



Office of the  
Information and Privacy  
Commissioner of Alberta

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## **Information Bulletin - Taking Photographs of Students at Schools**

From time to time, the Office of the Information and Privacy Commissioner (the OIPC) is asked when photographs can be taken within a school according to the *Freedom of Information and Protection of Privacy Act*.

In Alberta, school boards and charter schools are “public bodies” under the *Freedom of Information and Protection of Privacy Act*. Private schools are subject to the *Personal Information Protection Act*. Both set out circumstances under which personal information may be collected, used or disclosed. A photograph identifying an individual is personal information. The question is “when can schools allow others, i.e. the media, to collect information about students.

School classrooms are not public places. Schools and school boards control who has access to school property and to students. As such, a school needs to inform parents of what kinds of access to students will be allowed. This can be done by general notice at the beginning of the school year or a specific notice before an event. Schools are a part of the community and should not be under perpetual “informational lock-down.” But it is a challenge for schools to decide how much access to grant to school events.

The OIPC is the body which would hear and decide complaints that a school had disclosed too much information about a student. We would apply the *Freedom of Information and Protection of Privacy Act*. We offer the following from that perspective.

School staff may take photographs and otherwise collect information about students for use within the school and do not need consent to do so if the photographs and information are part of the delivery of educational programs or services. However, a school needs to inform parents and students that this will be done and how the information will be used by the school. This can be done either in a general notice given at the beginning of the school year or on a case by case basis.

When schools decide to invite spectators, including parents, the media, their Member of Legislature or other dignitaries to an event being held at the school, we think that the event becomes a public event and anyone in attendance may take photographs without first obtaining consent. The same would be true when students are participating in an event, such as a sporting or performance event that is held in a public venue or as an event to which the public is invited. Of course the school retains the right to ask any member of the public to leave the school property.

On occasion, celebrities or dignitaries may visit a school and their students. It is reasonable to expect photographs will be taken and that some of these photographs may be published by the media. Unless the public is invited to attend, the visit would not be considered a public event. A school may decide whether general notice already given is sufficient or to give specific notice prior to the event.

Often schools receive requests from the local media to photograph and interview students. For example, if a newspaper wants to interview and photograph the Grade 6 student who had the highest marks or the student who won the sporting event. If it is a public event this would be okay. If not, the school needs to determine if the general notice given to parents would be sufficient or if specific consent should be obtained from the parents.

The notice given at the start of the school year would be a good time to ask any parents who have concerns with their child being photographed or interviewed to make these known to the school.

If a parent or student has concerns with photographs taken of them at the school or at a school event, they have a right to make a complaint to the OIPC.

The Frequently Asked Questions for School Jurisdictions produced by Service Alberta provides guidance on taking, using and disclosing photographs in a school setting and are available on the FOIP website at: <http://www.servicealberta.ca/foip/faqs.cfm>.