

# Image Use Policy

**Division Name** - Marketing

## Policy Details

|                            |                           |                         |                     |
|----------------------------|---------------------------|-------------------------|---------------------|
| <b>Department</b>          | Marketing                 | <b>Policy ID</b>        | VCET-725537380-7593 |
| <b>Sponsor</b>             | GM Marketing              | <b>Version</b>          | 1.0                 |
| <b>Responsible Officer</b> | Brand and Content Manager | <b>Approved Date</b>    | 25/09/2025          |
| <b>Review Frequency</b>    | Two Yearly                | <b>Next Review Date</b> | 24/09/2027          |

## Purpose

The Victorian Convention and Event Trust (VCET) relies on the use of Images in its promotional and marketing activities, consistent with one of VCET's statutory functions under the Act. In doing so, VCET acknowledges the following obligations when using Images:

- The obligation to ensure that Images conveying Personal Information and Sensitive Information are collected and handled responsibly.
- The recognition that the Image used may infringe the intellectual property of a third party protected under the *Copyright Act 1968* (Cth);
- The obligation to ensure that Images are used in such a way that they do not make false or misleading claims by, for example, representing an individual as endorsing a particular VCET product or service or is used in any claim by VCET that its product or services seem better or less harmful for the environment than it really is.

The purpose of this policy is to set VCET's rules around the use of images in order to ensure VCET's legal responsibilities are not breached and the protection of its reputation.

## Application

This policy applies to all VCET staff generally and, in particular, those staff who use any still or motion images captured on behalf of or for use by VCET for marketing and promotional purposes.

## Definitions

| Title                | Definition                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act                  | Victorian Convention and Event Trust Act 1996 (Vic)                                                                                                                                                                                                                                                                                                          |
| Image                | Any still or moving image whether in digital or other format whether obtained by VCET's own in-house or contracted resources or from a third party source, whether solicited or unsolicited.                                                                                                                                                                 |
| MCEC                 | Melbourne Convention and Exhibition Centre                                                                                                                                                                                                                                                                                                                   |
| Nyaal Banyul         | Nyaal Banyul Geelong Convention and Event Centre                                                                                                                                                                                                                                                                                                             |
| Personal Information | Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies |
| VCET                 | Victorian Convention and Event Trust                                                                                                                                                                                                                                                                                                                         |

## Policy Statement

- Images must only be used to further VCET's statutory functions for the development, promotion, management, operation and use of convention and exhibition facilities and services in Victoria, including the use of those facilities and services for entertainment purpose.
- Written consent of an individual who is the subject of an Image must be obtained where:
  - the Image is to be used for official advertising campaigns; or
  - the Image contains Sensitive Information about the individual. "*Sensitive Information*" means information about an individual's:
    - racial or ethnic origin; or
    - political opinions; or
    - membership of a political association; or
    - religious beliefs or affiliations; or
    - philosophical beliefs; or
    - membership of a professional or trade association; or
    - membership of a trade union; or
    - sexual preferences or practices; or
    - criminal record

— that is also Personal Information;

3. In any other case, VCET is not required to obtain consent of individuals appearing in Images taken in a public place, or in crowded situations or at VCET Events provided that:

- (a) there are appropriate Conditions of Entry regarding the taking of Images within MCEC and Nyaal Banyul; and
- (b) there is adequate signage alerting individuals that Images may be taken in the relevant area.

*Example: an Image taken of a group of individuals whose identity is apparent or reasonably ascertained from the Image and who are attending a meeting of a trade union held at MCEC can only be used by VCET with the consent of each of those individuals because it falls within the definition of 'sensitive information' which requires actual consent.*

4. Images procured from websites that offer Images for commercial use, whether for free or a subscription can be used:
  - (a) notwithstanding they contain either Personal Information or Sensitive Information; and
  - (b) provided that the terms and conditions of use contain a legal release from copyright, privacy or other legal claims.
5. Where VCET intends to use an external third-party provider to take official images, the relevant agreement for services must be reviewed by Legal to ensure that VCET owns the copyright in the Images taken or there are appropriate licensing arrangements in place.
6. Images that are intended to be used to accompany any VCET statement about its environmental or sustainability achievements can only be used with the authorisation and approval of the General Manager of Marketing and upon the provision of legal advice. This policy statement applies to all Images regardless of how they are procured.
7. VCET must maintain a register of Images used which records the following minimum information:
  - (a) a reference number and the date when entered into the Register
  - (b) a short description of the Location of the image;
  - (c) details of the consent given, licence provided or usage rights permitting VCET's use of the Image;
  - (d) Details of mandatory credits, if required.
  - (e) whether the image status is 'active' or 'archived'; and
  - (f) where the Image status is 'archived' details of the date the Image was archived, and why.
8. Images received or procured by VCET can only be used where its entry on the Register is complete, including the details of principle 5(c) above. All other Images must either be deleted from VCET's systems or should be stored in an access-restricted file clearly marked **"Unauthorised Images – Do Not Use"**.

- Any disputes or complaints arising out of VCET use of an Image should be directed jointly to the General Manager of Marketing and General Counsel. These will be escalated to the Chief Executive where required.

#### *Additional Aboriginal or Torres Strait Islander rules*

- Where VCET seeks to use talent in any Image from any First Nations community, the use of an Indigenous photographer/videographer who is mindful of the relevant cultural protocols around the capturing of the Image should be considered.
- If VCET suspects that an Image of a First Nations individual may be used who has passed, the use of the Image must be accompanied by the following:

*“WARNING: Aboriginal or Torres Strait Islander viewers are warned that the following website/program may contain images of deceased persons.”*

- Consent must be sought by an individual’s parent or guardian where the individual is 18 years of age or less.

#### *Additional Aboriginal or Torres Strait Islander protocols*

- Where using Images containing branding attributed to a specific Traditional Owners Corporation, that corporation must provide its consent for the use of the Image.

## **Responsibilities**

- The Brand and Content Manager is responsible to ensure policy awareness and dissemination to relevant staff.
- Staff in the marketing department are responsible to ensure that the use of Images complies with this policy.

## **Breaches**

- Failure to comply with this policy is subject to VCET’s Disciplinary Policy and applicable procedures.

## **References**

### **External**

*Victorian Convention and Event Trust Act 1996 (Vic)*

*Privacy and Data Protection Act 2014 (Vic)*

*Competition and Consumer Act 2010 (Cth)*

*Copyright Act 1968 (Cth)*

### **Internal**

Image Use Procedure