

to use copyright material, image, recording or name

Uncontrolled copy. Refer to LGS-PR-001: Consent to use Copyright Material, Image, Recording Or Name
<http://education.qld.gov.au/strategic/epr/legal/lgspr001>

1 I GIVE CONSENT

On behalf of the individual identified overleaf (the **Individual**), the person signing this Consent Form (the **Signatory**)* grants consent to the Department of Education and the Arts and to any Department or Agency of the State of Queensland (the **Department** and the **State**) to use and retain the Individual's:

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

**Note: If the Individual is under 18 years of age, the Signatory must be a parent or guardian of the Individual. If the Individual is 18 or older, the Signatory and the Individual will be the same person.*

2 FOR THE PURPOSE OF

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

- 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, eg. drama and musical performances, sports and prize giving; and
- any other activities, if any, identified in further schedules attached to this Consent Form.

3 FOR THE DURATION OF

This consent will continue until:

- where the Individual is under 18 years of age, when the Individual turns 18; and
- in any other case, when the Individual revokes consent (by writing to the Principal of the school, and in the case of employees, writing to the District Office),

and where more than one of these events may apply, whichever occurs first.

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 the State has entered into contractual obligations in relation to that material, the consent will continue in relation to that material until the Department or the State's use is complete or after the contractual obligations come to an end.

4 I UNDERSTAND THAT

- '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
 - distribute, publish or communicate in any form, including via 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 my giving this consent or for the use of the Individual's name, recording or image, or Individual work.
- This Consent Form revokes and replaces all previous consent forms.
- Nothing in this Consent Form limits the rights that the Department or the State have in relation to the use of my name, recording or image, copyright or other intellectual property under any other law.

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

Signature of the Individual

Date

/ /

Signature of the parent or guardian (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 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 at which the Individual is enrolled or works.

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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 and name in conjunction with other words and images.

For example, the completed material can appear in school newsletters, school magazines, websites and other school 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 and in materials produced by the Department or other State government departments. 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 Guidelines 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 (eg 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 – simply 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 prior agreement from the employer.

Generally, the deciding factor is whether the employee is performing their official duties. In addition, section 176 of the *Copyright Act* 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 Services 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.

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, and in the case of employees, sending a request in writing through the District Office.

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 form. The consent can be modified or withdrawn at any time by writing to the Principal of the school, and in the case of employees, writing to the District Office. However, any changes will apply only from the date that the Department receives of 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 (their image, recording or name) is required in accordance with the Queensland Government's *Information Standard 42: Information Privacy*. The information privacy principles contained within this Standard govern the collection, use, storage, security, and disclosure of personal information. You may obtain a copy of *Information Standard 42: Information Privacy* by contacting the Principal of the school, from the Department, or from the Office of Government ICT (at www.governmentict.qld.gov.au). The Department of Education 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

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practices please forward an email to InformationPrivacy@qed.qld.gov.au.