

## **Guidelines for the streaming and recording of digital teaching**

In connection with the COVID-19 pandemic and the government's infection control restrictions, Kristiania University College will increase the provision of digital teaching to students and also increase the recording and streaming of classroom teaching in order to limit the spread of infection. The following guidelines apply to digital teaching in the event of wholly or partly closed premises as a result of infection control restrictions. The guidelines will be evaluated and revised after a given period.

Kristiania University College is subject to the Norwegian Universities and University Colleges Act and has a duty to provide teaching at a high academic level. Recorded teaching will allow students to review lectures and will also make teaching even more accessible.

The guidelines apply to recordings or livestreaming of teaching using digital solutions, including in the classroom. Recordings or livestreams that are not part of a teaching programme fall outside the scope of these guidelines.

These guidelines address privacy concerns and rights policies associated with the streaming and recording of teaching.

### **1. Recording of teaching in the event of wholly or partly closed premises**

#### **1.1 Teaching where only the lecturer can be identified**

Students request and expect recordings of digital teaching to be published. As a general rule, in the teaching that is recorded and made available to students, it must only be possible to identify the lecturer through the audio/images.

Students must be informed as early as possible and prior to the scheduled teaching if any exceptions have been made and the teaching will not be recorded and made available to students. Each academic department will draw up guidelines for managing exceptions from the general rule in accordance with the nature and educational foundations of the academic field in question.

The teacher consents to being recorded by initiating the recording. In cases where teaching consists of a combination of lectures and student-led activities, recordings may be made of the parts of the session in which only the lecturer can be identified by splitting the teaching into different sequences.

#### **1.2 Recordings for which the recording of students is required**

Teaching for which the recording of students is required in module plans must be discussed in relation to Article 6(1) no. e of the GDPR, cf. Section 1-3 of the Norwegian Universities and University Colleges Act. Students must be informed of:

- Recordings being made
- The purpose of the recording
- Where the recording will be stored and, if applicable, shared
- How long the recording will be stored for
- How the recording will be published
- Who has access to the recording

### **1.3 Recording in the event of voluntary student participation**

Recordings of teaching with voluntary student participation may be made if it is possible to safeguard the privacy of the students by providing information that students may participate in the teaching activities without sharing audio and/or images with others. Information must be provided in advance or at the start of teaching stating that students who wish to ask questions throughout using audio and/or images or chat functions will be included in the recording. The following information must be provided:

- That teaching is being recorded and that all questions from the teaching session will be included in the recording. Anyone who does not wish to be part of the recording may submit questions via e-mail, or student response systems that anonymise the person asking questions may be used
- The purpose of the recording
- The legal basis for processing
- Where the recording will be stored and, if applicable, shared
- Who has access to the recording
- How long the recording will be stored for

If the recording will be used for purposes other than teaching (learning analysis, quality assurance, research, etc.), consent must be obtained from those participating in the recording.

Recordings where students can be identified through audio and/or images may be made if it is found that Kristiania University College's need to make the recording is strictly necessary to fulfil the purpose of the teaching. Recording of teaching must be suitable for achieving this purpose and must be necessary and proportionate in relation to the privacy disadvantages for students. Students cannot be required to be filmed without having been informed in advance.

## **2. Privacy in the event of livestreaming and recording of teaching**

Streaming and recording of teaching involve the processing of personal data. Personal data includes, for example, both audio and image recordings of teachers and students.

These guidelines have been drawn up based on the guidance from Unit (Video teaching and privacy, dated 19 March 2020) and the purpose is to ensure that privacy considerations are safeguarded in connection with digital teaching, streaming and recording of teaching in classrooms and that the solutions used are in accordance with the GDPR and Norwegian Data Protection Act. You can read about how Kristiania University College processes personal data in the University College's [Privacy Policy](#).

The guidelines apply to teaching that does not process special categories of personal data (for example health information or sexual orientation).

A distinction is made between teaching formats that require students to actively contribute input and teaching formats in which only the teacher is recorded.

Kristiania University College uses various types of software for livestreaming, recording and storage of teaching.

This means that the software may have access to a number of categories of personal data relating to the user: name, IP address, user ID, photo and Kristiania University College e-mail address.

## 2.1. The purpose of the recording or livestream

Pursuant to Article 5(1)(b) of the GDPR, personal data must be collected for “specified, explicit and legitimate purposes”.

Kristiania University College is subject to the Norwegian Universities and University Colleges Act and has a duty to provide teaching at a high academic level. The overarching purpose of processing personal data in connection with the use of digital teaching services **is to increase students’ knowledge**. The purpose of recordings is to make the teaching available to students who are unable to attend online teaching or classroom teaching in real-time.

The purpose may be described in the digital learning platform used by the University College and must be clarified to the people that participate in the recording or livestream.

If the recordings will be used for other purposes (quality assurance, research, learning analysis, etc.), the reuse of data must have a separate legal basis and the reuse must be considered not to be incompatible with the original purpose of the recording, cf. Article 5(1)(b) and Article 6(4) of the GDPR. Alternatively, consent must be obtained from those participating in the recording.

## 2.2. Legal basis for the processing of personal data in recordings or livestreams

Pursuant to Article 6 of the GDPR, the processing of personal data must have a valid legal basis in order for the processing of personal data to be lawful. The legal basis should be stated together with the purpose, see Section 1.1. The basis for processing differs for the processing of personal data relating to teachers and students.

### 2.2.1. For teachers: employment or assignment contract

The basis for the processing of personal data relating to teachers employed by Kristiania University College in a recording or livestream is the **employment contract** and the employer’s management prerogative, cf. Article 6(1)(b). The employment contract and management prerogative allow the employer to decide that employees must deliver teaching digitally, cf. also Article 88 of the GDPR.

In cases where there is an agreement with an external teacher and where such teaching is part of the service, this agreement shall form the basis for processing, cf. Article 6(1)(b). Alternatively, consent may be obtained. External teachers can consent to being recorded by initiating the recording themselves.

If the recording will be published **openly** on the internet (outside of the University College’s teaching platform, which requires login in order to view recordings), consent or additional agreements with the teacher are always required. Consent forms must be completed and collected/archived.

### 2.2.2. For students: it must be necessary to carry out an activity that is in the public interest

Teaching at universities and university colleges is an activity that is in the public interest. It is also necessary to have dialogue between students and teachers in teaching situations in order to achieve the teaching objective.

**Public interest** will generally be the legal basis when it is necessary to process personal data relating to students in connection with livestreams and recording of teaching in classrooms and digitally. The processing of personal data that is necessary to carry out an activity in the public interest is permitted pursuant to Article 6(1)(e) of the GDPR with a supplementary legal basis pursuant to Sections 1-3, 3-8 concerning teaching, 4-2 concerning teaching plans and 4-3 concerning student learning environments in the Norwegian Universities and University Colleges Act.

**Consent** will generally not be the legal basis for the processing of personal data relating to students in connection with digital teaching, with some exceptions. The recording of online teaching that will be published openly on the internet (outside of the University College's teaching platform, which requires login in order to view recordings) requires consent from anyone who can be identified through audio or images. Consent forms must be completed and collected/archived.

**Concerning digital teaching in particular** When it comes to the streaming of digital teaching, it is generally voluntary for students to participate with images, audio or video. Students select the settings themselves when they connect to the livestream and can change the settings at any time.

In cases where the teaching is mandatory and there is a requirement for recordings of students to be made, the legal basis for recording is Article 6(1)(e) of the GDPR, cf. Section 1-3 of the Norwegian University and University Colleges Act. It must always be considered in advance whether it is necessary and appropriate for students to participate with active input in order to achieve the purpose of the teaching or whether the purpose can also be achieved through recordings of the lecturer only. Recordings should generally not be made if recordings are not necessary to uphold the students' rights and the University College's obligations. If the recording is mandatory, there must be a clear correlation with the learning outcome descriptions for the module. In the event of active participation, students must be informed that they can decide whether to participate in the teaching using audio/images.

If the module has mandatory attendance only but no requirement for active student participation, the recording may be made in a similar way to non-mandatory teaching.

In order to limit the intrusion into students' privacy, measures should be taken to allow students to ask any questions or submit answers to the teacher via a chat function rather than becoming part of the recording through audio or images. Video lectures that students have viewed in advance can also be published and the session delivered in the digital solution can then be a seminar in which no recordings are made.

**Concerning streaming and recordings in the classroom in particular.** In cases where classroom teaching is livestreamed or recorded, the focus of cameras and microphones will be the whiteboard area. If students will be presenting in the whiteboard area, no livestreaming or recordings may be made without written consent from the students. If students are moving around in the whiteboard area or talking during the streaming or recording, they may be included in the recording.

Measures should be taken to ensure that students can ask questions/participate in dialogue via chat or other written channels in connection with classroom teaching involving streaming and/or recording.

## **2.3. Information to students during teaching**

### **2.3.1. Digital teaching via Zoom or similar**

Information must be provided in advance or at the start of the lecture that everything that is said during digital teaching will be included in the streaming/recording. Information must also be provided about:

- the fact that the University College is making a recording and that anyone who does not wish to be part of the recording must submit any questions via e-mail or the associated chat function
- the fact that students can turn off their camera, microphone and sound.

### 2.3.2. In the classroom

It must be clearly indicated at the entrance and in the classroom that the teaching is being recorded if livestreaming is taking place in the classroom. Information must also be provided about:

- the fact that the University College is making a recording and that any dialogue in the classroom during the streaming/recording may be included in the recording

### 2.3.3. General information for both options

- the purpose of the recording or livestream
- how long the recording will be stored for
- where the recording will be stored and, if applicable, shared
- who has access to the recording
- the legal basis for processing (see Section 1.2.2)

The information must be provided in advance of the teaching, via the learning platform linked to the module in question and the lecturer should also remind students that a recording is being made. If a module has multiple teaching activities of the same nature, for example a series of lectures, the purpose may be described jointly for the teaching activities that are the same.

## 2.4. Storing and deleting recordings

Recordings are published as a learning resource in Canvas in connection with the module in question and will be available to all students in the relevant module/course.

**Teaching recordings where only the teacher** can be identified may be retained for as long as they are academically relevant. The teacher may decide that teaching recordings where only they can be identified will be stored for longer. If video recordings are made by a teacher under contract (e.g. as part of online studies), the University College will have the opportunity to use/retain the recording in accordance with the contract.

Solutions that are used to store recordings must be subject to risk assessments and approvals. Recordings will be used solely to deliver teaching and perform assessments unless otherwise agreed.

**Recordings in which students can be identified by audio or images:** Recordings in which students can be identified must be deleted when the purpose of the recording has been fulfilled, which will generally be when the module has ended. This applies when deferred examinations have been completed and will be no later than at the end of the next semester. In exceptional circumstances, recordings may be stored for longer.

After the retention period, recordings may be sent to public archives for archiving purposes in the public interest, as well as purposes linked to scientific or historical research. Such processing must be covered by the necessary safeguards in accordance with Article 89, no. 1 of the GDPR.

### 3. Copyright in digital teaching

Pursuant to its Rights Policy, the University College shall hold ownership and usage rights to standardised teaching materials, including the recording of lectures. Nevertheless, there is one exception in the Rights Policy for teaching materials that have a clear personal touch.

Recordings of lectures must be uploaded via the channels selected by the University College. Video recordings should normally not be shared outside of the University College's channels unless approval has been obtained.

In the event that Kristiania University College will publish recordings of teaching for purposes other than teaching and assessment and/or openly on the internet (outside of the University College's teaching platform, which requires login to view recordings), a written agreement must be entered into with the teacher (PDF) (reuse of teaching materials).

In the event of conflict between these guidelines and the agreement between the teacher and the University College, the agreement shall take precedence with regard to matters linked to copyright in particular.

**Student recordings:** If students wish to make their own recordings of teaching, any students wishing to do so must obtain consent from the teacher, unless the student has been granted permission to record as part of facilitation measures. Such recordings may not be distributed pursuant to the Norwegian Copyright Act. Recordings may be used for personal purposes only and may not be shared with anyone. If students have a need to share recordings with fellow students who have been unable to participate in the teaching, consent must be obtained from the teacher. Consent must also be obtained from any fellow students who are identifiable in the recording. The recording may not be published or otherwise used without prior approval from the teacher.

The IPR Guidelines for Kristiania University College students govern the intellectual property rights of students at the University College. The main rules relating to the intellectual property rights of students are: Results and work created by students at Kristiania University College are the property of the student in question and can be freely used as desired by the student. The University College's use of student productions is subject to agreements with each student, unless exempt.

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