

## Community Relations

## SUBJECT: PERSONAL PRIVACY

## Overview

The Board of Education values civility, respect for the individual and the privacy of students, visitors and staff. These values include safeguarding against inappropriate invasions of personal privacy rights. In addition to the privacy protections provided by applicable laws and regulations, other policies of the Board of Education, and reasonable regulations promulgated by building and District administrators, the following policy shall apply to photographs, video recordings and audio recordings on District premises.

## Policy

Except as specifically set forth in this policy, no person shall make, publish or distribute any photograph, video recording, or audio recording (collectively, "Recordings") capturing the image or voice of any other person providing remote instruction or on District premises (a "Recording Subject") without the express prior permission of the Recording Subject. Violations of this policy shall be subject to the following potential consequences:

- A. In the case of violations by staff, disciplinary action as permitted by law and subject to the terms of any applicable collective bargaining agreement;
- B. In the case of violations by students, (i) confiscation of recording equipment until any unauthorized Recording has been erased, and (ii) disciplinary action pursuant to the District's Code of Conduct;
- C. In the case of visitors, ejection from District premises and other appropriate action.

## Exceptions

The following Recordings may be made without the prior consent of a Recording Subject, subject to any further privacy protections provided by applicable laws and regulations, and provided, further, that no otherwise-permitted Recording shall be distributed or disseminated for the purpose of annoying, intimidating or harassing any Recording Subject:

- A. Recordings made by or on behalf of the District for inclusion in District publications and newsletters, or for dissemination to the news media for the purpose of publicizing District programs or events.
- B. Recordings made by representatives of news media, parents, and other persons lawfully on District premises to attend District events open to the public, including dramatic productions, athletic events, meetings of the Board of Education and other meetings open to the public on District premises; provided, however, that Recordings may be limited in the case of performances of copyrighted material.
- C. Recordings made in connection with certification and other credentialing processes applicable to teachers and teaching assistants.
- D. Recordings made with the prior approval of the Superintendent of Schools for the purpose of assessing or improving the quality of instruction.

- E. Recordings made by faculty members for educational purposes with the intention of helping a specific student or students, or for dissemination only in the faculty member's classroom or school, including but not limited to recording of remote learning instruction.
- F. Recordings made for use in connection with class photographs, student publications and yearbooks.
- G. Recordings (audio) made by a parent/guardian of their child's Committee on Special Education proceedings.
- H. Recordings made and maintained by the District for security purposes.
- I. Recordings of interior or exterior scenes where the presence of Recording Subjects who have not given consent is merely part of an incidental background.
- J. Such other Recordings as are approved in advance by the Superintendent of Schools.

#### Legal References

N.Y. Education Law §§1709(2) & (33); 2801  
Appeal of Epstein, 34 Ed Dept. Rep 572 (1995)  
Appeal of Canazon, 33 Ed Dept. Rep 124 (1993)  
Appeal of Keller, 32 Ed Dept. Rep 47 (1992)  
N.Y. Arts & Cultural Affairs Law §61.09  
N.Y. Public Officers Law §103(d)

#### Note: Refer also to:

Policy 6410: Staff Acceptable Use Policy  
Policy 7315: Student Acceptable Use Policy  
Policy 7316: Student Use of Personal Technology  
Policy 7550: Dignity for All Students  
District Code of Conduct