



Important Information – please pass to your Business Manager & Data Controller

Recording Live Streaming Lessons

Is it ok & what do you need to consider?



The latest Government news on Covid means pupils are going to need to be taught remotely for longer than anticipated.

Happily it is clear that platforms like Teams & Zoom operate quite well with the potential to deliver meaningful teaching – that is good news for all.

From a **Data Protection** perspective live streaming is absolutely fine. It is though really important that schools keep this side of things **legitimate & robust**.

Some key pointers are:

- Ensure the system used is set so that it doesn't allow other participants to join the session.
- Make sure that everyone (pupils and parents) knows this is happening and when.
- Advise all students to blur their background.
- If you will be sharing your screen, close down any additional programmes beforehand.

But what about recording & storing lessons?

We are getting a lot of queries as to whether it is ok to **record & store** teaching sessions and different reasons are being given for wanting to do it.

There are circumstances under which it is ok but this is **limited** and if it is done there are precautions which must be taken.

Firstly it is important to understand what is a **legitimate** reason & what is not.

Here is our view on the common reasons given for wanting to record & store:

- **Safeguarding the child** – perhaps surprisingly for you this is **not** legitimate. In our view if anything safeguarding risks are lower when streaming than in the classroom so under law this wouldn't hold up.
- **Protecting the teacher from false** accusation – **not** legitimate either. As with pupil safeguarding risks should be lower especially because there is no physical contact.
- **Quality monitoring the lesson** – unfortunately we don't think this stands up as a reason. Monitoring could take place in a similar way simply by joining the lesson & observing it.

So what is a legitimate reason?

In fact of the reasons we have been given only a wish to be able to replay the recording for any absent pupils seems reasonable.

The chances of multiples of children missing lessons right now is much higher than would normally be the case. It is so important that pupils receive schooling and the task of trying to catch up with all could well be impossible without impacting other lessons.

Consequently provided this concern is bona fide under the **actual circumstances** being experienced this is lawful in our view.

So - if you do decide to record – what next?

The guiding principle is that recording and storing of lessons as with any data processing must be done *fairly, lawfully and transparently*.

So you should:

- Check you remain **happy** with your **legal basis** – this is important to enable you to move forward even if there if it has not been possible to gain consent from all concerned.
 - Make sure all are **informed** & have a privacy notice supplied. The teacher should also **iterate** that a lesson is being recorded when it begins.
 - **Minimise** the data if possible.
 - Ideally just record audio
 - If visuals are required, ideally just record the teacher's feed
 - Ask the pupils to turn off their cameras for the recording
 - If your purpose for the recording requires the pupils' cameras to be on, ensure backgrounds are blurred prior to recording
 - Provide an **alternative method** for the pupils to correspond with the teacher, if they don't wish for their voices to be recorded (for example using the Chat function)
 - Once all the required children have seen the lesson **delete** it. It should not be retained.
 - If your server is based outside the UK **contact us**. There are some additional steps we will need to advise you of.
 - Make sure access to the recording is **secure** so only those who need to use it have access.
 - If someone advises that they want to exercise a **legal right** like Subject Access or Objection to Processing, contact us - we will help and advise.
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We hope this is useful & feel free to contact us with any queries
One_West@bathnes.gov.uk

Also don't forget to check out our website www.onewest.co.uk there are lots of resources to help you.

You can have a look at our Twitter feed via the link at the bottom of the page – we are always updating with news & views.

Regards

The One West team



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Our mailing address is:

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