

Recording of Lectures

The following best practice suggestions are made with regard to protecting the privacy of individuals when the recording of formal learning activities (including lectures) is undertaken.

1. Those enrolled in a class should be fully informed as to the recording of the activity, the use, access to and dissemination of the recording, the length of time access will be provided, the audiences to which the recording will be made available and the medium through which it will be provided.
2. Students should be provided the option of removing themselves visually and vocally from the recording process without compromising their ability to engage in the learning from the activity they would normally be provided.
3. For learning activities which involve interactive methodologies and for which students will be captured in the recording activity, express consent should be obtained detailing the use of the recording and the timeframe for the use and the consent documents should be retained as long as the recording is utilized.
4. Social Networking Software:
 - a. If the university or an “employee” of the university uses these media to collect personal information and use or disclose personal information either directly or as an agent of the university, the personal information so collected and used could be deemed to fall under the jurisdiction of the FOIPP Act. Such action brings into play the issues of appropriate collection, consistent use, disclosure and protection of this information. The information would be deemed to be in our custody and control if it is collected and maintained in university records
 - b. If the student’s in a course decide amongst themselves to utilize social networking software to communicate with one another, the university would not be deemed to be an agent in this regard and the information would be outside of our custody or control.
 - c. Proper protocols and notifications should be considered and made available to students involved in situations where social networking software forms part of the learning experience and where recording that involves collection and disclosure (active or passive) of personal information is possible.

Recordings shall be at the discretion of the instructor. Any use beyond personal study must have the explicit approval of the instructor. Any violations of this are matters of academic misconduct. Instructors shall grant permission to record to assist students with disabilities. (See Guidance on Recording Lectures Enhancing Individual Study & SSDS)

Lectures, demonstrations etc. are the intellectual property of the instructor. Any recording of these events is to be used for private study (fair dealing). Copyright for classroom recordings remains with the lecturer and that only the lecturer may record lectures unless express permission is given to others.

Public and Private Events

5. The use or disclosure of photographs taken or videotapes or audiotapes recorded at public events or activities related to the university is not considered to be an unreasonable invasion of the personal privacy of the individuals photographed or recorded if the images simply indicate “attendance at” or “participation in” the event. Public events may include “a graduation ceremony, sporting event, cultural program or club, or field trip” (section 17(2)(j)(iii), FOIP Act). In this case, there is no need to obtain consent for the use or disclosure of the photographs or tapes. Where the event is one that might not be considered public in the minds of those attending, it may be appropriate to announce that photographs are likely to be taken or that the event is likely to be recorded (taped).

Notwithstanding the above, if an individual attending such an event or, more likely, speaking or participating in the ceremony or event, explicitly requests that the information (in this case, photographs or tapes) not be disclosed, the university must abide by that request (section 17(3)).

Procedures

1. Where photographs or videos are going to be taken at a private event, e.g. a rehearsal, a practice, a class room situation or private ceremony, etc., an announcement that photographs may be taken or that the event may be audio or videotaped must be made, including the authority for the collection, the purposes for which the personal information in the photographs or tapes is going to be used and contact information for someone who can answer questions about the collection (sections 33(c) and 34(2)). If any individual then requests that their personal information not be collected in this way or used or disclosed, that request must be honoured.

If, however, there is the potential for subsequent uses or disclosures, it is recommended that written consent for such use(s) or disclosure(s) be obtained when the personal information is collected. The consent must be in writing and must specify to whom the personal information may be disclosed and how the personal information may be used (sections 39(1)(b), 40(1)(d) of the *Act* and section 6 of the FOIPP Regulation.

2. If an individual is asked to provide a photograph of him/herself, e.g. for posting on a website, the request for the photograph should be accompanied by a request for written consent as set out in #1 above.
3. Where the taking of the photographs or the making of a recording is required (e.g. in a class where videotapes are used to evaluate and advise on professional performance, or where a photograph is taken for an identification card), a written notice meeting the requirements of section 34(2) must be given to the individuals involved. In addition, the consequences of refusing to permit

photography and recording must be clearly spelled out. If such refusal would deny rights or privileges otherwise implicit in the contract that the student (e.g. would result in the inability to complete a course), staff member, patient, client or other visitor may have with the university, legal advice may be necessary to ensure that the denial does not result in unforeseen consequences.

The photographs or tapes must not be used or disclosed for purposes that were not identified in the collection notice, unless the individuals in the photographs or tapes have given written consent to the new use or disclosure. A clear statement about the retention of such photographs or tapes should accompany the notice. The photographs or tapes must be destroyed on the expiry date of their retention period unless they are records that are responsive to a current request under the *FOIP Act* for access to information or the subject of litigation.