listed as approved in the department's Digital applications catalogue. This can be done by either searching for an application by its name, or filtering on Collaboration under the Functions criteria. Educators must consider whether sharing an image or video is appropriate and relevant to the child's participation in the educational program and embed this process of reflection into their teaching practices.

2.4. Safe storage of images and videos

Schools must take reasonable administrative, technical and physical measures to protect the personal information they hold against loss, theft and any unauthorised access, use, disclosure or modification. This includes images and videos of children.

All images and videos of children must be removed from the device on which they were captured and transferred to a secure location approved by the department. Schools may store files in Schools Central, which has access controls based on employees' role in ePass. These files must be saved according to the Schools Central guide, including using the appropriate locations and naming conventions. Files may also be saved in a managed drive with appropriate access controls managed by the principal, restricting access to records on a need-to-know basis. Children's images and videos must not be stored in online platforms, such as OneDrive or external cloud storage platforms such as Dropbox. Should there be a requirement to store images on an online platform, an approved platform can be selected from the department's Digital applications catalogue.

Surveillance footage such as CCTV must be stored securely in accordance with NT Government records management standards, and principals are responsible for ensuring this footage is not subject to unauthorised access.

2.5. Safe disposal of images and videos

Images and videos that are no longer required must be deleted or destroyed in a secure manner in accordance with the department's disposal schedule, as follows:

- Images and videos of children taken for the purpose of recording their attendance and participation in an educational program may be disposed of after one year.
- Images or videos of children taken for the purpose of recording an incident or injury must be kept for a period of 45 years.
- Images and videos of children taken to record a serious incident or injury must be permanently maintained and transferred to the Northern Territory Archives Service ten years after the image or video was captured.

Surveillance footage of minor incidents must be retained for at least 31 days. If there have been no requests to view or access this footage after 31 days, it may be deleted.

2.6. Managing a privacy breach

Schools must only collect personal information of children necessary to perform its functions and activities. Personal information includes photos, videos and CCTV footage of children. Schools are accountable for the responsible collection, handling and use of personal information in a manner that protects a person's privacy.

Where a privacy breach is suspected or has occurred due to human error, or through loss or theft of digital technology or personal information, staff must inform their line manager as soon as possible in accordance with the department's Data breach response plan. Schools must promptly investigate to determine:

- the nature of the breach
- the number of children affected
- the extent to which an individual or group may be, or have been, harmed by the breach
- remedial action to minimise or prevent consequences.

The Privacy data breach incident reporting form must be completed and sent to the Senior Manager Privacy by emailing rfi.doe@education.nt.gov.au.

Preschools that are regulated under the National Quality Framework must also meet the notifiable data breach obligations under the *Privacy Act 1988* (Cth). If it is determined that a data breach is likely to result in serious harm, the school must notify the parents of the affected children and the National Education and Care Services Privacy Commissioner. Further information on notifiable data breaches and obligations can be found on the Office of the Australian Information Commissioner website.

3. Definitions

See the Safe use of digital technology in early childhood education and care settings policy for a full list of definitions and acronyms.

Term	Definition
Child	A person under the age of 18 years as defined at section 5 of the <i>Education Act 2015</i> . For the purposes of this policy, also refers to child in attendance of a preschool, regardless of regulatory status; Families as First Teachers program; Connected Beginnings program; Child and Family Centre or a Department of Education and Training childcare program
Early childhood education and care setting	Refers to a preschool, regardless of regulatory status; Families as First Teachers program; Connected Beginnings program; Child and Family Centre or any other early childhood program delivered by government schools
Educator	Refers to a person involved in planning or instruction of an education and care program
Parent	A child's father, mother or any other person who has parental responsibility for that child, including a person who is regarded as a parent of the child under Aboriginal or Torres Strait Islander customary law or tradition. The definition of a parent does not include a person standing in place of the parent on a temporary basis
Personal device	Refers to a device of which information may be stored or accessed electronically by a person using the device. This includes a computer, smart watch, mobile phone or other smart device capable of taking images or videos
School	A government school established under the <i>Education Act 2015</i>
School body	A school body is a School Representative Body (a school council or board) (SRB), a School Management Council (SMC) or a multi-school management council

4. Related legislation, policy, resources and forms

4.1. Legislation

Education and Care Services (National Uniform Legislation) Act 2011 – <https://legislation.nt.gov.au/en/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>

Education and Care Services National Law Act 2010 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/012>

Education and Care Services National Regulations 2011 (NSW) - <https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

Information Act 2002 - <https://legislation.nt.gov.au/Legislation/INFORMATION-ACT-2002>

Privacy Act 1988 (Cth) - <https://www.legislation.gov.au/C2004A03712/2019-08-13/text>

Surveillance Devices Act 2007 - <https://legislation.nt.gov.au/Legislation/SURVEILLANCE-DEVICES-ACT-2007>

4.2. Policy

Safe use of digital technology in early childhood education and care settings - <https://education.nt.gov.au/policies/early-childhood-education-and-care>

Mandatory reporting of harm and exploitation of children guidelines and procedures - <https://elearn.ntschoools.net/policies/4260>

Taking and using visual and sound recordings including photographs policy - <https://elearn.ntschoools.net/policies/4071>

4.3. Resources

Class No. 1.9.4 of the Disposal Schedule for School Management Records - https://dtc.nt.gov.au/_data/assets/pdf_file/0010/593749/Disposal-Schedule-2018-10-School-Management.pdf

Class No. 1.21.5 of the Disposal Schedule for School Management Records - https://dtc.nt.gov.au/_data/assets/pdf_file/0010/593749/Disposal-Schedule-2018-10-School-Management.pdf

Class No. 1.13.1 of the Disposal Schedule for School Management Records - https://dtc.nt.gov.au/_data/assets/pdf_file/0010/593749/Disposal-Schedule-2018-10-School-Management.pdf

Data breach response plan - <https://elearn.ntschoools.net/policies/7330>

Digital applications catalogue - <https://elearn.ntschoools.net/supporting-staff/digital-applications/digital-applications-catalogue>

Office of the Australian Information Commissioner website - <https://www.oaic.gov.au/privacy/notifiable-data-breaches/about-the-notifiable-data-breaches-scheme>

Schools Central Guide - <http://ed.ntschoools.net/infotech/sc/schools/Forms/AllItems.aspx?RootFolder=%2finfotech%2fsc%2fschools%2fWhere%2dto%2dput%2dfiles&FolderCTID=0x0120007ECA7BFFF36DF846A667061F85D9766C>

4.4. Forms

Privacy data breach incident reporting form - <https://elearn.ntschoools.net/policies/7330>

Supplementary FaFT enrolment form - <https://nt.gov.au/learning/primary-and-secondary-students/enrol-your-child-at-school>

Supplementary preschool enrolment form - <https://nt.gov.au/learning/primary-and-secondary-students/enrol-your-child-at-school>

Acronyms	Full form
CCTV	Closed circuit television

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1.2	April 2026	Early Childhood	Minor update – Regarding FaFT supplementary enrolment form
1.3	July 2026	Operational Policy Unit	A full review of this procedure has been conducted. The content is legislatively current. Document update included a current template and minor administrative amendments.