

# Requirements for Recording of Online Interactive Teaching Sessions in 2020/21

## BACKGROUND

The [Policy for the Recording and Digital Delivery of Teaching in 2020/21](#) is designed to support and complement the flexible learning environment as set out in the [Teaching and Learning: Framework for Autumn Term 2020](#) to provide our students with the best experience in the current circumstances. This Guidance provides further and specific detail on online interactive teaching sessions which are a key component of this flexible learning environment.

## INTRODUCTION

Online interactive teaching sessions are sessions that are delivered online and live/in real time, with students participating and interacting online. Online interactive teaching sessions can be used for several purposes, most commonly for seminars or tutorials.

This guidance outlines when recording of online interactive teaching sessions is permissible, and the measures that must be taken in using and managing recordings. Recording live, online interactive teaching sessions brings additional data protection law obligations and risks. This is largely due to the increased element of student participation and student/staff interaction.

This guidance supports and facilitates the continuation of existing teaching and assessment practices in the Autumn Term. Support for new and innovative practice will be introduced during 2020/2021 once the Learning Capture project recommences.

## WHAT CAN BE RECORDED?

Staff can only record an online interactive teaching session when it is strictly necessary: when recording is essential to achieve the primary objectives of the successful delivery of teaching. These purposes are:

- When a student is unable to attend on campus sessions because of Covid-19 travel or quarantine restrictions, and it is not reasonable to expect them to attend an online session because it is scheduled at a time that is outside of usual teaching hours (9-6) in the country or region they are based in.
- When there has previously been a requirement to record an on-campus interactive session, and therefore recording of an online interactive session is a continuation of existing practice. Current examples include: recording of clinical practice for summative assessment; recording a coaching session for formative feedback; recording a presentation when an assessor is unable to attend).

- When a reasonable adjustment needs to be made for a student under the Equality Act 2010. In this case, the student must have notified the University's Disability Advisory Service (DAS) in advance, and DAS will need to have confirmed directly to the staff member or their School that the recording of interactive teaching and learning sessions is one of the reasonable adjustments that should be made for the student.
- When a student's employer has sponsored them to attend a University programme on a part-time/flexible basis, and the University has agreed to make all sessions available to all students on that programme even where a student's work commitments mean they can't attend some of the sessions at the scheduled 'live' time. An example of where this will apply is in the context of some of Henley Business School's Apprenticeship programmes.
- When a specific exceptional case has been approved by a Teaching & Learning Dean (in liaison with Legal Services/IMPS).

### **What if I have the participant's consent?**

The University is a Public Body as defined within data protection laws. The University have core 'public tasks' to deliver teaching and research. These are tasks that we are *necessarily required to undertake* and that are not reliant on the 'consent' of individuals that are involved in those activities (we need to do those tasks regardless). For this reason, 'with consent' will not be the basis relied upon for recording connected with the delivery of teaching and learning.

The reason that we cannot rely on consent is that there is a legal requirement for consent to be 'freely given' and fully able to be withdrawn. In the context of delivering teaching, students do not have a meaningful free choice and there may be a detriment to their participation if they did not 'consent'. The *balance of power* between the University and the students is also a consideration - students may feel compelled to consent or concerned about the impact of not doing so.

Another reason we cannot rely on consent is that this would also mean that a student would have the power to withdraw consent and ask for erasure of the content that they feature in – we would then be legally obliged to remove them from all footage. This may not be technically possible and would also be detrimental to other students accessing the recording.

If recording is *necessary for any of the purposes listed above*, we must be clear that recording is *taking place*, but not seek permission for these reasons.

The 'consent' message that displays on Teams recorded meetings was designed by Microsoft and the University are not currently able to amend it. This message is primarily to make participants aware that recording is taking place, it should not be taken to amount to 'consent' as the legal basis under data protection laws. If you have any questions, please contact [imps@reading.ac.uk](mailto:imps@reading.ac.uk)

### **Recording of sessions by students**

Students are not permitted to record online interactive teaching sessions. If (before the session to be recorded) DAS have informed the staff member (or their School) that a student requires online interactive teaching sessions to be recorded as a reasonable adjustment under the Equality Act, then the staff member delivering the session will capture the recording. Further guidance will be issued to students in a separate advice note.

The [Policy on the Audio and Visual Recording and Capture of Teaching Sessions by Students](#) covers the recording by students of teaching sessions in the context of physical locations such as a lecture theatre or classroom.

### **Approved platforms**

You can only record, upload and publish interactive teaching sessions via the following approved platforms:

- Microsoft Teams Meeting and Stream
- Blackboard Collaborate
- Other systems where their use has been approved by the Design Authority Group (DAG). Please discuss with your DTS Business Partner

## **STAFF RESPONSIBILITIES WHEN RECORDING**

Training and guidance are available for all responsibilities listed below (see Annex). It is the responsibility of the member of staff to ensure they have the skills and knowledge to carry out these responsibilities if they are recording a session.

### **Ensuring recordings are accessible**

All recordings need to meet the legal requirements set out by the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.

### **Providing and managing access to recordings**

Staff can only use the recordings for the purposes described in this guidance. This will be communicated to students via the privacy notice that will be created for the 20/21 academic year.

Recordings will automatically be made available to all the individuals that were invited to attend the session. Staff are responsible for providing access to the intended audience and for ensuring that access is not given to others beyond that audience.

### **Editing recordings**

It may be legally necessary for the University to edit recordings where it has upheld requests regarding recorded content, such as complaints regarding the infringement of third party intellectual property, or for the exercising of rights to access and erase recorded content. If members of staff receive any such requests they should, in the first instance, forward them to [imps@reading.ac.uk](mailto:imps@reading.ac.uk). IMPS (and/or Legal Services) will assess whether there are legal grounds to uphold such requests. In such circumstances, staff members may need to promptly refer content to teams dealing with such requests and/or perform editing of content themselves using University approved tools.

### **Retention and deletion of recordings**

The recordings of online interactive teaching sessions must not be retained beyond serving the purposes they are intended for. The member of staff who made and shared the recording will be responsible for ensuring relevant recordings are deleted

In most cases, recordings will be retained for the duration of the 20/21 academic year (plus 3 months) or for programmes that do not follow the academic year, 12 months from the date of the recording, unless the purpose for the recording indicates that a longer or shorter period of retention is required. The retention periods are listed in the [Retention Schedule for Recorded Content](#) and the [Privacy Notice – Recording of Teaching and Learning Content 20/21](#) (available from IMPS) and any necessary variations will also be confirmed via these documents. IMPS/DTS reserve the right to carry out audits to ensure this requirement is complied with.

Contact the Data Protection Officer if any attendees raise a concern or complaint relating to data protection or privacy (email: [imps@reading.ac.uk](mailto:imps@reading.ac.uk), or telephone: 0118 378 8981).

## **ANNEX**

This section will be updated in September 2020 to provide specific links to training and guidance for the different tasks and responsibilities as set out in this guidance.

In the interim, support and resources for recording online interactive sessions are available at:

- Microsoft Teams Meetings <https://sites.reading.ac.uk/tel-support/teams/>
- Microsoft Stream <https://sites.reading.ac.uk/tel-support/stream/>
- Blackboard Collaborate <https://sites.reading.ac.uk/tel-support/blackboard-collaborate-help-index/>