



## **Photography, Filming and Recording Policy**

This policy sets out the guidelines and principles to photography, filming and recording of all members and participants of Squash NSW. This policy encompasses sanctioned Squash NSW, Squash Australia and World Squash Federation events and general events including pennant competitions, tournaments, coaching clinics, camps, team events and travel, social competitions and social events.

This policy is intended to protect the rights of individuals to not have their person photographed or filmed in an inappropriate manner or disseminated or used in any way to harass, sexually harass, bully, intimidated, embarrass, humiliate, degrade, compromise or bribe members or participants of our sport.

We do not want to prohibit legitimate photography and filming of squash in the normal circumstance of documenting and recording participation and play of the game. We encourage appropriate taking and usage of still and video images for personal mementos and promotion of the sport.

In Australia, generally speaking, there is no law restricting photography of people (including children) in public spaces as long as the images are not:

- Indecent (up/under a skirt or down a top/blouse, or covertly in a change room, toilet or other invasions of privacy)
- Being used for voyeurism or made for the purpose of observing and visually recording a person's genital or anal region.
- Protected by a court order (eg. Child custody or witness protection)
- Defamatory
- Being for commercial purposes (person's likeness is used to endorse or entice people to buy a product)

Although it is not illegal to take photographs in a public space, nor is consent required common sense and courtesy should be applied by respecting the privacy and wishes of others.

### **Appropriate photography and filming:**

- In public spaces
- During match play
- Spectators watching play
- Spectators socialising
- Presentations
- Referee and coaching staff for the purpose of training, evaluation and performance improvement.

### **Inappropriate photography and filming:**

- In change rooms
- Private or secluded areas
- Under seating, platforms or viewing areas
- Sexually explicit or compromising images
- People who are sleeping
- People who are ill
- When a person requests not to be photographed or filmed
- When a parent requests their child not to be photographed or filmed

### **Inappropriate distribution or sharing of photographs or film:**

When a person requests that their image not be shared or distributed. Including via social media, social media platforms, electronic communication or any other form of distribution.

When a parent requests that their child/children's image not be shared or distributed. Including via social media, social media platforms, electronic communication or any other form of distribution.

When there has been a request to remove a photograph or film from social media, social media platforms, electronic communication or any other form of distribution.

### **Illegal taking and distribution of photographs or film:**

In NSW, it is against the law to take a photo or video of a person engaged in a private act without their consent. This may include taking photos or video of others engaging in sexual activities, in a state of undress, or using a bathroom, shower or changing room. It is also illegal to photograph or film a person's private parts under a skirt or down a blouse (whether or not covered by underwear), without consent. Penalties for these crimes can range from a fine to a maximum of 5 years in prison, depending on the circumstances. In NSW it is also illegal to create or possess images or videos of children who appear to be the victims of torture, cruelty or physical abuse or engaging in sexual activity or send these images or videos to others. In NSW, a child is considered anyone under the age of 16. This crime carries a possible maximum sentence of 10 years in prison.

It is also a crime to use the internet to record someone or share images or videos of that person without their permission if the material shared would be regarded as harassing or offensive. This crime carries a possible maximum penalty of 3 years in prison.

It is really important to note that the law does not distinguish between people in relationships and those who are not. So, if you are dating someone who is considered a child, possessing sexual material of your girlfriend/boyfriend is still a crime.

Publishing an image of someone doing something private could also be considered defamation.

### **Unauthorised recording**

In NSW, it is against the law to use a device to record or monitor the private conversation of another without their consent. This law applies regardless of whether you are a part of the conversation or not.

In NSW it is illegal to publish a conversation that has been secretly recorded with a listening device or send the recording to another person. It is also an offence to have a recording of a conversation obtained illegally in your possession.

### **What to do**

If you believe someone is breaking the law, then notify police immediately.

If you are unsure report the matter to someone who can assist immediately eg. event organiser, referee, coach, CEO or MPIO.

If you do not want your photograph taken or to be filmed politely ask the photographer not to take or distribute your image. But please remember it isn't illegal to take pictures or film in public places.

If you are a SQNSW employee including coach, team manager or official then you must report any suspicious or unlawful behaviour to the SQNSW CEO or MPIO as soon as possible.

For further information on your rights and responsibilities information can be found at:

Office of Sport:

<https://sport.nsw.gov.au/clubs/ryc/memberprotection/takingimages>

E-Safety Commissioner

<https://www.esafety.gov.au/>

Play by the Rules

<https://www.playbytherules.net.au/>