

Videoring and Photography Guidelines

Current as of February 2023

Purpose Statement

The purpose of the Photography and Videography Guidelines is to inform Basketball WA's (BWA) approach and commitment to safeguarding the privacy of individuals when photographic images and video are obtained, used, and published by BWA employees, contractors, volunteers, and members for BWA business, activities, competitions and events.

Guidelines Application

These Guidelines apply to all BWA employees, contractors, volunteers, and members and all other people or organisations which by agreement, or otherwise, are bound to comply with the Basketball Australia Privacy Policy. These guidelines apply to conduct and behaviour when obtaining a photograph(s) and/or video recording for the purpose of BWA business, activities, competitions, and events. It is applicable to any device that can capture a photographic image and/or video recording including, but not limited to:

- Mobile phones
- Laptops
- Tablets
- Camera equipment
- Film/video equipment
- Drones

Definitions

The following definitions are listed to provide clarity for this policy.

- **Child/children** means a person who is under the age of 18 years.
- **Photograph(s)** is a term used interchangeably with photos and filming.
- **Member** means an individual, club, affiliated club, or association who is a member of BWA.
- **Video** is a term used interchangeably with video recording and live streaming.

Background

BWA recognise it is common practice for people to take a photograph(s) or a video(s) of people participating in sport and that typically people are doing so for acceptable reasons and are using appropriate methods.

In Australia, there are no laws specifically prohibiting photographing and filming people (including children) in public places. It is a legitimate pursuit to film and take photos at sporting events.

The laws governing the taking of photograph(s) and filming exist to safeguard the privacy and safety of people (including children) from exploitation and inappropriate use of their image without placing undue restrictions on legitimate activities.

It is unlawful for photograph(s) and video to be taken that is:

- indecent
- defamatory
- used to cyber bully
- used for commercial purposes without the consent of the subject

- being used for voyeurism
- protected by a court order
- used in a provocative or sexual manner.

The rules around photographing and video recording of people on private property differ to those on public property.

- Having free access to a place does not mean it is a public place. It is not automatically permissible to take photographs/film in places such as schools, childcare services, hospitals, nursing homes, shopping malls, sports arenas, and music venues. These places are private property even if they are owned by government.
- In circumstances that a sports organisation has been given control over a public place (such as a public stadium) with the agreement of the local government, the sports organisation will be able to control access by photographers to the area. However, photography may still be possible from publicly accessible places that overlook the controlled area.
- It is courteous for sport and recreation organisations to seek permission to take photographs/video of their participants that is intended to be used for promotional purposes.

Guideline Statement

BWA recognise that most people take photographs and/or videos of special moments including participation in sport. It is important that the basketball community understand their responsibility to ensure any images taken are in accordance with this basis and no other. BWA does not impose a blanket ban on photography or video recording of participants during basketball activity.

BWA is committed to ensuring all participants in basketball can participate in a safe and inclusive environment. As such, BWA adopts the following strategies:

Acquiring Images

- Images and video are intended to immortalise special moments of players while participating in basketball activity. Any image or video that contradicts this is not permitted.
- All images or video taken must be for private or BWA business use only and must not be on sold to a third party without consent.
- Coaches must inform any athlete (adult or child) and parents/guardians, if applicable, if they want to video the athlete as a tool to analyse and improve performance.
- Members of the media and professional photographers/videographers must be clearly identifiable for any events managed by BWA. This can be as simple as wearing a high visibility vest or other identifying uniform approved by BWA.
- Where possible BWA will display signage at events where photography or video recording might take place.

Displaying Images

- At all times, seek permission prior to taking photographs or video of participants that would be used for promotional purposes.
- Only use appropriate images of the participants. All images must be relevant to the sport or activity, and all athletes (adult or child) need to be suitably clothed. Images of athletes in sports or activities that involve minimal clothing or unusual body positions/poses, can be misused and should not be taken.
- Avoid images and video that:
 - are indecent, offensive or demeaning to any person

- harm or injure someone's reputation and/or open them to public ridicule and embarrassment
- contain personal details for example full names, personal contact information or uniforms that identify location
- show a child who is clearly upset or distressed.
- Be extra vigilant when displaying images and/or video of children. Avoid publishing personal details for example full names, personal contact information or uniforms that identify location. Instead use only first name, or the name of a club.

BWA Promotional Images

- BWA will at times appoint official photographers/videographers to obtain images to be used for promotional material to the benefit of BWA.
- Where professional photographers/videographers are present, signage will be located around the venue advising members of the public of this.
- If BWA appoint an official photographer/videographer, any images captured during their contract will remain the property of BWA and will not be usable by the photographer/videographer for third party access or sale.
- Where an image is intended to be used for a media campaign which is larger than a general post on social media, for example printing for vehicle wrapping and large signage at venues, BWA will obtain permission to use the image. In the event that permission is unable to be obtained, BWA will ensure the image is published in the spirit of the sport.

Privacy Policy Breaches

BWA will take all breaches of the Privacy Policy seriously and will ensure they are dealt with promptly, sensitively, and confidentially as outlined within the Complaints Policy. Disciplinary action may be taken against a person who is found in breach of the Privacy Policy.

If a criminal offence is considered to have been committed, the appropriate authorities will be contacted for advice and guidance.

Document Control

Version history

Date: 22 February 2023

Version number: 2