



## to use copyright material, image, recording, name or personal information

### 1 CONSENT GIVEN

On behalf of the individual identified in Section 6 of this Consent Form (the **Individual**), the person or persons signing this Consent Form (the **Signatory**)\* grant consent to the Department of Education, Training and Employment (the Department) and to any other Department or Agency of the State of Queensland (the **State**) to use, record and disclose the Individual's:

- name, image and other identifying information (**personal information**); and
- copyright material, including their written, artistic or musical works or video or sound recordings (**Individual work**).

*\*Note: If the Individual is under 18 years of age, the Signatory must be a parent or guardian of the Individual. The Individual must also sign if he or she is under 18 **and** able to give and understand the consent. If the Individual is 18 or older, the Signatory and the Individual will be the same person.*

### 2 PURPOSE

This consent applies to any use, recording or disclosure of the Individual's personal information or Individual work, in connection with the Department or the State, for the following purposes:

- any activities engaged in during the ordinary course of the provision of education and training (including assessment) or other purposes associated with the operation and management of the Department or the Individual's school or TAFE Institute;
- public relations, promotion, advertising, media and commercial activities;
- use by the media in relation to the Individual's participation in school or TAFE activities or community events, including, for example, dramatic or musical performances, sporting activities and award ceremonies; and
- any other activities identified in further schedules attached to this Consent Form.

### 3 DURATION

This consent will continue:

- for an Individual under 18 years of age, until the Individual turns 18; or
  - until the Individual revokes consent by writing to the Principal of the school or the Institute Director of the TAFE Institute, or, in the case of employees, by writing to the District Office;
- and where more than one of these events may apply, until the first event occurs.

Despite the above, if, at the time such an event occurs, the Department or the State is using the Individual's personal information or 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 use by Department or the State is complete or until the contractual obligations come to an end.

### 4 UNDERSTANDINGS

- **'Use'** includes:
  - to create, make copies of, reproduce or retain in any form, including by camera, video, digital recorder, webcam, closed circuit television, mobile phone or any other device; and
  - to distribute, publish or communicate in any form, including in 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 giving this consent or for the use of the Individual's personal information or Individual work.
- This Consent Form revokes and replaces all previous consent forms in relation to the Individual.

**Uncontrolled copy.** Refer to the Department of Education, Training and Employment

Policy and Procedure Register at <http://ppr.det.qld.gov.au> to ensure you have the most current version of this document.

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This consent form should be used for students, employees, volunteers and copyright owners. Seek advice from Legal & Administrative Law Branch before altering this form (07) 3237 0817.



# Consent Form

## to use copyright material, image, recording, name or personal information

- Nothing in this Consent Form limits the rights that the Department or the State reserve in relation to the use of the Individual’s personal information, Individual work or other intellectual property under any other law.
- The ‘**Department**’ and the ‘**State**’ include the officers and employees of the Department and the State engaged in performing services for the Department and the State.
- This consent extends to the Department and the State:
  - disclosing the Individual’s personal information and Individual work to the Department’s and the State’s agents, contractors and volunteers for the purpose of performing services for the Department and the State; and
  - permitting those persons to use, record and disclose such material to the same extent as the Department and the State are entitled to deal with the Individual’s personal information and Individual work.

### 5 LIMITATIONS ON CONSENT

The Individual or Signatory wishes to limit the consent in the following way:

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### 6 DETAILS

**Name of Individual**

**Address of Individual**

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**Name of organisation, school or TAFE** (at which the Individual is enrolled, employed or volunteers)

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**Signature of the Individual** (if over 18 years of age, or if under 18 years of age and capable of understanding and giving this consent)

**Date**

/ /

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## to use copyright material, image, recording, name or personal information

Signature of the parent or guardian (required 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 or ability 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 or the Institute Director at which the Individual is enrolled or works or send a request in writing to the District Office.

### 8 INFORMATION

#### What is this consent for?

This Consent Form authorises the Department and the State to use the Individual's personal information and copyright material, together with information about the Individual's participation in Departmental and State initiatives, for any use by the Department and the State associated with the purposes identified in Section 2 of this Consent Form. The consent covers the entire or partial use of the Individual's personal information and copyright material in conjunction with other words and images.

For example, the Individual's personal information and copyright material may appear in school or TAFE newsletters, magazines, websites and other school, TAFE, departmental or State publications, as well as in television advertising, videos, brochures, forms, public relations displays, annual reports, press advertising, internal documents such as manuals, websites, certificates and strategic plans, and posters and other promotional material. There may also be occasions on which the Department may approve the media, such as local newspapers and television stations, using information and copyright material in relation to the Individual (for example, where the Individual is involved in dramatic or musical performances, sporting activities or award ceremonies).

The Department has specific policies and guidelines in relation to publication of student images on the Internet (see, for example, *Web Publishing for Schools* and *Publishing Student and Staff Information on School Web Sites*). These policies and guidelines may be viewed at [www.education.qld.gov.au](http://www.education.qld.gov.au).

#### What is copyright material?

An Individual's copyright material may include written work (e.g. 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 the Individual's ownership of the intellectual property in their copyright material.



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**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 the material is created in normal work hours or using departmental facilities or equipment). Where copyright material is created by a 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 including, for example, where the copyright material is created by an employee pursuant to a prior agreement with the employer.

Generally, the deciding factor is whether the employee is performing their official duties. In addition, section 176 of the *Copyright Act 1968* 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 and Administrative Law Branch.

### What is personal information?

Personal information includes information or opinions, whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This includes the Individual's name, recording or image. It also includes the Individual's educational information such as the Individual's assessment and results, and health information and court orders provided to the Department, where such information may enable the Individual to be identified.

### Why is a Schedule used?

A Schedule may be attached to this Consent Form describing a specific use of the Individual's copyright material or personal information, either because the use 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 contacting the Principal of the school or the Institute Director of the TAFE Institute, or in the case of employees, by sending a request in writing through the District Office.

### What if I give my consent and later change my mind?

This consent will be in effect for the period described in Section 3 of the Consent Form. The consent can be modified or withdrawn at any time by writing to the Principal of the school or the Institute Director of the TAFE Institute, or, in the case of employees, by writing to the District Office. However, any changes will apply only from the date that the Department receives 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 recording, use and disclosure of the Individual's personal information and Individual work is required in accordance with the *Copyright Act 1968* (Cth), the *Education (General Provisions) Act 2006* and the *Information Privacy Act 2009*. Personal information will be stored securely. The Department will only disclose the Individual's personal information in accordance with your consent, except where authorised or required by law. If you wish to access or correct any of the personal information on this form or discuss how it has been dealt with, or if you have a concern or complaint about the way the Individual's personal information has been collected, used, stored or disclosed, please contact the relevant organisation, school or TAFE Institute.