

GDPR guidelines for CBS' recording of teaching activities

Name of document	GDPR guidelines for CBS' recording of teaching activities		
Owner	EDU	Date of approval	
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Approved by		Involved bodies	Legal, EDQ
Content			

Background and purpose

As a result of Covid-19, the majority of teaching activities at CBS are converted to online formats for students and in some cases for employees. The online teaching formats can be conducted as livestream of a class, recording of teaching videos or a combination of both formats simultaneously. The teaching can in some cases take place with partly physical and partly online attendance.

When teaching activities are recorded, the lecturer will mainly be recorded, but in many cases, the students or employees may also be visible on the recording. It is therefore important to be aware of the rules and regulations on data protection when teaching activities are recorded.

The purpose of these guidelines is to ensure that lecturers are aware of the requirements of the GDPR in connection with recordings of teaching activities, if students or employees are visible on the recordings. It is important that CBS obtains consent when necessary and does not store recordings for longer than necessary, after which the recordings must be deleted.

These guidelines only apply to recordings made by CBS or CBS' lecturers. The guidelines do not apply to situations where students wish to record classes. Special rules apply to these situations and more information can be found on my.cbs.dk under "Courses & exams – guidelines for teaching activities".

When?

When *processing* video recordings of *identifiable persons*, CBS, as the data controller, must consider whether the recording can be legally processed in accordance with the data protection rules and if so, for how long.

<p>Definition: <u>processing</u></p> <p>If a recording is:</p> <ul style="list-style-type: none"> ⇒ Stored in CBS archives, cloud, Microsoft stream etc. ⇒ Used for in-house purposes ⇒ Shared internally on CBS website ⇒ Shared with external parties 	<p>Definition: <u>identifiable persons</u></p> <ul style="list-style-type: none"> ⇒ If a person's face is portrayed clearly enough to identify who it is, or ⇒ If a distinctive characteristic is portrayed, such as a unique tattoo which makes it possible to identify the person, or ⇒ If a person's name or initials can be used to identify them (e.g. via
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	Microsoft Teams, Zoom, Panopto)
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Legal basis for processing

CBS must have a legal basis to process recordings of identifiable persons. In relation to recordings of teaching activities where students and employees are identifiable, the following legal bases for processing are relevant: (i) obtaining a valid consent from the identifiable persons or (ii) if the processing of personal data is a fundamental part of CBS' purpose as a university.

Recordings of students in teaching activities (no consent required)

Regarding teaching activities for students, consent is not required from the students participating in recorded teaching activities, as the legal basis for such processing of personal data lies in CBS' fundamental purpose as a university.

The students must, however, be informed about the recording and referred to CBS' privacy policy for students at mycbs.dk: <https://studentcbs.sharepoint.com/Pages/Privacy-policy.aspx>.

Recordings of the lecturer (no consent required)

In relation to recordings of the lecturer, consent is not required from the lecturer. The legal basis for such processing is in this case also CBS' fundamental purpose as a university.

Recordings of employees in teaching activities (consent required)

Regarding teaching activities for employees, consent is always required from the employee due to the fact that these types of recordings are work-related.

Consent should be obtained prior to the recording and CBS' standard consent form can be used for this purpose.

Employees can find more information about CBS' privacy policy for employees at Share: <https://cbsshare.cbs.dk/hr/Documents/Persondatapolitik-HR.pdf>

Obtaining consent

If consent is required from the identifiable persons, consent should always be obtained prior to the recording of any teaching activity.

The lecturer is responsible for obtaining and storing the consent.

A legal consent must meet the following requirements:		
a	It must be ascertainable	⇒ The consent must be given in writing/by e-mail.
b	It must be given voluntarily	⇒ It must not be given under coercion, i.e. there must not

		be any related negative consequences if the person does not give consent
c	It must be specific, unambiguous and given explicitly	⇒ State the purpose of the recording ⇒ State where the recording will be published ⇒ State how long the recording will be stored ⇒ The person giving consent must do so explicitly
d	It must be stated that the consent can be withdrawn at any time	⇒ If the consent is withdrawn, the recording must be deleted from all online platforms/archives etc.

CBS' standard consent form can be found here: [https://cbsshare.cbs.dk/it/dansk/infosikker/Databeskyttelse-GDPR/Administrativ medarbejder/Documents/Panopto - Samtykkeerklæring.docx](https://cbsshare.cbs.dk/it/dansk/infosikker/Databeskyttelse-GDPR/Administrativ%20medarbejder/Documents/Panopto%20-%20Samtykkeerkl%C3%A6ring.docx)

Storage and deletion

Storage of recordings

Recordings of teaching activities (both physical and online formats) can be stored in different places.

Platform	Storage of recording
Microsoft	Microsoft Stream
Zoom	Locally on CBS drive
Panopto	Panopto Cloud

Recordings from various meeting platforms can also be stored in DocShare, CBS Canvas or Microsoft OneDrive.

Storage of consent forms

Obtained consent forms from employees must be stored in DocShare under "CBS Teaching & Learning [CU4810]". A case must be created for each course named with the title and date of the course and must contain a list of participants.

The lecturer is responsible for uploading obtained consent forms.

Deletion

When it is no longer necessary to process personal data, the personal data must be deleted. Deletion of personal data is to ensure that the personal data is no longer available.

CBS assesses, that recordings of teaching activities recorded for the purpose of being teaching material shall be reviewed on an ongoing basis where it is assessed whether the recordings are still necessary or whether they must be deleted. However, the recordings must be reviewed and assessed no later than 5 years after the recordings are made or after the last assessment.

Recordings of live teaching activities, recorded in order to ensure that all students in a given course of study can access the teaching activity shall be reviewed for an ongoing basis where it is assessed whether the recordings are still necessary or whether they must be deleted. However, the recordings must be deleted no later than 5 years after the recordings are made.

Type of recording	Deletion	Responsible for deletion
Recordings made as teaching material	Shall be deleted after ongoing review, where it is assessed whether the recordings are still necessary or whether they must be deleted. However, recordings must be <u>reviewed/assessed</u> no later than 5 years after the recordings are made/the last assessment.	T&L is responsible for deletion.
Recordings of live teaching activities	Shall be deleted after ongoing review, where it is assessed whether the recordings are still necessary or whether they must be deleted. However, recordings must be <u>deleted</u> no later than 5 years after the recordings are made.	T&L is responsible for deletion.

Teaching & Learning is responsible for controlling created cases containing obtained consents from employees.

These guidelines are revisited annually in June for an assessment on whether they should be updated in order to be in accordance with teaching circumstances.

Questions

⇒ Questions regarding these guidelines can be directed at CBS Legal, (legal@cbs.dk), and at EDQ, (edq@cbs.dk).

⇒ Links to guidelines regarding the use of Panopto, Canvas, Teams, Zoom etc. can be found here:

<https://cbsshare.cbs.dk/it/dansk/it-supporten/Pages/Web%20-%20Videoplatform.aspx> (Dansk)

<https://cbsshare.cbs.dk/it/english/it-support/Pages/Web%20-%20Video%20Platform.aspx> (English)