



FOOTBALL  
**QUEENSLAND**

# **PHOTOGRAPHY & VIDEO GUIDELINES**

## 1. INTRODUCTION

Football Queensland pursues high standards of safety in all aspects of football in Queensland. The increasing use of videography, social media and digital photos has led to questions about when and where it is appropriate to capture content of participants participating in Football Queensland (FQ) sanctioned matches and events.

These guidelines provide guidance for clubs, players, coaches and managers, parents and friends, at FQ matches and events regarding photography and video recording.

This policy does not apply to FQ 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

In public spaces:

- (a) 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.

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 licenses 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 capture photographs or recordings from outside the private property of things occurring inside the private property (unless for indecent or improper purposes).

### 3. PHOTOS OR VIDEOS AT FQ MATCHES OR EVENTS

The general starting point is that photos or videos of people may be taken in a public place.

At football games, this is more often than not parents and friends taking photographs of their children, or amateur or professional photographers shooting a match. Some people, however, may consider photos or videos of themselves or their children to be unwarranted or obtrusive.

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 Football Australia's Member Protection Policy:

*There is a risk that images of children may be used inappropriately or illegally. [FA and FQ] 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.*

#### **Key points to remember:**

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

If you...	You should...	Remember also...
Do not wish to be photographed or videoed (or do not wish your child to be either):	Approach the photographer or videographer 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).
Have politely asked the person to stop taking photos or video and they have refused:	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 FQ.	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.
Have reason to believe that a person is taking inappropriate images or videos:	You should notify the Host Club.  If possible, also notify FQ staff who may be present, or send a message to your club to contact FQ.  If you believe it is necessary to notify police or other relevant security (e.g venue security) please advise 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 characteristics (e.g. car registration, team supported, whether known to any other persons etc.) and report it to your club.

#### **4. TAKING AND USING IMAGES/VIDEOS OF CHILDREN TO PROMOTE THE CLUB**

From time to time, FQ 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.

FQ 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:

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?
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.
3. If your club engages the services of 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.
4. Do not allow photographers to be unsupervised or be alone with children.
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.
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.
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.
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.

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 performance, advise parents.

## **5. 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.

## **6. PHOTOGRAPHY & VIDEOGRAPHY AT OFFICIAL FQ EVENTS**

As noted above, FQ is currently responsible for several major events including FQ Academy events, Winterfest, the FQ Community Cup, QAS games, Australia Cup & Kappa Women's Super Cup competitions and finals fixtures.

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

All accreditation is granted on the express condition that any photograph / footage / 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 FQ. The accreditation passes are non-transferable.

## 7. SAFETY REQUIREMENTS

It is the responsibility of the home club to ensure that safety is maintained when approved media persons are taking photographs and equipment is being used to film matches.

Video equipment (including tripods) must be affixed with supports to a fence or anchored to the ground using pegs, sandbags, or weights and be more than 3m from the field of play.

## 8. OTHER MATTERS

### 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.).

### Consent at large events

From time to time, FQ or its clubs capture photography of FQ 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.

### 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 few exceptions to this general rule, including: photos taken in the course of employment; or commissioned photos.

For more information on ownership of copyright, contact FQ's media department.

### More questions

If you have further questions or concerns regarding anything in these guidelines, please contact FQ via email [fqhq@footballqueensland.com.au](mailto:fqhq@footballqueensland.com.au) with the heading "Photo/Video Policy" in the subject line.