# Recording of Teaching Activities - Summary Guidance and Frequently Asked Questions (FAQs)

## Overview

The University of Sussex will be providing a blended approach to learning in the new academic year, with many teaching activities being recorded and made available online. Some of those recorded activities will involve in-person delivery and others will only be delivered online.

The University’s [Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76) covers those scenarios using Panopto or other platforms such as Zoom. The policy allows for the recording of any teaching activities, including seminars, albeit it does not require staff to do so.

## Recording and GDPR

Whenever the University processes personal data, including audio and video recordings, we have to have a lawful basis for doing so. When teaching activities are being recorded, our lawful basis is our ‘public task’ under Article 6(1)(e) of the General Data Protection Regulation. This is because the University’s purpose under our Royal Charter is “to advance learning and knowledge by teaching and research to the benefit of the wider community”. This means we do not require consent for the recording of teaching activities where it is proportionate and reasonable, as it falls within our public purpose. The Policy does refer to consent in some very limited circumstances but these are outside of the usual circumstances where the academic is making a recording of their teaching activities. For example, consent is required i) to record non-teaching activities e.g. an event with an external speaker and ii) recording by someone other than the academic (unless as a reasonable adjustment).

## Communicating to Students

Although consent is not required, it is essential that the University is transparent with individuals. Our Privacy Notice flags that teaching activities may be recorded but, with the move to greater online delivery and recording of teaching activities, it is necessary to signpost this further. A message reinforcing to students that teaching activities may be recorded will be added to the University’s Data Protection webpages, the Student Hub, Sussex Direct and as a global announcement on Canvas at the start of each semester. See Appendix 1 Online Teaching and Data Protection.

## Appendix 1: Online Teaching and Data Protection

The University will provide a blended teaching approach in academic year 2020/21 comprising a mix of online and face-to-face learning. Activities will sometimes involve the processing of personal data, such as audio and video presentation and lecture or seminar recordings. This is necessary to enable the delivery of teaching and learning so our students are able to continue their studies.

Staff and students are reminded of the University’s ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’, in particular the following:

* The recording of teaching activities by individuals other than the academic is not permitted without the prior consent of the academic and other individuals involved, unless it is a reasonable adjustment as part of a student’s disability learning plan;
* Recordings may only be used for the purpose for which the recording is made, usually to support teaching and learning and for the purpose of personal study;
* Recordings must not be reproduced or distributed to any third party and must not be made available on external websites or social media channels.

All recordings are stored securely and are only be kept for as long as is necessary for the purpose for which the material is recorded and then deleted.

Further information about how the University processes personal data for educational purposes can be found in our [Privacy Notice](http://www.sussex.ac.uk/ogs/policies/information/dpa/privacynotice).

If staff or students have any concerns about the processing of their personal data, or where there are individual circumstances where such processing would not be appropriate, they can contact the Data Protection Officer at dpo@sussex.ac.uk for further advice.

## Frequently Asked Questions (FAQs)

The following FAQs address common queries regarding the recording of educational activities with students. All information comes from the [University Privacy Statement](https://www.sussex.ac.uk/about/website/privacy-and-cookies/privacy#:~:text=If%20you%20have%20any%20questions,Falmer%2C%20Brighton%2C%20BN1%209RH.) and ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’

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| **Question** | **Answer** | **Source** |
| Do I have to record my teaching activities? | No, but staff are strongly encouraged to record teaching activities to support a consistent and inclusive student learning experience. An anticipatory approach shall be taken to ensure adjustments/alternatives are in place where potential accessibility barriers are identified, ensuring students are able to meet module learning outcomes. | ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’4.2 Considerations in relation to recording  |
| Do I need student consent to record my teaching activities? | No. Delivery of teaching is part of the University’s ‘pubic task’ and so we do not need students’ consent to recording teaching activities. Students are made aware of the recording of lectures, seminars and other teaching activities in the University’s Privacy Notice, which they are signposted to as part of the Registration process every year.  | [Privacy Notice](https://www.sussex.ac.uk/about/website/privacy-and-cookies/privacy#:~:text=If%20you%20have%20any%20questions,Falmer%2C%20Brighton%2C%20BN1%209RH.) / Education<http://www.sussex.ac.uk/ogs/policies/information/dpa/processingdata> |
| Do I need to tell my students I’m recording a teaching session? | Data Protection requires fairness and transparency about processing of personal data. As good practice, you may want to remind students that the teaching is being recorded. However, we already provide information to students in our Privacy Notice, on Canvas and on Sussex Direct about the recording of teaching activities.  | **General Data Protection Regulation***(60) The principles of fair and transparent processing require that the data subject be informed of the existence of the processing operation and its purposes.**Principles Article 5 Principles relating to processing of personal data 1. Personal data shall be: (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);* |
| Do I need to record a session that involves student contribution and participation, particularly if I believe doing so will limit interaction and could risk the learning outcomes of my students? | This is at staff discretion in relation to the content of the session and learning outcomes for the module. Where the tutor is concerned that recording will limit interaction in the session, they are entitled not to record it, or record only parts of it. However, students with a disability and an agreed learning plan may have the right to record their teaching and learning activity, and you should discuss how to proceed with those students." | ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’4.2 Considerations in relation to recording |
| Can students record teaching sessions themselves? | Students are only permitted to record teaching activities with the prior consent of the lecturer and other individuals that would be in the recording. However consent is not required where the recording is a reasonable adjustment for a student and forms part of their agreed learning plan.  | ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’4.2 Considerations in relation to recording and 4.3 Reasonable Adjustments  |
| Can I record a non-academic event? | Yes, but in this instance, you must seek explicit, prior consent of any individual(s) involved in the event, i.e. individuals that can be identified from the recording. Our ‘public task’ provides our lawful basis for recording teaching activities only and does not cover this type of event. | ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’4.2 Considerations in relation to recording |
| I have a question about recording a specific teaching and learning activity, who can I talk to? | If staff or students have any concerns about individual circumstances they can contact the Data Protection Officer at dpo@sussex.ac.uk for further advice. | <http://www.sussex.ac.uk/ogs/policies/information/dpa/online-teaching> |
| Will the University use recordings of teaching activities to replace teaching during industrial action? | The University will not use recordings of teaching activities to cover University staff exercising their legal right to take industrial action, without the staff member’s consent. | ‘[Policy on the recording of teaching activities and other uses of Panopto](https://www.sussex.ac.uk/webteam/gateway/file.php?name=policy-on-the-recording-of-teaching-activities-and-other-uses-of-panopto.pdf&site=76)’4.1 Panopto and recordings at the University |