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Recording Teams or Zoom Calls: Copyright, IP, and Privacy

Document Information

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01. Introduction:

This guidance document aims to provide clarity on the recording of Teams or Zoom calls with regard to copyright, intellectual property (IP), and privacy concerns. Recording video calls has become common in various contexts, such as meetings, presentations, seminars, and conferences. It is important to understand the different types of video calls, legal considerations, personal data captured, copyright implications, and best practices before planning to record a video call.

02. Understanding Different Types of Video Calls:

One to One: Two-way Communication	Two Participant Private Call
	Example: A private conversation between two individuals using video call software.
Many to Many: Group Call	Multiple Participants (Two-way Communications)
	Example: A team meeting with several participants interacting and sharing information. This may also include collaborative group work where screen sharing takes place
One to Many: Presentation	One Presenter, Multiple Passive Viewing (One-way Communications)
	Example: A webinar where a presenter shares information while participants observe without active interaction
Many to Many: Seminar	Multiple Participants (Two-way Communications)
	Example: An educational session with multiple participants engaging in discussions and asking questions.
Many to Many: Conference	Multiple Presenters, Passive Viewing (One-way Communications)
	Example: A conference with various speakers presenting their ideas to an audience without active participation.
One to Many: Q&A	Managed Two Communications between Presenters and Participants
	Example: A session where participants can ask questions to presenters who respond in real-time
Many to Many Hybrid	Live & remote audience, Multiple Presenters.
	An in person conferences which is also recorded and live streamed to remote audiences.

03. Legal Considerations for Recording Video Calls:

Informing vs. Obtaining Informed Written Consent:

Informing an individual means notifying them that the call is being recorded, but it does not necessarily grant permission for further use or publication. Verbally obtaining consent will not be sufficient should you later need to prove it was obtained.

Obtaining informed written consent involves explicit permission granted by individuals to record the call and use the recording for specified purposes.

In the context of recording video calls under UK law, there is a legal difference between informing an individual that the call is being recorded and obtaining informed written consent.

Informing an Individual:

Informing an individual means notifying them that the video call is being recorded. This notification serves as a form of transparency and ensures that participants are aware that their communication is being recorded. While informing is an important step in the process, **it does not** automatically grant permission for further use or publication of the recording.

Obtaining Informed Written Consent:

Obtaining informed written consent goes beyond just informing individuals that the call is being recorded. It involves explicitly seeking permission from participants to record the call and use the recording for **specific** purposes. Written consent provides a documented agreement between the participants on behalf of the University of Bath, establishing clear boundaries and permissions.

Key elements of informed written consent	
Explicit Permission	Participants must give their explicit consent for the recording. This consent should be given freely, without any coercion or pressure, and should be specific to the recording of the video call.
Informed Decision-Making	Individuals must have sufficient information about the recording, its purpose, and potential uses to make an informed decision. They should understand the implications of granting consent, including any privacy or data protection considerations
Written Format	Consent should be obtained in writing, either in a physical or electronic form. This ensures a clear record of the agreement and helps demonstrate compliance with legal requirements.
Specified Purposes	Consent should clearly state the intended purposes for which the recording will be used. These purposes should align with the defined intention of the recording and should not exceed what has been agreed upon.

Obtaining informed written consent provides a stronger legal basis for recording video calls and using the recordings for specified purposes. It helps protect the rights of individuals and ensures compliance with UK data protection laws, such as the UK Data Protection Act 2018 and UK-GDPR. By obtaining explicit permission, the University of Bath can demonstrate its commitment to respecting individuals' privacy and maintaining transparency in its data processing activities.

04. Defining Intention of Recording in Consent:

When obtaining consent for recording video calls, it is essential to clearly define the intention of the recording. This involves outlining the specific purposes for which the recording may and may not be used. By doing so, a contractual agreement is established between the University of Bath and the participants, setting clear boundaries, and ensuring compliance with legal and ethical considerations.

<i>Defining recording intention</i>	
Transparency:	Clearly stating the purposes of the recording ensures transparency and informs participants about how their personal data will be used. This transparency helps build trust and ensures that individuals have a complete understanding of the recording's purpose.
Consent Specificity:	By defining the purposes of the recording, the consent obtained becomes specific to those identified purposes. Participants have the right to know exactly how their data will be used and to grant or withhold consent accordingly. This approach ensures that consent is obtained in a focused and informed manner.
Compliance with Data Protection Laws:	Under UK data protection laws, personal data must be processed lawfully and fairly, with a specific purpose in mind. Defining the intention of the recording aligns with this requirement, as it ensures that the University of Bath has a legitimate basis for processing personal data and respects the principle of purpose limitation.
Ethical Considerations:	Clearly outlining the purposes of the recording also helps address ethical considerations. It allows participants to make an informed decision about their involvement in the video call and whether they agree to have their personal data recorded. Respecting individuals' autonomy and providing them with meaningful choices is an important ethical aspect of data handling.

By establishing a contractual agreement with participants, the University of Bath and individual staff can demonstrate its commitment to respecting the boundaries set out in the consent process. This approach ensures compliance with legal requirements, upholds individuals' privacy rights, and promotes an ethical approach to data handling. It also helps protect the University's reputation and fosters a relationship of trust between the University and those it may capture in video recordings.

05. Personal Data Captured from Individuals in Recorded Calls:

When a video call is recorded, personal data may be captured. It is essential to follow the University's Data Protection policies

When a video call is recorded, it is crucial to recognise that personal data may be captured as part of the recording process. Personal data refers to any information that directly or indirectly identifies an individual. This can include details such as names, contact information, visual images, or any other data that can be linked to a specific person.

Understanding and appreciating the potential capture of personal data during video call recordings is essential for all staff, to fulfil the University's obligations under UK Data Protection laws. There is an importance to the handling and processing of personal and ensuring the protection and privacy of individuals' information. All staff must take appropriate measures to safeguard this personal data, such as being mindful of what is shared, obtaining informed consent, and establishing clear purposes for recording.

Data captured in a video call recording	
Audio and Video of Participants:	The recording of a video call may capture the voices, images, and gestures of the participants involved. This data qualifies as personal data under the UK Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
Shared Documents:	If participants share documents or presentations during the call, those materials may also be captured in the recording. As these documents may contain personal or sensitive information, they should be handled in accordance with applicable privacy laws.
Chat Messages:	The chat messages exchanged during the video call, including any personal information shared within them, can be considered personal data and must be treated in compliance with privacy regulations.
Timestamps:	The timestamps indicating the date and time of the video call recording do not necessarily qualify as personal data on their own. However, when combined with other information, they could potentially be used to identify individuals and must be protected accordingly.

06. Risks of not obtaining consent

Informed written consent means that individuals have been provided with clear and comprehensive information about the recording, its purpose, and how it may be used or published.

Publishing the recording of a video call without obtaining informed consent poses significant risk for both the individual doing so and the University.

Risk of sharing without consent	
Breach of Privacy	Publishing a video call recording without consent can infringe on individuals' right to privacy. Participants have a reasonable expectation that their communication during the call will remain private and not be made available to a wider audience. Without obtaining informed consent, publishing the recording violates this expectation and can result in a breach of privacy.
Data Protection Violations	Video call recordings typically contain personal data, such as audio, video, and chat messages of participants. Under UK data protection laws, processing personal data without a legal basis is unlawful. Publishing a video call recording without informed consent constitutes an unauthorised processing of personal data, which can lead to legal consequences and regulatory penalties.
Non-Compliance with GDPR	The General Data Protection Regulation (GDPR) sets stringent requirements for the processing and handling of personal data. Publishing a video call recording without informed consent is likely to violate several GDPR principles, including the principle of lawfulness, fairness, and transparency, as well as the principle of purpose limitation. Non-compliance with GDPR can result in severe financial penalties and reputational damage.
Potential Legal Claims	Individuals whose personal data is published without consent may have grounds to pursue legal action against the University of Bath for infringement of their privacy rights. This can lead to legal claims seeking damages for emotional distress, harm to reputation, or other negative consequences resulting from the unauthorised publication.
Reputational Damage	Publishing a video call recording without consent can have a detrimental impact on the University of Bath's reputation. It may erode trust and confidence among staff, students, and the wider public, affecting the institution's standing and relationships. Reputational damage can be long-lasting and have far-reaching consequences.

To mitigate these risks, it is crucial to obtain informed consent before publishing a video call recording. Informed consent ensures that individuals understand and agree to the specific purposes for which the recording will be used. It establishes a legal and ethical basis for processing personal data and demonstrates respect for privacy rights and data protection regulations. By obtaining consent, the University of Bath can safeguard against legal liabilities, maintain compliance with UK law

07. Storage of Recordings

the University of Bath and its staff, have a legal obligation to handle any video recordings that contain personal data in accordance with UK Data Protection Act 2018 and the UK-GDPR. Some key considerations under these laws include:

Retention: Any video recordings must not be kept for longer than necessary.

Individual Rights: Participants who are captured in a video call recording have various rights, including the right to access their data, rectify inaccuracies, request erasure, and object to processing, sharing or publication in certain circumstances.

Always be mindful of how and where recordings are stored, ensuring they are kept securely and deleted with in the appropriate time frame.

08. Copyright Considerations for Recorded Calls:

Copyright may arise in recorded video calls, particularly when background images, music, or video clips are used without proper authorisation.


It is essential to respect copyright laws and obtain necessary permissions or licenses for any copyrighted content used in recorded calls.

Copyright considerations are crucial when recording video calls, especially when incorporating elements such as background images, music, or video clips without proper authorisation. Here's an expanded elaboration on this topic:

Copyright protection applies to various forms of creative expression, including images, music, videos, and other works. When these copyrighted materials are used in recorded video calls without proper authorisation, it can infringe upon the rights of the copyright holders. Therefore, it is essential to respect copyright laws and obtain the necessary permissions or licenses for any copyrighted content used in recorded calls.

Protected content within a call recording	
Images in presentations	If video calls which feature presentations are recorded and these presentations contain images, it is important to consider whether those images are subject to copyright protection. It is advisable to either obtain permission to use the images or ensure that they are properly licensed for the intended purposes.
Background Images:	If video calls are recorded in a setting where background images or artwork are visible, it is important to consider whether those images are subject to copyright protection. Using copyrighted images without proper authorisation may infringe upon the rights of the copyright holder. It is advisable to either obtain permission to use the images or ensure that they are properly licensed for the intended purposes.
Music:	Incorporating copyrighted music into a video call recording without proper authorisation can lead to copyright infringement. Music is subject to copyright protection, and the rights to reproduce, distribute, or publicly perform the music belong to the copyright holder. To avoid potential copyright issues, it is necessary to obtain the necessary licenses or permissions from the appropriate copyright owners or licensing organisations.
Video Clips:	Using copyrighted video clips in recorded video calls without proper authorisation can also violate copyright laws. Video clips, whether they are excerpts from movies, TV shows, or other copyrighted sources, are protected by copyright. Permission or licenses should be obtained from the copyright holders before incorporating such clips into video call recordings.

Respecting copyright legislation helps avoid legal consequences. Failure to obtain necessary permissions or licenses for copyrighted content used in recorded calls may result in copyright infringement claims, legal disputes, financial liabilities, and damage to both the individual and the University.

Compliance with copyright laws:	
Seek Authorisation	Obtain permission from the copyright owners to use their copyrighted materials in video call recordings. This may involve contacting the copyright holders directly or acquiring licenses through relevant copyright licensing organisations
Use Creative Commons or  Sharing_Media_Online-Copyright_Privacy Royalty-Free Content	Use content that is licensed under Creative Commons or other similar licenses that permit usage without explicit permission, as long as the conditions of the license are met.
Create Original Content	Whenever possible, use original content or seek alternatives that are not subject to copyright protection.

09. Legal Implications of Filming for Personal Use vs. Public Dissemination:

Filming video calls for personal use, such as reviewing or internal documentation, may have different legal implications compared to publicly disseminating the recordings.

Public dissemination may require additional permissions, especially when involving copyrighted material or sensitive information.

10. Best Practices, Tips, and Considerations for Recording Video Calls:

Obtain informed written consent from participants before recording a video call, clearly stating the purpose and potential uses of the recording.
Provide participants with the option to decline being recorded and ensure their decision is respected.
Clearly communicate any copyright or intellectual property restrictions to participants.
Minimise the capture of personal data beyond what is necessary for the intended purpose.
Safeguard recorded video calls and any associated personal data to prevent unauthorised access or breaches.

Regularly review and update consent agreements as necessary, ensuring compliance with evolving privacy and data protection regulations.

11. Consent Forms

Photography and filming consent and location forms can found at

<https://www.bath.ac.uk/publications/photography-and-filming-consent-and-location-forms/>

or if accessing this document online, by clicking the below links

Use these forms to ask people for consent to film and photograph them, and use their testimonials for University purposes.

filming-photography-consent-form.doc
filming-photography-parental-consent-form.docx
filming-photography-consent-form-lecturer-internal-audience.docx
filming-photography-consent-form-lecturer-external-audience.docx
filming-photography-consent-form-audience-participation.docx
filming-photography-consent-form-visiting-speaker-internal-use.docx
filming-photography-consent-form-visiting-speaker-external-use.docx
location-notice-warning-form.docx
testimonial-consent-form.docx

12. Conclusion

Recording Teams or Zoom calls can be a valuable tool for collaboration, knowledge sharing, and documentation. However, it is crucial to be mindful of legislation relating to copyright, intellectual property, and privacy considerations. By understanding the different types of video calls, obtaining informed written consent, defining recording intentions, respecting copyright laws, and implementing best practices, the University and its individual staff can ensure compliance while utilising recorded video calls effectively.