

Framework for privacy in education recordings at TU/e

1. Definitions

GDPR: the General Data Protection Regulation (EU Regulation no. 2016/679).

Education: activities related to education (both curricular and extracurricular), which can be lectures, instructions, group sessions or knowledge clips.

Recording: digital registration through audio and/or video recordings, whether or not accompanied by a video stream displaying slides. For clarity sake: “recording” within this framework covers both the (live)streaming of education as well as making education on demand available (storing of education recordings). This framework applies only to TU/e facilitated recordings.

Personal data: any information relating to an identified or identifiable natural person.

Virtual education: virtual education refers to virtual or hybrid education in which students participate via videocall.

Video lectures: a video lecture is a recorded (live or on demand) lecture. A video lecture is integrally recorded with vision and audio of the lecturer and a possible presentation. A video lecture can be broadcasted simultaneously (“live”) or be made available afterwards (“on demand”).

2. Scope

- 2.1. This framework applies to recordings of TU/e education (either virtual education or video lectures) delivered in all departments and institutions.
- 2.2. This framework's scope is limited to the privacy aspects of recordings. Decisions about whether lecturers should record or deliver virtual/hybrid lectures are outside the scope of this proposal.
- 2.3. The goal of this framework is to create concrete guidelines for how lectures will be recorded, stored, and shared at the university in order to ensure GDPR compliance and an adequate level of privacy protection for students and lecturers.
- 2.4. If the provisions of this framework are complied with, TU/e considers the positive impact of the education recordings to outweigh the negative impact for the lecturers and students involved.

3. Necessity, purpose and legal basis

- 3.1. TU/e processes personal data only when it is necessary for a specific purpose. The purpose of education recordings is to ensure the quality and continuity of education by giving students and lecturers the option to watch education recordings later.
- 3.2. The justification for processing personal data in connection with education recordings is the performance of a public-interest task delegated to TU/e (Article 6(1)(e) GDPR). Article 1.3(1) of the Higher education and Research Act (WHW) charges TU/e with this task, which consists of providing scientific education and conducting scientific research.

4. Platforms and systems

- 4.1. TU/e currently operates hybrid or virtual education through platforms and systems that allow for adequate privacy protection and which have entered into a data processing agreement with the university. Recordings of education shall take place by means of these platforms and systems only.
- 4.2. If the aforementioned systems are replaced by new suppliers, the following guidelines should still be followed.

- 4.3. The use of educational systems by lecturers and students must adhere to the TU/e Computer and Network Regulations.¹

5. Video lectures (none or minimal visibility and audibility of students)

Format

- 5.1. A video lecture is a recorded (live or on demand) lecture. A video lecture is integrally recorded with vision and audio of the lecturer and a possible presentation. A video lecture can be broadcasted simultaneously (“live”) or be made available afterwards (“on demand”).
- 5.2. Students present at the lecture should be minimally visible and audible in the recordings. The camera should be positioned in the back of the room, causing (most) students to be unidentifiable in the recordings. The image will be zoomed in to show only the lecturer, or it will remain zoomed out to only show the (back of) the students’ heads, as long as they are unidentifiable.
- 5.3. If, at the discretion of the Lecturer, the nature of the lecture requires the relocation of the video camera in order to achieve an optimal recording, the Lecturer will announce that the video camera will be relocated during the recording prior to the relocation of the video camera.
- 5.4. Only content-related topics may be discussed during a video lecture. Matters outside the scope of the course should be discussed only when the recording is paused.

Sharing and publishing

- 5.5. Video lectures are stored in the approved TU/e video content management system and can be accessed by students and lecturers without restriction, as the personal data risks associated with video lecture recordings are low when the above-mentioned conditions are met.
- 5.6. If a student or lecturer is of the opinion that a recording was made without adhering to the conditions outlined above, the rights and procedures outlined in Section 10 apply.

6. Virtual education (visibility and audibility of students)

Format

- 6.1. Virtual education refers to virtual or hybrid education in which students participate via **videocall**. If a virtual lecture is recorded, the image and audio of participants is captured.
- 6.2. Virtual education, as opposed to video lectures, take place in two ways:
 - On campus: in the Hybrid Rooms that have been set up for this purpose. Some students attend in person, while others participate via video call.
 - Online: Both the lecturer and the students attend the lecture via videocall in this format.
- 6.3. Unlike video lectures, students can access virtual education by connecting their camera and microphone to the videocall. In most cases, students' personal identification data, such as name, last name, and/or email address, is also visible.
- 6.4. Recording virtual education must be necessary for educational purposes. Interactive education sessions that do not amount to videocalls and/or virtual education should not be recorded. Workshop classes, group discussions, tutorials, student presentations, and other activities are examples.
- 6.5. Prior to the start of the recording, students must be informed about the recording. For this purpose, the announcement must be made in the course environment. If possible, the lecturer will remind students about the recordings before it begins.

¹ TU/e Regulations on Computer and Network [available here](#).

- 6.6. Students have the option to turn off their camera during the virtual education recording if they do not want to appear in the recording.
- 6.7. If students do not want their voice recorded, they can ask questions or participate in virtual education using the system's chat functionality.
- 6.8. Students have the right to ask questions after the virtual education if they do not want their participation in image, audio, or text to be recorded.
- 6.9. In hybrid rooms, students who are attending the virtual education onsite and do not want to appear in the recording, have the following options:
 - If possible, students can sit out of the view of the video cameras that record the virtual education.
 - If this is not possible, students can attend the virtual education online outside the hybrid room and turn the camera and microphone off.

Sharing and publishing

- 6.10. Virtual education recordings must be stored in a secure and approved TU/e environment.
- 6.11. Students are advised to view but not download the recordings.
- 6.12. If any personal data is visible (images of students, voices, names, last names, etc.), virtual education recordings must be shared only with students enrolled in the course for which they were recorded and for the same academic year. Virtual education recordings should not be shared with students from other courses or academic years at TU/e.
- 6.13. If a virtual education recording does not contain any categories of personal data (images of students, voices, names, last names, etc.), it can be used as educational material for students from different courses and academic years at TU/e.
- 6.14. Lecturers should not share recordings with students from other universities unless the Data Domain Owner of education data has previously approved it.
- 6.15. Lecturers should not publish recordings on (online) platforms that are not administered by TU/e unless the Data Domain Owner of education data has previously approved it.
- 6.16. If a student or lecturer believes that a recording was made without adhering to the conditions outlined above, the rights and procedures outlined in section 10 apply.

7. Retention periods

- 7.1. Video lecture recordings (described in Section 5) have a retention period of seven (7) years after the course has ended. Access to these recordings is unrestricted (See Section 5.5).
- 7.2. Virtual education recordings (described in Section 6) are kept for seven (7) years after the course is completed.
 - The lecturer will store the recordings in a secure and approved TU/e environment.
 - Before the retention period expires, the lecturer can access the recordings for quality and educational purposes.
 - The recordings will be made available to students only for the duration of the course in which they are enrolled, and only through TU/e platforms. Students will no longer be able to access the recordings once they complete the course.
- 7.3. Once the retention period has expired, the lecturer should delete the recordings of virtual education as described in Section 6. The deletion of video lectures described in Section 5, is managed by the corresponding team at ESA.

8. Students

- 8.1. Students are not permitted to record lectures considering the privacy impact this has on others.
- 8.2. During lecture recordings where the camera and microphone are turned on, students are advised to keep personal items out of sight and background noises reduced.

- 8.3. During lecture recordings where the camera is turned on, students are advised to blur their background or place a visual to protect their privacy.

9. Lecturers

- 9.1. If possible, recordings should be paused if the lecturer allows for questions or active participation in the lecture (at the end or in between). If necessary, lecturers are advised to repeat the questions during the recording for continuity purposes.
- 9.2. If sensitive or personal information is visible during virtual lectures, lecturers should request that the student involved turns off the camera or microphone. To ensure privacy, the lecturer may also turn off the student's camera and microphone.
- 9.3. If a student uses the chat to ask a question or send a message, his or her name and/or profile picture may be displayed during the lecture. To avoid this, lecturers may agree to let students ask questions after the lecture is recorded.

10. Privacy rights

- 10.1. TU/e is the Controller of the Personal Data processed in connection with the lecture recordings described in this framework.
- 10.2. Data subjects whose personal data are processed in a recording have all rights under the GDPR. These rights are fully described in TU/e's privacy statements, which are available on this [website](#).
- 10.3. If a student objects to being recorded after being informed about it, the lecturer will offer the options listed in Section 6, such as turning off the camera or attending the lecture online outside the hybrid education room. If none of these options are suitable, the student may choose to skip the lecture and watch the recording later.
- 10.4. If a student makes a unauthorized recording, TU/e is not the Controller of the personal data processed in connection with the recording.
- 10.5. Before the retention period referred to in Section 7 expires, the lecturer may indicate in writing to the respective department's Teacher Support service that the Recording must be removed.
Teacher Support at the department will handle the request. In that case, the recording will be removed within one month of receiving the written request. The lecturer will be notified as soon as possible. If the Recording is being used within an ongoing course at the time the removal request is submitted, the respective program director, in consultation with the privacy team, shall balance the interests of the lecturer in removing the recording on the one hand and the interests of the students in retaining the recording on the other. Following a removal request, the recording will be removed after the students who were registered for the course at the time have had one last chance to take the exam.
- 10.6. A student who is clearly visible or whose voice is recorded in a recording of a lecture may request removal from the recording in writing to the Privacy Team. Where (technically and/or functionally) possible, reasonable measures will be taken to make the student unidentifiable in the recording. If this is not possible, removing the recording will be considered. The responsible lecturer and the privacy team shall balance the interests of the requesting student to remove the recording against the interest of the lecturer and the rest of the students in keeping the recording available.

11. Final considerations

- 11.1. Students will be informed about lecture recordings through a general privacy statement posted on the learning management system used by TU/e.² This privacy statement will explain what personal data is processed in the recordings, where the recordings will be stored and published, retention periods, legal basis, how to exercise privacy rights, and other relevant information.
- 11.2. Before it is placed in the learning environment, the privacy statement will be drafted and approved. Next to that, a general student privacy statement is also available to students on the TU/e website.
- 11.3. If the current platforms approved by TU/e and the (hybrid) education practices change, the other content of this framework remains in effect.
- 11.4. The content of this framework is reviewed every three (3) years. If changes are deemed necessary, the Education Board will decide and adopt the changes.

² At the moment of drafting this framework: Canvas.