



STIRLING HIGH SCHOOL

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PHOTOGRAPHIC SOCIETY & POPIA ACT

Under POPIA, a photograph of a child/minor is classified as *personal information*, and even more so when it can be used to identify the child. Under **South African law**, specifically in the context of the **POPIA Act** and general legal definitions: **A minor is any person under the age of 18**. This is aligned with the **Children's Act 38 of 2005** and the **Constitution of South Africa**, which both define a child (or minor) as a person **below the age of 18 years**.

1. Consent is Mandatory:

- Schools (or any third party, including photo societies) must obtain **explicit, informed consent** from a parent or legal guardian before taking, storing, or sharing photos of minors.
- This includes consent for the **purpose** of the photo (e.g., yearbook, event coverage, marketing) and **distribution** (e.g., school website, social media, print media).

2. Right to Privacy:

- Children and their guardians have a **right to privacy**, and the school has a legal obligation to protect that right.
- Posting photos online without consent can expose to **security risks** and **unauthorized use** of their images.

3. Limitation of Use:

- POPIA emphasizes that personal information (including photos) must only be used for the **specific purpose** it was collected for. Using it commercially (e.g., selling photos) falls outside typical educational intent.

4. Accountability and Risk:

- The school (or any group operating under it, such as a photo society) is **legally accountable** for how personal information is handled.
- If a photo society shares images or charges for photos without proper consent, the school and society member may be **legally liable**.

5. Protection of Minors:

- Special care is required when processing data of minors, as POPIA places **extra restrictions and obligations** on institutions handling children's personal.

6. Authorised Photography and Duty Allocation

- The taking of photographs of learners during school activities, including sports matches, is strictly limited to **authorised individuals assigned by the school**.
- Members of the Photographic Society may only take photographs during **officially allocated duty slots** as determined by the school or staff in charge.
- No learner, parent, or third party may photograph learners for distribution, publication, or sale without **prior written authorisation from the school** and confirmed POPIA-compliant consent.
- This measure ensures that the school maintains **control over the collection and processing of personal information**, in line with POPIA requirements.
- Any unauthorised photography may be treated as a **breach of school policy and POPIA compliance protocols**, and may result in disciplinary action.

Because POPIA strictly regulates the collection and use of minors' personal information, including images, **a photo society cannot take or sell photos of scholars during school activities or on school premises** — to do so would violate the law and compromise the school's duty to protect its learners' privacy and safety.

Principal – Stirling High School

Head of Discipline

11 / 06 / 2025

Date

Head of Marketing