

# Recording of taught sessions policy

Policy number: POL 056

Table 1: Policy reference

Item	Description
Lead Officer (Post)	Head of Corporate Systems Compliance
Responsible Office/ Department	Corporate Governance
Responsible committee and officer	QAEC
Review Officer (Post)	Head of Corporate Systems Compliance
Date policy approved	13/03/2015
Date policy last reviewed and updated	22/07/2024
Date policy due for review	Every 2 years
Date of Equality Impact Assessment	09/10/2020; 02/11/2022; 22/07/2024.
Date of Privacy Impact Assessment	09/10/2020

Table 2: Policy summary

Item	Description
Overview	UHI is required to comply with legislation
Purpose	The policy discharges the University Partnership's moral and legal duty to ensure that it complies with relevant legislation.
Scope	<ol style="list-style-type: none"> <li>1. All University Partnership staff, guests or visiting lecturers recording taught sessions.</li> <li>2. All students who are entitled to record taught sessions as specified in the policy or in their Personal Learning Support Plan (PLSP).</li> <li>3. All students.</li> </ol>
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 UHI: October 2020; 2024</p> <p>Director of Corporate Governance: October 2020</p> <p>Data Protection Officer September 2014; 2020 – 2022; 2024</p> <p>Quality Assurance and Enhancement Committee: 14 January, 18 March 2015, 2 December 2020, February 2021; August 2022</p> <p>Dean of Learning and Teaching UHI: 2024</p> <p>Dean of Student Experience UHI: 2024</p> <p>IT and Digital Infrastructure (ITDI) UHI: 2024</p> <p>Senior Lecturer in Academic Practice and Innovation UHI: 2024</p>

Item	Description
	University Archivist and Records Manager, UHI: 2024 HISA: 2024
Implementation and monitoring	The University and Academic Partners are individually responsible for ensuring that the policy and procedures are followed in their own institution.
Risk implications	<p>This policy will reduce risks associated with the recording of taught sessions.</p> <p>Failure to adhere to the policy:</p> <ol style="list-style-type: none"> <li>1. Legislative: <ol style="list-style-type: none"> <li>a. May result in a breach of the Data Protection Act 2018.</li> <li>b. May result in a breach of the Copyright, Designs and Patents Act 1988</li> </ol> </li> <li>2. Reputational: risk of damage to the reputation of the University Partnership.</li> <li>3. May disadvantage students.</li> </ol>
Link with strategy	Legal compliance.
Equality Impact Assessment	09/10/2020; 02/11/2022; 22/07/2024.
Privacy Impact assessment	DPIA screening: 09/10/2020.

# 1. Policy statement

The University Partnership 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 University Partnership, 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.

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, preservation, and destruction of recordings.

Recordings process personal data. The University partnership records students using the lawful the basis of legitimate interest.

## 2. Definitions

**Consent:** one of the General Data Protection Regulation's (GDPR)<sup>1</sup> 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”.<sup>2</sup> Consent is obtained “when the individual has given clear consent for you to process their personal data for a specific purpose”.<sup>3</sup>

**Educational purposes:** instruction, research and/or scholarly activity, for example, non-commercial instruction or curriculum-based teaching; 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 the University Partnership who is delivering a taught session at the invitation of the University Partnership, its staff, or students.

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

**Lawful basis:** the valid basis in law for the processing of personal data. There are six available lawful bases for processing<sup>4</sup>. 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 University Partnership 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 data<sup>5</sup>.

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<sup>1</sup> 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]

<sup>2</sup> ICO (n.d.) *Consent*. [online]. Available from <<https://ico.org.uk/for-organisations/guide-to-dataprotection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>> [30 November 2020]

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

<sup>4</sup> Ibid.

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

**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.

**Performers' rights:** performers have rights to their performance.

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

**PLSP:** Personal Learning Support Plan for University Partnership students who disclose a disability.

**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:** University Partnership employed staff members.

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

**University partnership:** includes all employees of Executive Office (EO) and EO research depts., including Centres and Institutes, and all staff employed by the following institutions: UHI Argyll, UHI Inverness, UHI Moray, UHI North, West and Hebrides, UHI Orkney, UHI Perth, UHI Shetland, Highland Theological College, Sabhal Mòr Ostaig and the Scottish Association for Marine Science.

### 3. Purpose

This policy governs the recording of taught sessions by University partnership staff, students, guests and visitors for the following purposes:

1. **Purpose 1:** recordings for students with additional support needs who have recording specified in their personal learning support plan (PLSP).
2. **Purpose 2:** temporary educational resource recording. For educational purposes for the use of students enrolled on the unit/module/course for which the recording was made.

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<sup>6</sup> [What is personal data – full definition.](#)

- Purpose 3:** for the creation of a Reusable Learning Object (RLO). For the purposes and conditions specified in the [Audio-video release form](#): General, Educational or Restricted.

Policy for the Recordings of meetings and professional development sessions are specified in [Recording meetings instructions](#) (staff access only) and [Recording professional development or training sessions instructions](#) (staff access only).

## 4. Scope

This policy applies to anyone who records a taught session, including, but not limited to, University partnership staff, FE and HE teaching and support staff, students, guests and visiting lecturers. The policy applies to all taught sessions regardless of venue, including, but not limited to, online, on campus, in learning centres, 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.

## 5. Exceptions

This policy applies without exceptions, exclusions, or restrictions.

This policy does not affect the rights of students with additional support needs, covered below in [11.1 Purpose 1: students with additional support needs](#).

## 6. Notification

The policy will be published on UHI's website and SharePoint Policies area.

University partnership staff will be made aware of the policy and associated instructions through team meetings and information being cascaded from senior management teams.

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.

Students will be made aware of the policy at induction, in unit, module and programme related information, (including programme handbooks) as appropriate, and (where appropriate) the VLE.

## 7. Roles and responsibilities

QAEC is responsible for approving the policy and ensuring its legal compliance.

**Principals and Senior Management Teams** are responsible for overseeing operational compliance with the policy, and ensuring information is cascaded to all staff and students.

**UHI Deans and Associate Deans** are responsible for cascading information to staff and teaching teams.

**Line managers** are responsible for supporting staff to follow the policy in their day-to-day role.

**Staff** are responsible for following the policy in their day-to-day role and highlighting any operational challenges that arise.

The **Head of Corporate Systems Compliance** is responsible for developing the policy, accommodating any legislative changes, and submitting the policy to QAEC for approval, then to Academic Council and Partnership Council for endorsement.

## 8. Legislative framework

[Copyright, Designs and Patents Act 1988.](#)

Copyright Licencing Agency (CLA) FE and HE licence.

[Data Protection Act 2018.](#)

Educational Recording Agency (ERA) Licence.

[Equality Act 2010.](#)

[Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)

[Freedom of Information \(Scotland\) Act 2002.](#)

[Section 61 Code of Practice 61 on Records Management.](#)

[The Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018.](#)

## 9. Related Policies, Procedures, Guidelines and Other Resources

### 9.1 Policies and regulations

[Acceptable Use Policy.](#)

[Copyright Policy.](#)

[Data Protection Policy.](#)

[Freedom of Information and Environmental Information Regulations Policy.](#)

[Learning and Teaching Enhancement Strategy.](#)

[Privacy notice – Recording of taught sessions.](#)

[Research Policy and Ethics.](#)

[Student Conduct Policy.](#)

[UHI Accessibility Standards](#)

[UHI Intellectual Property Policy](#).

[UHI Partnership Bring Your Own Device Policy](#).

[UHI Partnership Information Security Policy](#).

[UHI Partnership Retention and Disposal Policy](#) (staff access only).

[University Records Management Policy](#) (staff access only).

## 9.2 Forms

[Audio-visual release form](#) (staff access only).

## 9.3 Instructions

[Audio-visual release form instructions](#) (staff access only).

Recording of taught sessions policy: instructions (staff access only).

[Recording meetings instructions](#) (staff access only).

[Recording professional development or training sessions instructions](#) (staff access only).

[UHI Copyright Permissions](#) (staff access only).

## 9.4 Resources

[Attribution of third-party materials](#)

[Copyright Information for Staff](#)

[Video conferencing and collaboration](#) (staff access only)

# 10. Procedures

## 10.1 Legal requirements

Prior to recording, all attendees must 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 employees if recording is not specified in the employment contract) to record, copy, or make available a performance. Staff who record their taught sessions are required to grant a licence to the University partnership 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 [The University Partnership'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.

Staff, guests, visiting lecturers and students must comply with [UHI's Copyright Policy](#).

Permission to use third-party rights holders' work in a taught session does not normally include 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 content rights holders to make and distribute the recording. If material that does not permit further transmission 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 to such content outwith the recorded session. All third-party content must be visibly cited and referenced whether or not it is recorded ([Copyright Policy](#)).

## 11. 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 the [Audio-video release form](#) (staff access only) General, Educational or Restricted.

### 11.1 Purpose 1: students with additional support needs

#### 11.1.1 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, consult [11.2.1.3d](#) below. The plan author or (in the case of the student requesting non-disclosure), the disability support coordinator will, if required, inform the person responsible for the unit/module leader in writing at the start of each relevant semester.

### 11.1.2 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; and
- the taught session is being delivered on a core technology<sup>7</sup> with recording functionality that allows them to share the recording in a secure way.

It is the responsibility of the lecturer to:

1. 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 who have objected to being recorded have been advised at point of objection that recordings could still be made if students have a recognised need specified in a personal learning support plan (PLSP), but they will be informed that a recording is taking place. The entire session must be recorded, subject to point 2 and [11.2.1.3d](#) below.
2. If any students are present who have objected to being recorded, lecturers must implement one of the options in the [Recording of taught sessions policy: instructions](#) (staff access only).

To allow participants to speak freely, do not record break out rooms as any feedback will be captured in the main meeting channel recording.

Should there be an issue with accessing a recording of a taught session delivered by the core technology, the lecturer has a duty ensure that the student still has full access to the taught

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<sup>7</sup> The [staff resource index](#) (staff access only) lists core and approved technologies. Note: staff may only deliver taught sessions using core or approved technologies.

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 [11.2.1.3d](#) 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.

### **11.1.3 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 [11.2.2.1 Compliance](#) and [11.2.2.2 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.

## **11.2 Purpose 2: temporary educational resource and revision recording**

### **11.2.1 Recording by staff, guests or visiting lecturers**

#### **11.2.1.1 Compliance**

By recording a taught session or by requesting that a recording of a taught session is made, UHI partnership 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 [Copyright policy](#);

- c. prior to recording, obtain documented permission to include, record, broadcast and share all third-party materials in the taught session<sup>8</sup>;
- d. visibly cite and reference all third-party materials<sup>9</sup>;
- e. if possible, delete recordings earlier than the maximum retention period (365 days from date of recording) unless converted into a Reusable Learning Object (RLO).

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

### **11.2.1.2 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 [11.2.3 Recording taught sessions for schools](#) below.
- d. For the creation of a Reusable Learning Object (RLO).

### **11.2.1.3 Responsibilities of the person recording or requesting a recording is made**

- a. Recording of taught sessions, other than those specified in [11.1 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 and referenced appropriately whether or not the taught session is recorded<sup>10</sup>.
- c. Before starting the recording, lecturers must follow the steps in **Recording of taught sessions: instructions**.
- d. Lecturers must 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 an 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, all permissions must be removed from the recording immediately after the session. The recording must then be edited and shared or deleted.

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<sup>8</sup> Works may be included for the legitimate purpose of criticism or review, provided these are acknowledged in full: [Gov.uk Intellectual property – guidance: Exceptions to copyright](#).

<sup>9</sup> [Copyright policy](#).

<sup>10</sup> [Copyright policy](#).

- e. Taught sessions recorded by lecturers may only be stored on UHI core systems as specified in the Recording of Taught Sessions Instructions.
- f. Taught sessions recorded by lecturers must comply with [UHI's Accessibility Standards](#).
- 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): [11.3 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 this policy prior to the distribution of any recording URLs, specifically [11.2.2.2 Student responsibilities](#) below.
- i. Lecturers must advise students whenever recording takes place. If any student present has objected (via the formal objection process) to being recorded, consult the Recording of taught sessions policy Instructions. **Note:** if any student has objected to being recorded, but is not present, the lecturer may record all student engagement.
- 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, unless converted into a Reusable Learning Object (RLO): [11.3 Purpose 3: Creation of a Reusable Learning Object \(RLO\)](#).

#### 11.2.1.4 Permitting recording by students

- a. Other than that specified in [11.1 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; and
  - 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 [11.1 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.
- c. Lecturers must refer students to this policy (specifically [11.2.2 Recording by students and use of taught session recordings](#)) prior to giving students permission to record a taught session.
- d. Other than that in [11.1 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 1) read and understood this policy; 2) understand that failure to adhere to the policy will be treated as a disciplinary offence and they could be subject to legal action.
- e. If a student is recording a taught session ([11.2.2 Recording by students and use of taught session recordings](#)), the lecturer must inform all present that:

- a student is making a recording of the session for study purposes;
- the lecturer reserves the right to stop students recording should such recording be deemed to be inappropriate (consult [11.2.1.3d](#) above);
- the lecturer reserves the right to stop the recording should they feel that it is negatively affecting the quality of the students' discussion; and
- should students who have formally object to being recorded are present, the lecturer will instruct students to stop recording prior to any student interaction.

## 11.2.2 Recording by students and use of taught session recordings

### 11.2.2.1 Compliance

- a. Recording of taught sessions by students with additional support needs is covered in [11.1 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 lecturer responsible for the session 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 and intellectual property rights of others and the subject matter of the taught session must be considered. The UHI partnership expects that permission to record the taught session would normally be given as it is 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 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; or
  - 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 in [11.2.2.2 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; and
- the recording method is not intrusive.

#### 11.2.2.2 Student responsibilities

- Recordings of taught sessions 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.
- Recordings of taught sessions are for personal and private use for educational purposes only.
- Students may 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, Course Hero, etc.) and hard copy publication.
- Recordings of taught sessions may not be used to bring into disrepute the lecturer or other participants.
- Students understand that no intellectual property right passes to them.
- Students may not use a recording of a taught session without permission.
- Any recorded material referred to in an assessment must be acknowledged and correctly referenced according to [UHI's referencing guide](#).
- 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.
- Students understand that failure to adhere to these terms will be treated as a disciplinary offence and could be subject to legal action.

#### 11.2.3 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.

### **11.3 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 will:

- adhere to the full conditions of the Recording of taught sessions policy;
- have documented permission to include and record any third-party materials in the taught session;
- advise students that the recording was taking place;
- ensure that [Audio-video release forms](#) (staff access only) or equivalent Partnership documents are completed by all third party active participants, e.g. students, guests, invited lecturers ([Audio-visual release form instructions](#) – staff access only);
- upload all documentation relating to the creation of the RLO (e.g., copyright permissions and Audio-video release forms) to the [UHI Copyright Permissions site](#);
- ensure that RLOs will not contain personal data of any participant who has not completed the [Audio-video release forms](#) (staff access only) or Partnership equivalent;

- 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;
- 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;
- grant permission for the recording to be accessed or used from outside the European Economic Area;
- waive all moral rights in the copyright of their presentation including their performance in the recordings; and
- 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; and
- upload all RLOs to the relevant UHI system.

## 11.4 Guest or visiting lecturer recording and distribution consent

1. Staff inviting guests and visiting lecturers to give a recorded taught session 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 [Audio-video release form](#) (staff access only) or Partnership equivalent. Follow the [Audio-visual release form instructions](#) (staff access only).
2. Guests or visiting lecturers (or their employers as appropriate) retain their intellectual property unless otherwise specified in a contract with UHI.
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.

## 12. Risk assessment

Risk occurs if staff, guests and visiting lecturers:

- do not direct students, guests and visiting lecturers to relevant policies or privacy notices;
- do not record using core technology;
- do not have the appropriate steps in place that are lawful to record school children;
- do not upload the required copyright documentation to UHI's document management system;
- do not cite and reference third party content;
- do not stop recording when it is inappropriate to record;
- do not ensure that recordings and transcripts meet UHI's Accessibility Standards;



- do not delete recordings after the specified retention period;
- do not (when creating Reusable Learning Objects) obtain permission to record from participants and save the resulting documentation to UHI’s document management system;
- make unlawful and inappropriate comments;
- record and distribute third-party content without written permission;
- distribute recordings that contains material deemed to be inappropriate; and
- save recordings outwith the designated areas, thus hampering the take down process;

Risk occurs if students:

- record taught sessions without written permission;
- publish recordings;
- do not delete recordings at the specified time.

Risk occurs if the University partnership:

- fails to enforce the policy;
- fails to ensure that staff, guests, visiting lecturers, 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;
  - copyright infringements or non-compliance with accessibility requirements could be subject to legal action;
  - should unlawful comments be made, the University partnership may be liable for defamation and damages.

### 13. Version control and change history

Table 3: version control and change history

Version	Date	Endorsed by	Amendments	Author
0	13/03/2015	QAEC	N/A	Andy Brown
1	24/08/2022	QAEC	Move to Legitimate Interest as the lawful basis for recording.	Andy Brown
2	11/07/2024	QAEC	New sections: 6 Notification and 7 Responsibilities. Updates: 11.1.2 Recording. 11.3 Audio-visual permissions process. 12 Risk assessment.	Andy Brown