

Data Privacy Notice for DkIT Students on the Recording of Classes

(This document is referenced in the Recording of Online Classes: Guidelines and Code of Practice for DkIT Staff and Students)

Why are some teaching sessions recorded?

In order to improve the student experience of teaching sessions being delivered online, and to provide an educationally valuable resource to students, DkIT may in accordance with relevant guidance and where there is a recognised benefit in doing so, record an online teaching session, may live stream a session, and may also post it to a lecture capture portal (such as Moodle, Microsoft Teams, Big Blue Button or other where applicable).

The term “lecturer” refers to any Institute employee involved in teaching and learning. Lecturers sometimes put links to these recordings on the relevant page of the virtual learning environment. The recorded lecture is made and posted up to enable absent or remote students to access the teaching session, students who attended to re-visit the session and lecturers to reflect on the teaching session and plan future teaching sessions accordingly. Depending on how the teaching session is delivered this may include the recording of audio or video of the lecturers and / or students. Occasionally, short excerpts of recordings may be used within the Institute to demonstrate good technological / pedagogical practice, or provide feedback to lecturers who wish to improve or enhance their teaching practice.

How do I know if the teaching session is being recorded?

It should be clearly advised at the start of each session by the person giving the session if the session is being recorded so as to enable the participants to make personal choices with regard to their involvement in the recording.

If you are being taught on campus you will know if the teaching session is being recorded by the Institute as the lecturer will advise in advance of same, and in some venues/rooms there may be a green light that will be lit up. If the green light is on a recording is taking place. If the green light is off, the system is not recording the session. If the teaching session is happening online i.e. via Microsoft Teams, BigBlueButton, Moodle, or other online platform you will know if it is being recorded as a red circle and the red text ‘Recording’ or a similar label/icon/notice will show on your computer screen.

Students must not make their own recordings (unless they have explicit written permission to the contrary) from their computer/device as personal data recordings need to be controlled by the Institute to protect the rights of other students and staff.

Is the whole recording personal data?

Parts of that recording could count as personal data according to data protection laws. Personal data in recordings would include your name, images of you and any opinions you contribute and anything you say about yourself. Special categories of personal data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data and biometric data processed for the purpose of uniquely identifying a natural person. Lecturers will take extra measures to ensure the security of a session if recording sessions where expressions of opinions containing special categories of personal data are likely to be recorded.

The measures required will be assessed on a case-by-case basis but may include, for example:

- an explicit agreement that students will not attempt to download the recording, share it or edit it in any way;
- a spoken reminder of students' privacy rights prior to a discussion in which special category data is likely to be discussed;
- the lecturer may decide to stop the recording for the duration of a discussion involving special category data;
- the lecturer may decide not to upload the recording, or portion of the recording, in which special category data is discussed.
- Under data protection legislation you have rights in respect of your personal data. See: Data subject rights by going to <https://www.dkit.ie/about-dkit/legal/data-protection.html>.

What is the lawful basis of processing personal data in the recorded lecture?

The lawful basis for processing this personal data is primarily *legitimate interests* as set out in Article 6 and recital 47 of the General Data Protection Regulation (GDPR). Legitimate interests applies when:

- the data processing is not required by law or other legal basis but is of a clear benefit to the Institute or the student based on the relationship between the Institute and the student;
- there is limited privacy impact on the student;
- the individual and the Institute would reasonably expect the Institute and its personnel to use the personal data in the way that the Institute wishes to.

In cases where the recording forms a necessary obligatory part of your course for example a practical assessment then the legal basis for processing will be *performance of a contract*.

In this case, Lecturers do not need to ask permission to record the lecture, either on campus or if being delivered online but will advise participants in advance of the recording so as to enable participants to make the choices set out in this privacy notice.

Recordings cannot subsequently be used, without consent, for purposes that are incompatible with those for which they were made.

Special categories of personal data is processed on the basis of *legitimate interest* and on the basis of article 9(j) of the General Data Protection Regulation 2016.

Can I opt out of having my personal data recorded?

If the teaching is happening in person and a student does not want to be recorded the student can make sure that he/she is not in view of the video camera and the student can choose not to speak during that session.

If the teaching session is taking place online a student can mute their microphone or turn off their webcam.

The Institute values each student's contribution to the sessions but a student is entitled to exercise their rights unless the session is being recorded for assessment purposes and the student's contribution is being assessed.

How are the recordings stored and shared?

When teaching sessions are being delivered online, lecturers will work on an Institute-supplied device (e.g. Lectern PC, laptop, tablet) where possible. The

recordings will be uploaded to Moodle normally or transferred to the Institute network. Once they are on Moodle or another approved platform or the Institute network they should be saved or archived to Institute approved systems and deleted from devices.

DkIT has a contract in place with its third-party data processors to protect your data. The recordings will normally be stored and posted on the relevant virtual learning environment page for the rest of the relevant academic year. The recording is then permanently deleted.

The recordings will be accessible to relevant staff including External Examiners in the case of assessments and relevant students only and will not normally be shared outside of the Institute. Where the recordings are downloadable from the Moodle page, students must not share, publish or edit in any way, make derivatives of, or use for any other purpose than the course of study involved and a student must delete at the end of the examination period for the lecture in question. The lectures will normally remain on the Institute site for a minimum of the academic year that you are in.

The Institute may where there is a specific lawful request based on a specific investigation share the recordings with the An Garda Síochána and other law enforcement agencies, for the prevention or detection of a crime or suspected crime.

Where recordings contain special categories of personal data then extra consideration and attention must be given as regards to where and how such data is shared and what access is permitted to such data. The sharing and access to such data should be restricted/limited to those who require to have access to it.

Where can I get more information?

Guidance on the pedagogical aspects of the use of video and audio recorded lectures, and examples of good practice, will be provided and supported by CELT. DkIT's Data Protection Policy is available on the Institute website.

The Data Protection Commission's Office is the regulatory body for data protection in Ireland. You can read about your data protection rights such as access to or where applicable and in accordance with Institute policy and procedure, erasure of personal data on the Data Protection Commissioner's Website and also on the DkIT Data Protection page <https://www.dkit.ie/about-dkit/legal/data-protection.html>