



University of the Highlands and Islands

Recording of taught sessions policy

Lead Officer (Post):	Head of Academic Development
Responsible Office/ Department:	Learning and Teaching
Responsible Committee:	QAEC
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Date of Privacy Impact Assessment:	09/10/2020

Accessible versions of this policy are available. Please contact the University Governance team.

Policy Summary

Overview	UHI is required to comply with legislation
Purpose	The policy discharges UHI's moral and legal duty to ensure that it complies with relevant legislation.
Scope	All staff, guests or visiting lecturers recording taught sessions on behalf of UHI. All students who are entitled to record taught sessions as agreed and specified in their Personal Learning Support Plan (PLSP). All students.
Consultation	<p>Learning and information services: May 2014; August 2012</p> <p>Human resources practitioners' group, academic partners and unions: 20 May 2014 – 13 March 2015</p> <p>Disability practitioners' group: 29 October 2014 – 7 January 2015</p> <p>Chair equality outcomes group: 23 January 2015</p> <p>Disability Support Co-ordinator and Student Support Manager: October 2020</p> <p>Director of Corporate Governance: October 2020</p> <p>Data Protection Officer September 2014; 2020 - 2022</p> <p>Quality assurance and enhancement committee: 14 January, 18 March 2015, 2 December 2020, February 2021; August 2022</p>
Implementation and Monitoring	<p>Compliance, implementation, and enforcement of the policy is the responsibility of UHI management, FE and HE academic staff, FE and HE management, Deans, staff responsible for units, Subject Network Leaders, Programme Leaders, Module Leaders.</p> <p>Monitored by the Head of Academic Development.</p>
Risk Implications	Failure to adhere to the policy:

	<ol style="list-style-type: none">1. May result in a breach of the Data Protection Act 2018.2. May result in a breach of the Copyright, Designs and Patents Act 1988.3. May damage UHI's reputation.4. May disadvantage students.
Link with Strategy	Legal compliance
Equality Impact Assessment:	9 October 2020
Privacy Impact Assessment:	9 October 2020

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A. Policy Statement

UHI considers the recording of taught sessions to be beneficial for students. The processing of personal data is necessary for the purposes of the legitimate interests pursued by the UHI, those being:

Educational purposes e.g., to allow students to view recordings of taught sessions to enhance their educational experience and overcome access problems due to work commitments, caring responsibilities, or ill health. Recordings are also of benefit to students whose first language is not that in which the course is delivered.

Recordings are not a replacement for student attendance at taught sessions **unless** this is specified in a student's Personal Learning Support Plan (PLSP) as a reasonable adjustment.

The home academic partner and programme leader must ensure that students are informed of the recording of taught sessions policy at induction and in the student handbooks.

Recording taught sessions has legal implications and requirements. This policy covers recording of taught sessions, when and how such recordings may take place and the distribution, storage, and destruction of recordings.

Legal requirements

Prior to recording, all attendees should be directed to the [Privacy notice – recording of taught sessions](#).

The employer owns the copyright of the work of staff. The employer requires the consent of performers (this may include employees¹) to record, copy, or make available a performance. Staff who wish to record or request that a taught session is recorded are required to grant a licence to the employer to use the work.

Staff, students, and third-party rights holders have rights regarding the recording of taught sessions. The main areas of law relating to the recording of taught sessions are copyright, performers' rights, moral rights, data protection and accessibility.

Accessibility: recordings of taught sessions must comply with [UHI's Accessibility Standards](#).

Copyright: the employer owns the copyright of the work of staff. Unless there is an agreement to the contrary, students and external parties own the copyright of their work. Permission to use third-party rights holders work in a taught session does not normally extend to permission to record the work unless [fair dealing](#) applies for the purpose of illustration for instruction, criticism, review or quotation, caricature parody or pastiche or copying carried out to make an accessible copy. Before recording, the lecturer, guest or visiting lecturer must check that they have permission from rights holders to make and distribute the recording. If material that does not permit further transmission

¹ If not specified in the employment contract.

by recording is used in a taught session, the recording must be paused while the material is being displayed and discussed. If permitted by the licence, provide student access outwith the recorded session. All third-party content must be visibly cited whether or not it is recorded ([Copyright Policy](#)).

Data protection: a recording processes personal data; UHI records students using the lawful the basis of legitimate interest.

Intellectual property rights: UHI owns the intellectual property in the content of taught sessions and is also the owner of the intellectual property in any recordings made by UHI or on UHI's behalf.

Performers' rights and moral rights: performers have rights to their performance. Moral rights are the rights to be identified as the author and the right to object to any derogatory treatment of the work. Moral rights apply to an employees' and non-employees' performances.

Definitions

Consent: one of the General Data Protection Regulation's (GDPR)² lawful bases for processing personal data. If using consent as the lawful basis for processing personal data, "consent requires a positive opt-in...Pre-ticked boxes or any other method of default consent may not be used...Public authorities...will need to take extra care to show that consent is freely given".³ Consent is obtained "when the individual has given clear consent for you to process their personal data for a specific purpose".⁴

Educational purposes: instruction, research and/or scholarly activity, for example, non-commercial instruction or curriculum-based teaching by staff; non-commercial study or research and/or the presentation of research findings at non-commercial conferences, workshops, or seminars.

Guest or visiting lecturer: anyone who is not employed by UHI who is delivering a taught session at the invitation of UHI, its staff, or students.

Lawful basis: the valid basis in law for the processing of personal data. There are six available lawful bases for processing⁴. For recording of taught sessions, the lawful basis is "legitimate interest". For the creation of a Reusable Learning Object, the lawful basis is "consent".

Lecturer: any UHI employed staff member. This includes FE and HE staff. It also refers to any guest or visiting lecturer who is involved in delivering a taught session.

Legitimate interest: one of the General Data Protection Regulation's (GDPR) lawful bases for processing personal data⁵.

Personal data: for the purposes of this policy personal data may be voice, video image, chat and any personal opinions expressed during the recording.⁶

² ICO (n.d.) *Guide to the UK General Data Protection Regulation (UK GDPR)*. [online]. Available from < [Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#)> [30 November 2020]

³ ICO (n.d.) *Consent*. [online]. Available from <<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>> [30 November 2020]

⁴ ICO (n.d.) *Lawful basis for processing*. [online]. Available from <<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/#what>> [30 November 2020]

⁵ ICO (n.d.) *Legitimate interests*. [online]. Available from < <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/>> [30 November 2020]

⁶ See [What is personal data?](#) for the full definition.

PLSP: Personal Learning Support Plan for students who disclose a disability whilst at UHI.

Recording: any audio or visual recording of a taught session using any type of audio or visual recording device.

Recordings: any type of recording, including, but not limited to, photographs, digital images, drawings, renderings, voices, sounds, video recordings, audio clips or accompanying written descriptions or transcripts.

Staff: UHI employed staff members.

Taught session: a UHI teaching activity for a unit/module/course of study, such as a lecture, seminar, tutorial, laboratory session, field trip or other taught session.

UHI: includes all employees of Executive Office (EO) and EO research depts., including Centres and Institutes (e.g., the Department of Diabetes and Cardiovascular Science; The Centre for History; the Economic Intelligence Unit; etc.) and all staff employed by the following institutions: UHI Argyll, UHI Inverness, UHI Moray, UHI North Highland, UHI Orkney, UHI Outer Hebrides, UHI Perth, UHI Shetland, UHI West Highland College, Highland Theological College, Sabhal Mòr Ostaig and the Scottish Association for Marine Science.

Scope

This policy applies to anyone who records a taught session, including, but not limited to, FE and HE staff, students, guests and visiting lecturers. The policy applies to all taught sessions regardless of venue, including, but not limited to, on campus, in learning centres, online, in video studios, connecting to a taught session using desktops or mobile devices, group work, student presentations, in laboratories, on field trips. The policy also applies to the mandatory recording of assessments and group work.

Exceptions

This policy applies without exceptions, exclusions, or restrictions.

This policy does not affect the rights of students with additional support needs – see [B. Purposes of recording, Purpose 1: students with additional support needs](#).

B. Purposes of recording

This Policy covers recordings of taught sessions by lecturers for the following purposes:

1. **Purpose 1:** students with additional support needs. Recordings for students with recording specified in their personal learning support plan (PLSP).
2. **Purpose 2:** temporary educational resource and revision recording. For educational purposes for the use of students enrolled on the module for which the recording was made.
3. **Purpose 3:** for the creation of a Reusable Learning Object (RLO). For the purposes and conditions specified in UHI's [Audio-video release form](#): General, Educational or Restricted.

Purpose 1: students with additional support needs

1.1. Introduction

UHI is committed to supporting all students and recognises its obligation to make ‘reasonable adjustments’ under current equalities legislation.

Students with disclosed disabilities and additional support needs typically have an agreed personal learning support plan (PLSP) in place. This details the specific institutional adjustments that have been recommended considering a student’s specific needs.

The process putting support measures in place is informed by a robust and contextualised assessment of need. Needs assessors should consider whether the student’s course of study involves material of a sensitive, personal and/or confidential nature before recommending that a student be entitled to record taught sessions under this policy, because of their disclosed additional support needs. In this case an alternative reasonable adjustment should be considered. A student’s entitlement to make or access recordings of taught sessions under this policy must be specified in the student’s plan.

This policy permits recordings of taught sessions to be made in cases where this intervention has been specifically recommended as a reasonable adjustment within the student’s agreed plan unless there are justifiable reasons why this might not be possible in an individual situation, see [2.1.3d](#) below. The plan author or (in the case of the student requesting non-disclosure), UHI’s disability support coordinator will, if required, inform the person responsible for the unit/module leader in writing at the start of each relevant semester.

1.2. Recording

Providing this will not impact on their ability to deliver the session, lecturers should record taught sessions on behalf of eligible students if:

- they have the necessary equipment;
- the taught session is being delivered on a core technology⁷ with recording functionality that allows them to share the recording in a secure way.

It is the responsibility of the lecturer to:

- inform students that a recording is taking place, **without identifying the student for whom it is required.** **Note:** under the circumstances specified in Purpose 1, students may not object to being recorded but should be advised that they may turn off their cameras and microphones.
- ensure the recording is made and the link to the recording given only to the eligible student. **Note:** the entire session may be recorded, subject to [2.1.3d](#) below. If any students are present who have objected to being recorded, the lecturer should record the entire session, including student participation, but must ensure that only the eligible student can access the recording.⁸ Should there be an issue with accessing a recording of a taught

⁷ The [Teaching staff resource site](#) (login required) lists core technologies. **Note:** staff may only deliver taught sessions using core technologies.

⁸ If no students have objected to being recorded, the lecturer should consider making the recording available to the entire cohort.

session delivered by the core technology, the lecturer has a duty ensure that the student still has full access to the taught session. An alternative that complies with [UHI's Accessibility Standards](#) must be provided, such as a full transcript of the taught session in electronic format, for example in Microsoft Word.

Under certain circumstances, for example those specified in [2.1.3d](#) below, it may not be possible to record some or all of the lecture. In cases where it is not possible for a particular taught session to be recorded, the lecturer has a duty to ensure that the student still has full access to the taught session. An alternative that complies with [UHI's Accessibility Standards](#) must be provided, such as a full transcript of the taught session in electronic format, for example in Microsoft Word. If the section that has not been recorded is not essential, that section is omitted from the transcript. If the section is essential, this section of the transcript or summary should be anonymised.

If the lecturer cannot make the recording to the PLSP's specifications, then the eligible student (or, in the case of non-disclosure, the student's representative) will be entitled to make the recording as far as their PLSP and this policy permits.

1.3. Student responsibilities

The eligible student will sign a 'recording of taught sessions (additional support needs) agreement' form, as confirmation that recordings will be made for their personal use and that they agree to the conditions of this policy, before making or having access to any recording. The form is available from student services staff at the student's home academic partner.

Students must comply with their PLSP plan for recording and with this policy, specifically [2.2.1 Compliance](#) and [2.2.2 Student responsibilities](#) below.

The eligible student must agree to their Module Leader(s) or people responsible for the unit(s)/course being informed of their entitlement or, (in the case of the student requesting non-disclosure) the entitlement of the student's representative.

Purpose 2: Temporary educational resource and revision recording

2.1 Recording by staff, guests or visiting lecturers

2.1.1 Compliance

By recording a taught session or by requesting that a recording of a taught session is made, UHI staff, guests or visiting lecturers agree that they will:

- a. adhere to the full conditions of UHI's recording of taught sessions policy;
- b. adhere to the [UHI's copyright policy](#);
- c. prior to recording, obtain documented permission to include, record, broadcast and share all third-party materials in the taught session;⁹
- d. visibly cite all third-party materials¹⁰;
- e. ensuring recordings are deleted, unless converted into a Reusable Learning Object (RLO).

⁹ Works may be included for the legitimate purpose of criticism or review, provided these are acknowledged in full. See [Gov.uk Intellectual property – guidance: Exceptions to copyright](#).

¹⁰ See [UHI's Copyright policy](#).

Failure to comply with this policy is a disciplinary offence and could be subject to legal action.

2.1.2 Purpose

Taught sessions may be recorded for the following purposes:

- a. at the request of a student who has recording specified as a reasonable adjustment in their PLSP;
- b. for educational purposes for the use of students enrolled on the unit/module/course for which the recording was made;
- c. at the request of a school **only** under the conditions specified in [2.3 Recording taught sessions for schools](#) below.

Note: students are entitled to request that their personal data is removed from recordings. Should a student request this, for example, halfway through a semester, the lecturer may have to delete all recordings where the student appears. To avoid losing recordings and to reduce workload, it is recommended that lecturers avoid recording students if possible.

2.1.3 Responsibilities of the person recording or requesting a recording is made

- a. Recording of taught sessions, other than those specified in [Purpose 1 Students with additional support needs](#) above, are at the discretion of the lecturer.
- b. Before recording lecturers must check that they have permission from rights holders to make and distribute the recording. All material must be cited appropriately whether or not the taught session is recorded¹¹.
- c. Before starting the recording, lecturers must follow the steps in Recording of taught sessions: instructions.
- d. Lecturers must pause or stop the recording should such recording be deemed to be inappropriate. This would be, for example, where there are discussions of a personal, sensitive and/or confidential nature, such as in a patient/client consultation, school placements where children are involved or where a current author reads works still to be published. In the case of a partially recorded taught session recording should continue as soon as practicable. If it is not possible to stop a recording of a session prior to discussions of a personal, sensitive and/or confidential nature, the recording must be edited or deleted at the end of the taught session. If deleted, the recording would not be made available to students.
- e. Taught sessions recorded by lecturers must be stored on UHI core systems.¹²
- f. Taught sessions recorded by lecturers must comply with accessibility requirements. See Recording of taught sessions: staff guidance.
- g. Lecturers must ensure that all recordings of taught sessions are deleted as specified in UHI's Partnership Retention and Disposal Policy and Recording of taught sessions: instructions, unless converted into a Reusable Learning Object (RLO), see [Purpose 3: Creation of a Reusable Learning Object \(RLO\)](#).
- h. Taught session recording URLs may be distributed only to students registered on the unit/module/course and are solely for educational purposes. Students must be referred to

¹¹ See [UHI's Copyright policy](#).

¹² The [Teaching staff resource site](#) (login required) lists core technologies.

this policy prior to the distribution of any recording URLs, specifically [2.2.2 Student responsibilities](#) below.

- i. Lecturers will advise students whenever recording takes place. If any student present has objected (via the formal objection process) to being recorded, the lecturer may not record any student engagement. This includes audio, video and text chat, see Recording of taught sessions: instructions. Lecturers may record their part of the unit/module/course but must switch off the recording before allowing student engagement. **Note:** if any student has objected to being recorded, but is not present, the lecturer may record student engagement. If a lecturer mistakenly records a student who has objected to being recorded, such students have been instructed to send a private message or email to the person leading the taught session. The recording must be stopped, and the recording edited to remove student engagement prior to distribution to students. Should it not be possible to edit the recording, the recording must be destroyed and not distributed to students.
- j. Lecturers must ensure that recordings are only made available to students currently registered on the unit/module/course for which the recording was made.

2.1.4 Permitting recording by students

- a. Other than that specified in [Purpose 1: students with additional support needs](#), lecturers may only give permission for students to record:
 - if the lecturer does not have the ability to record the taught session
 - if the lecturer has permission from any rights holders to make and distribute a recording of the taught session.
- b. Other than that specified in [Purpose 1: students with additional support needs](#), if any student in the taught session has formally objected to being recorded, the lecturer must consider if they will grant permission to students to record the lecturer's part of the taught session, but not parts that contain student interaction, or if they will deny student requests. **Note:** it is the responsibility of the lecturer to ensure that students who have formally objected to being recorded are not recorded.
- c. Lecturers must refer students to this policy prior to giving permission for any recording by students, specifically [2.2 Recording by students and use of taught session recordings](#).
- d. Other than that in [Purpose 1: students with additional support needs](#), students may only record a taught session if they have written permission from the lecturer and they have confirmed in writing (email is sufficient) that they have read and understood this policy and understand that failure to adhere to the policy will be treated as a disciplinary offence and could be subject to legal action.
- e. If a student is recording a taught session (see [2.2 Recording by students and use of taught session recordings](#)), the lecturer must inform all present that:
 - A recording is being made for study purposes.
 - The lecturer reserves the right to stop students recording should such recording be deemed to be inappropriate, see [2.1.3d](#) above.
 - The lecturer reserves the right to stop the recording should they feel that it is negatively affecting the quality of the students' discussion.
 - Should students who have formally object to being recorded are present, the lecturer will instruct students to stop recording prior to any student interaction.

2.2 Recording by students and use of taught session recordings

2.2.1 Compliance

- a. Recording of taught sessions by students with additional support needs is covered in section [Purpose 1: students with additional support needs](#) above.
- b. Students who do not have a PLSP **may not** record taught sessions unless they have received written permission from the relevant lecturer in advance. Recording of taught sessions without such permission will be treated as a disciplinary offence and could be subject to legal action.
- c. Students who do not have additional support needs may request permission (in advance) from the lecturer responsible for the session to record taught sessions solely for educational purposes. Permission is at the discretion of the lecturer as several factors, such as copyright, data protection, commercial intellectual property rights of others and the subject matter of the taught session must be considered. UHI expects that permission to record the taught session would normally be given as it is seen as a learning aid for students unless:
 - the taught session is being recorded by the lecturer for distribution to the students;
 - the lecturer does not have permission from any rights holders for the recording and distribution of the taught session;
 - students who have formally objected to being recorded are present;
 - the taught session consists mainly of student discourse;
 - the lecturer considers that recording is negatively affecting the quality of the students' discussion;
 - the taught session is being given by a guest or visiting lecturer.
- d. In the case of group teaching or activities, tutorials, practical or laboratory classes, students may not record other participants without their knowledge and consent. The lecturer must inform all participants that the recording of such activities is solely for a students' personal use and that the student has agreed to destroy the recording on completion of the unit/module/course.
- e. Students will not be given permission to record unless they agree in writing to the following and with the points below in [2.2.2 Student responsibilities](#):
 - unless arranged in advance, the student must be present to record the taught session;
 - the student will not make a recording on behalf of anyone else;
 - the recording method is not intrusive.

2.2.2 Student responsibilities

- a. Recordings of taught sessions made students or lecturers may not be stored on personal devices or in personal cloud accounts. Recordings must be stored on the OneDrive account given to students by UHI and deleted from any personal device or personal cloud account as soon as the recording has been transferred to the UHI OneDrive account.
- b. Recordings of taught sessions are for students personal and private use for educational purposes only.

- c. Students will not copy, modify, distribute, publish, or sell the recordings in any form. This includes, but is not limited to, the Internet (e.g., Social media sites, YouTube, Vimeo, or Course Hero) and hard copy publication.
- d. Recordings of taught sessions are not to be used to bring into disrepute the lecturer or other participants.
- e. Students understand that no intellectual property right passes to them.
- f. Students may not use a recording of a taught session without permission.
- g. Any recorded material referred to in an assessment must be acknowledged and correctly referenced according to [UHI's referencing guide](#).
- h. Students must destroy all recordings of taught sessions in their possession on completion of the final assessment to which the unit/module/course relates or upon leaving UHI, whichever is sooner.
- i. Students understand that failure to adhere to these terms will be treated as a disciplinary offence and could be subject to legal action.

2.3 Recording taught sessions for schools or other third parties

Prior to recording taught sessions for schools or other third parties, lecturers must speak to their local data protection manager well in advance of making any such recording to ensure the appropriate agreements are in place and that such recordings are lawful.

The local data protection manager must ascertain the nature of the relationship with the school or third party under which recordings of taught sessions may be made. There are three types of relationship: 1. Data Controller to Data Controller (C2C), 2. Data Controller to Data Processor (C2P) and 3. Joint Controller (JC).

1. Data Controller to Data Controller (C2C)

The local data protection manager must be satisfied that the recording is lawful and in keeping with the GDPR and any agreements it has with the other controller party – including any relevant data sharing agreement. Lecturers must check that recording is lawful.

2. Data Controller to Data Processor (C2P) – where the school or third party is the controller (C2P)

Where UHI is the data processor on behalf of the school/third party, personal data may only be processed as instructed by the data controller in the Data Processing Agreement/Contract. This must meet the conditions in Article 28 of the GDPR.

Lecturers must check with the local data protection manager that the relevant Data Processing Agreement/Contract instructs the planned recording. The recording must only be made in line with the instructions and conditions set out in the data processing agreement/contract.

3. Joint Controller (JC)

Where UHI is a joint-controller with the school/third party the recording should only be undertaken where it is in keeping with joint-controller agreement/contract. This must meet the conditions of Article 26 of the GDPR. **Note:** in these situations, such an agreement is required by law. Lecturers must check with the local data protection manager if this agreement/contract is in place prior to recording.

The retention period of all recorded taught sessions for schools or other third parties and how this will be enforced will be dictated by the relevant data controller(s).

Recording of taught sessions for schools without appropriate agreements in place will be treated as a disciplinary offence and could be subject to legal action.

Purpose 3: Creation of a Reusable Learning Object (RLO)

At the discretion of the lecturer, taught sessions may be recorded and used for other purposes, such as conversion into a Reusable Learning Object (RLO).

By converting a recording of a taught session to a reusable learning object (RLO), lecturers agree that they:

1. will adhere to the full conditions of UHI's recording of taught sessions policy;
2. have documented permission to include any third-party materials in the taught session and to have them in the recording;
3. have completed and signed UHI's [Audio-video release forms](#) (login required) for all third party active participants, e.g. students, guests, invited lecturers;
4. will upload to the relevant section of UHI's document management system all documentation relating to the creation of the RLO (e.g., copyright permissions and Audio-video release forms);
5. grant a free, unconditional, irrevocable, perpetual, non-exclusive worldwide licence for all performance rights in the film and/or recordings of taught sessions to UHI;
6. permit UHI to store, use, distribute, copy and edit the recording, in whole or in part, for educational use or for marketing purposes as UHI sees fit. **Note:** such recordings may not be used by UHI for appraisal or performance management purposes;
7. consent to the use of their personal data being processed for the purposes of making and using the recording by UHI in accordance with the Data Protection Act 1998. The recording may be accessed or used from outside the European Economic Area and the lecturer consents to this use;
8. waive all moral rights in the copyright of their presentation including their performance in the recordings;
9. will ensure that RLOs will not contain personal data of any students who have objected to being recorded;
10. advised students that the recording was taking place;
11. will upload all RLOs to the relevant UHI core system.

C. Guest or visiting lecturer recording and distribution consent

- 1.1.1. Staff inviting guests and visiting lecturers to give a taught session that will be recorded must inform them of this policy well in advance to give them time to read the policy, decide if they wish to be recorded and sign the relevant documents.
- 1.1.2. Guests or visiting lecturers (or their employers as appropriate) retain their intellectual property unless otherwise specified in a contract with UHI.
- 1.1.3. Should guests or visiting lecturers agree to be recorded, they (and/or their employers as appropriate) must in writing agree to grant a free, unconditional, irrevocable,

perpetual, non-exclusive worldwide licence for all performance rights in the film and/or recordings of their taught sessions to UHI.

D. Policy Detail

1. Compliance

Lecturers, guests and visiting lecturers recording taught sessions will comply with:

- the Recording of Taught Sessions Policy and Recording of taught sessions: staff instructions;
- UHI's [Accessibility Standards](#);
- UHI's [Copyright policy](#);
- UHI's retention policy.

UHI retains the right to remove non-compliant recordings.

2. Risk Assessment

A process for students to object to being recorded has been included in the data options section of the student records system. Students may update their data options at any time. Staff must log in to their class list in UHI Records every two weeks to check objections. If there are objections, staff will ensure that these students are not recorded. Students are informed that, in the unlikely event that it looks like they could be recorded (despite objecting), they must send a private message or email to the person leading the taught session – this is usually their lecturer or tutor.

There are the following risks:

Staff, guests and visiting lecturers

- record people who have objected to being recorded;
- record third party content without written permission;
- do not record using core technology;
- do not upload the required copyright documentation to UHI's document management system;
- do not cite third party content;
- make unlawful comments;
- do not record the location of recordings, which would hamper the take down process;
- when creating reusable learning objects (RLOs), do not upload the required documentation to UHI's document management system;
- do not stop recording when asked to do so by someone who has objected to being recorded;
- do not delete a recording (or specific parts thereof) when asked to do so by someone who has asked for their data to be removed;
- do not delete the recordings after the specified retention period;
- do not pause or stop the recordings when it is inappropriate to record;
- do not ensure that recordings and transcripts meet UHI's Accessibility Standards;
- save recordings outwith UHI systems;
- do not direct students to this policy;
- (where appropriate) do not obtain and save the required documentation from students requesting permission to record;
- UHI staff do not advise guests and visiting lecturers of this policy.

Students

- who do not have recording specified in a PLSP, record taught sessions without written permission;
- publish recordings
- do not delete recordings at the specified time.

UHI

- copyright infringements or non-compliance with accessibility requirements may lead to an action against UHI;
- should unlawful comments be made, UHI may be liable for defamation and damages;
- fails to ensure that staff and students are informed of and comply with the policy;
- fails to inform staff that failure to comply with the policy is a disciplinary offence and could be subject to legal action;
- fails to enforce the policy.

3. Legislative Framework

- Copyright, Designs and Patents Act 1988
- Copyright Licencing Agency (CLA) FE and HE licence
- Educational Recording Agency (ERA) Licence
- Data Protection Act 2018
- Disability Equality Duty
- Equality Act 2010
- General Data Protection Regulation
- The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

4. Related Policies, Procedures, Guidelines and Other Resources

Policies and regulations

- [Assessment retention policy](#).
- [Copyright policy](#).
- [Data protection](#).
- [UHI acceptable use policy](#).
- [UHI Partnership Retention and Disposal Policy](#) (login required).
- [UHI policies](#).
- [UHI regulations](#).

Forms

- [Audio-visual release form](#).

Instructions and guidelines

- Recording of taught sessions: staff instructions.
- Recording of taught sessions: student information.

Resources

- [UHI Accessibility Standards](#)
- LibGuide, [Copyright Information for staff](#).
- LibGuide, [Attribution of third-party materials](#).
- [EDU support portal](#) (staff).
- [Teaching staff resources index: Copyright](#).

Note: this policy does not cover recording of meetings, professional development, or training sessions. Prior to recording these, to comply with UHI policy and GDPR, the Recording meetings or Recording professional development or training sessions instructions must be implemented. See the [Video conferencing](#) site.

5. Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author
0	13/03/2015	QAEC		A Brown
1	24/08/2022	QAEC	Move to Legitimate Interest as the lawful basis for recording.	A Brown
2				
3				
4				