

GDPR and lecture recording – guidance note

Lecture capture has been in place at the College for a number of years but has been expanded to include additional educational activities as part of the response to Covid-19. Recording teaching and learning activities can support students who have missed the class, for example through illness or transport disruption; those learning in a second language; those with a disability that may need extra time to absorb the contents of the lecture; and for revision.

Data protection legislation identifies the grounds (also known as legal bases) on which a data controller (in this case, the College) can process personal data. As a data controller, the College must identify the most appropriate legal basis for each its activities which involve personal data.

In this instance, the data protection team carefully considered the legal bases available and concluded that it was appropriate for the College to process the personal data which would be captured in the recording of educational activities in the pursuit of its legitimate interests to provide education in an accessible and sustainable format to support students beyond the initial delivery of the material.

We considered that processing personal data in this way was not necessarily out of line with the expectations of staff and students, particularly taking into account the need to respond to the restrictions imposed by Covid-19. If the College was unable to record these educational activities across all departments, it would seriously impede our ability to achieve the goals outlined above.

It was noted that the majority of the personal data which would be captured in a recording of an educational activity would not be sensitive or private to the individuals concerned, and that any impact on an individual's privacy would be minimal. This is in part achieved by limiting the retention period of the recordings, as well as the audience which can access the recordings, as they are available only to the relevant classes for the current and one subsequent academic year.

The data protection team notes that individuals still retain rights around the use of their personal data, and can opt out of the processing by turning off their cameras, or sitting in an area of the room which is not within sight of the camera where the education is taking place in person.

An individual can also object to the processing as it relates specifically to them, but not to the processing as a whole. To do so, they must contact dataprotection@rhul.ac.uk.

The College as the data controller has the responsibility to approve and process opt-outs and objections unless the College can demonstrate a compelling legitimate ground for processing the personal data, which overrides the interests, rights and freedoms of the individuals being recorded.

Where guest speakers (non-employees) are invited to address classes, and they can be seen on the screen, consent must be obtained to make a recording.

If special category data (formerly known as sensitive personal data) is captured during the course of educational activities which were being recorded, consent should be sought from the individuals who disclose this data to share the recording as soon as possible.

Where practicable all recordings made by College staff or on behalf of the College staff should be made on College owned devices to support fair and lawful processing of personal data.