



Sharing Media Online: Copyright, Privacy and Social Media

Document Information

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1. Introduction

Sharing content publicly on the internet, especially on social media and video sharing platforms, comes with various risks. The purpose of this document is to highlight the important considerations that University of Bath staff should keep in mind when they contemplate publishing content online for public consumption.

It is crucial for staff to have a clear understanding of the different types of content they may encounter or create online. This includes distinguishing between original self-generated media and that created by a third party. By understanding these distinctions, staff can better navigate the legal implications of using and sharing such content.

1.2 Legal Liabilities for Copyright

Copyright infringement is a significant concern when publishing content online. Staff should be aware of the copyright laws and regulations that govern the use of material, such as images, videos, or written works created by others. It is important to ensure that any content shared online does not infringe upon the rights of copyright holders, and proper permissions or licenses should be obtained when necessary. The University is able to provide assistance either via the Library, The Media Usage & Copyright Advisor or the Legal Unit.

1.2 Consent and Intellectual Property Rights

When sharing content online, especially content that includes other individuals, it is crucial to consider consent and intellectual property rights. Staff should follow University policy and obtain appropriate consent from individuals whose images, videos, or personal information are included in the content. Additionally, they should be mindful of protecting the intellectual property rights of the University of Bath and other relevant parties.

1.3 Licensing Considerations

Understanding licensing agreements is vital when publishing content online. Different platforms have their own terms and conditions that govern the use of content on their platforms. Staff should familiarise themselves with these terms of service and ensure that they comply with them when sharing content on specific platforms. Additionally, staff should be aware of any licenses associated with the content they wish to publish, such as Creative Commons licenses, and adhere to the terms outlined in those licenses.

1.4 Implications of Platform Terms of Service

Social media and video sharing platforms have their own terms of service that dictate how content can be used and distributed on their platforms. Staff should carefully review and understand these terms to avoid any violations or unintended consequences when publishing content. Failure to adhere to platform guidelines may result in content removal, account suspension, or other penalties.

By addressing these key areas of concern, University of Bath staff can mitigate the risks associated with publicly publishing content online. Understanding the different types of content usage, being mindful of legal liabilities for copyright and consent, respecting intellectual property rights, considering licensing requirements, and complying with platform terms of service will help ensure responsible and compliant content dissemination online.

2. Understanding Different Types of Content Usage

2.1 Public Use vs. Use for “Teaching”

It is important that staff, especially academic staff, distinguish between the public use of media content and using such content for teaching purposes (in this context “teaching students” refers to the context of teaching registered students at the University of Bath i.e. the students have to be on a module with a registration number). Different exceptions to UK copyright legislation may be applicable depending on the specific context in which the content is used.

When considering the public use of media content, staff members should be aware that sharing content online, engaging in public publication, or using social media platforms can be categorised as public dissemination. This includes situations where teaching occurs in publicly accessible environments that extend beyond the registered students of the university. In such cases, different copyright considerations come into play.

Staff members must understand that educational exceptions to copyright may only be applied to teaching activities if specific criteria are met. For instance, sharing teaching videos with students on a platform like YouTube is considered public and globally accessible. Consequently, such activities would not qualify for the educational exceptions to copyright under UK law.

To comply with copyright regulations concerning educational exceptions, staff members should only share teaching materials with students on the University's secure networks, behind the “single sign on”. When using the Panopto / Re:View systems which limits access to only registered students, staff can be confident that their teaching activities may align with the educational exceptions provided under UK copyright legislation.

It is important for staff, particularly academic staff, to be familiar with the criteria outlined in UK copyright law regarding educational exceptions. By understanding these criteria and taking appropriate measures to differentiate between public use and teaching to registered students, staff members can uphold copyright regulations while teaching to their students.

2.2 Public Publication and Global Broadcasting

The act of publicly publishing content online, especially on social media and video sharing platforms, can be likened to global broadcasting, reaching a wide audience. It is crucial for staff to fully comprehend the legal implications that accompany this type of dissemination.

One of the primary concerns is copyright infringement. When publishing content online, staff must ensure they have the necessary rights or permissions to use any protected by copyright material, such as images, videos, or written works. Unauthorised use of protected by copyright content can result in legal consequences, including potential claims of infringement from the copyright holders.

Consent violations also pose a significant risk. Staff should be aware of the importance of obtaining proper consent from individuals whose images, videos, or personal information are included in the content being published. Failure to obtain consent can lead to privacy breaches and potential legal issues.

Intellectual property concerns should also be considered. Staff should be mindful of protecting the intellectual property rights of themselves, the University of Bath, and other relevant parties. This includes properly attributing and respecting the rights of creators or copyright holders for any content used or shared online. Licensing issues are another aspect that staff should be familiar with. Different platforms may have their own terms of service and licensing agreements that govern the use and distribution of content. Staff should review and understand these agreements to ensure compliance when publishing content on specific platforms.

The platform's terms of service can significantly impact the dissemination of content. Staff must familiarise themselves with these terms and conditions to ensure they comply with platform guidelines. Failure to do so can result in content removal, account suspension, or other penalties imposed by the platform.

By understanding and addressing these legal implications, staff can mitigate risks associated with the public publication of content online. This includes being cautious about copyright infringement, obtaining proper consent, respecting intellectual property rights, adhering to licensing requirements, and complying with platform terms of service.

2.3 Educational Exceptions Explained

The UK educational exceptions to copyright provide certain allowances for the use of protected by copyright materials in educational settings. These exceptions aim to balance the rights of copyright holders with the needs of educators and students. At the University of Bath, these exceptions can be applied in various ways to support teaching and learning activities.

Key educational exceptions	
Fair dealing: criticism, review, and quotation	This exception allows the use of protected by copyright materials, such as texts, images, or audiovisual content, for the purpose of criticism, review, or quotation, as long as it is done fairly and with proper attribution.
Fair dealing: illustration for instruction:	This exception permits the use of protected by copyright works, like images, illustrations, or short extracts from texts, for the purpose of teaching and instruction. It should be limited to the extent necessary for the specific educational purpose and accompanied by proper acknowledgment.
Educational copying	This exception allows educational institutions to make copies of protected by copyright works, such as books, articles, or artistic works, for educational purposes, as long as it is done by the staff, students, or under the University's authorisation. The amount copied should be reasonable and appropriate for the educational purpose.
Performances, broadcasts, and recordings	This exception enables educational institutions to use protected by copyright works, including performances, broadcasts, or recordings, in an educational context, such as in classroom settings or for distance learning. However, there are certain limitations on public performances and sharing of recordings.

The application of these exceptions at the University of Bath depends on the specific educational context (e.g. teaching to behind the single sign on to registered students or in person on campus). Staff need to ensure that their use of protected by copyright materials falls within the scope of these exceptions, taking into consideration factors like purpose, amount used, attribution, and the educational nature of the activity.

It is important for staff at the University of Bath to familiarise themselves with the details of these educational exceptions to copyright and seek guidance from the Library or Media Usage & Copyright Advisor to ensure proper compliance and adherence to copyright laws while supporting teaching and learning activities.

3. Copyright Considerations

3.1 Rights to Publish Content

Before publicly publishing content, it is essential for staff to ensure that they have the necessary rights and permissions to do so. Rights to publish obtained from a third party must usually be secured in writing and limited for a specific use. When sharing content online as representatives of the University of Bath, staff not only put the institution at risk but also expose themselves to personal liability.

One of the primary concerns is copyright infringement. Staff should carefully assess whether they have obtained appropriate permissions for any material protected by copyright included in the content they intend to publish. This applies to images, videos, written works, or any other protected by copyright material. Failure to obtain the necessary permissions can lead to potential legal consequences, including claims of infringement by copyright holders.

By ensuring they possess the necessary rights, staff can mitigate the risks associated with copyright infringement. They can do so by obtaining proper licenses, permissions, or utilising content that is in the public domain or licensed under open access or creative commons agreements. Properly attributing and acknowledging the original creators or copyright holders is also important.

It is crucial for staff to understand that when publishing content as representatives of the university, they carry a responsibility to do compliantly. Any infringement or unauthorised use of protected by copyright material can have severe consequences not only for the institution but also for the individuals involved.

To minimise the risks, staff should familiarise themselves with the University of Bath's policies and guidelines regarding copyright and intellectual property. They should seek guidance from the relevant departments or the Media Usage and Copyright Advisor within the institution to ensure compliance with legal requirements.

By taking these precautions and assessing whether appropriate permissions have been obtained for material protected by copyright, staff can avoid potential legal consequences and protect both the university and themselves from liability. Responsible and compliant content sharing is vital when representing the University online.

4. Intellectual Property Assessment

4.1 Ownership and Safety of Sharing

Staff members should thoroughly evaluate the ownership of the content they would like to share or publish online. If the content is their own intellectual property, they must consider whether it is safe and appropriate to communicate it online.

It is crucial to recognise that by sharing content on certain platforms, it may be categorised as public discourse and disclosure according to the platform's terms of service. This categorisation can have implications for the level of protection provided to their intellectual property. Staff members should carefully review the terms of service of the platform they are using to understand how their content will be treated and the rights they retain as the owner.

If the content is not their own to share, it is essential to refrain from doing so. Sharing content that belongs to others without proper authorisation, permission or license can result in legal implications for both the staff member and the university. Copyright infringement, intellectual property disputes, and potential legal claims from the original content creators or copyright holders are among the risks involved.

To mitigate these risks, staff members should exercise caution when considering sharing content that is not their own. They should seek appropriate permissions, licenses, or agreements from the copyright holders before sharing or publishing such content. Additionally, they should adhere to the university's policies and guidelines regarding the use and sharing of intellectual property.

By evaluating ownership, understanding the platform's terms of service, and respecting copyright and intellectual property rights, staff members can ensure responsible and compliant dissemination of content online. Such considerations protect both the individual staff member and the University from potential legal complications.

5. Licensing Requirements

5.1 Possession of a License

Staff should take the necessary steps to verify (in writing) whether they possess the appropriate licenses to publish specific content online. Understanding the different types of licenses, including Creative Commons licenses, is crucial in this process.

Creative Commons licenses provide a framework for content creators to specify the permissions granted for the use, sharing, and adaptation of their work. These licenses allow creators to retain certain rights while granting others the freedom to use their content under specific conditions.







When publishing content, staff members should ensure that they choose a Creative Commons license that aligns with the intended usage of the content. Different Creative Commons licenses offer varying permissions, such as whether commercial use is allowed, if adaptations can be made, and whether attribution is required.

Familiarity with the various types of Creative Commons licenses is beneficial for staff. By understanding the distinctions between licenses, they can make informed decisions about the permissions granted to others when sharing or adapting their content. For example, the Attribution (CC BY) license allows for the broadest use, permitting others to share, adapt, and use the content for commercial purposes as long as proper attribution is provided. On the other hand, the NonCommercial (CC BY-NC) license restricts commercial use of the content.

By selecting the appropriate Creative Commons license, staff members can clearly communicate the permissions granted for their content, ensuring that it is shared and used in a manner consistent with their intentions.

It is important for staff members to familiarise themselves with the specifics of the chosen Creative Commons license and ensure that it aligns with the intended usage and dissemination of the content. This understanding will help protect their rights as content creators while enabling others to benefit from and build upon their work in accordance with the specified permissions.

5.2 Types of CC license

Different CC license types		
	CC BY: This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license allows for commercial use.	BY ⓘ – Credit must be given to the creator
	CC BY-SA: This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license allows for commercial use. If you remix, adapt, or build upon the material, you must license the modified material under identical terms.	BY ⓘ – Credit must be given to the creator SA ⓘ – Adaptations must be shared under the same terms
	CC BY-NC: This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator.	BY ⓘ – Credit must be given to the creator NC ⓘ – Only noncommercial uses of the work are permitted
	CC BY-NC-SA: This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms.	BY ⓘ – Credit must be given to the creator NC ⓘ – Only noncommercial uses of the work are permitted SA ⓘ – Adaptations must be shared under the same terms
	CC BY-ND: This license allows reusers to copy and distribute the material in any medium or format in unadapted form only, and only so long as attribution is given to the creator. The license allows for commercial use.	BY ⓘ – Credit must be given to the creator ND ⓘ – No derivatives or adaptations of the work are permitted
	CC BY-NC-ND: This license allows reusers to copy and distribute the material in any medium or format in unadapted form only, for noncommercial purposes only, and only so long as attribution is given to the creator.	BY ⓘ – Credit must be given to the creator. NC ⓘ – Only noncommercial uses of the work are permitted ND ⓘ – No derivatives or adaptations of the work are permitted

6. Consent Obligations

6.1 Written Consent and Validity

Staff members have a responsibility to obtain written consent from all individuals who are featured in the media they intend to publish. This includes obtaining explicit permission to use their images, videos, or personal information in the content. Consent should be obtained prior or at point of creation, live events require warning notices. The University has created consent forms and location warning signs for use by staff and students, these can be obtained from the University website using the search term “consent forms”.

Consent is a crucial aspect of respecting individuals' privacy and rights. Written consent serves as documented evidence that individuals have willingly agreed to be included in the published content. It provides a legal and ethical basis for the use and dissemination of their personal information.

Staff members should establish a practice of regularly reviewing the validity of consent obtained from individuals featured in their media. This ensures that consent remains up to date and applicable to the intended usage. Consent obtained for one specific purpose or timeframe may not automatically extend to future uses or an indefinite period.

Rights in Video Recordings	
Privacy Rights	Participants in the video call have a right to privacy, especially if the call involves personal or sensitive information. Before recording the meeting, the host should ensure that all participants are aware of the recording and have given their consent.
Consent Rights	Participants have the right to give or withhold their consent for being recorded. The host should inform all participants in advance and obtain their explicit consent to be recorded.
Copyright Ownership	The individual who made the recording generally owns the copyright to the recording. It's important to clarify the ownership and usage rights of the recording among the participants.
Intellectual Property Rights:	The participants in the video call may hold intellectual property rights over their contributions during the meeting. These rights may include patents, trademarks, or copyright for original content they present or share. Participants should be mindful of any intellectual property rights they may hold and ensure that their contributions are used appropriately.
Performance Rights:	If the video call involves performances such as presentations, speeches, or artistic works, the participants may have performance rights. These rights grant them control over the public performance or distribution of their work. The host should respect and consider these rights when sharing or publishing the recording.
Moral Rights:	Moral rights protect the integrity and attribution of an individual's work. Participants in the video call may have moral rights to be identified as the creator of their contributions and to object to any modifications or uses that could harm their reputation. The host should respect these moral rights when sharing or publishing the recording.
The “Right” to Publish or Share	The right to decide if, how, or where a recording is shared or published primarily lies with the copyright holder, who is typically the individual who made the recording. However, this right should be exercised while considering the consent and agreements made with the participants, respecting their privacy rights, and adhering to any limitations or conditions set. The purpose and context of the recording should be considered. It is important to balance the copyright holder's rights with the rights and interests of the participants involved.

Neglecting to obtain proper consent can result in severe consequences, both legally and in terms of reputation. Failure to secure consent may lead to privacy breaches, violations of data protection regulations, and potential legal claims from individuals whose rights have been infringed upon.

By obtaining written consent from all individuals featured in the media, staff members demonstrate their commitment to complying with legislation and University policy. It is important to maintain thorough documentation of consent forms or agreements to support compliance efforts and address any potential disputes that may arise.

6.2 Consent & Documentation

In addition to obtaining written consent from individuals featured in the media, it is crucial for staff to prioritise the safe and secure storage of all completed consent forms. These forms serve as legal documentation and may be relied upon in the future.

Consent forms are important legal documents that demonstrate individuals' explicit agreement to be featured in the published content. As such, they carry significant weight in establishing the lawful and compliant basis for using their images, videos, or personal information.

Safely storing completed consent forms is essential for several reasons. Firstly, it ensures that the forms are readily accessible when needed, such as during an audit, legal dispute, or verification process. By maintaining organised and easily retrievable records, staff members can demonstrate their compliance with legal and policy standards, ensuring continued compliance.

Securely storing consent forms protects the privacy and confidentiality of the individuals involved. Consent forms often contain personal information and maintaining their security safeguards against unauthorised access or potential data breaches.

Consent forms can also serve as evidence in the event of any disputes or challenges regarding the use of the media content. Should there be a need to validate the authenticity of consent or clarify the scope of permissions granted, having well-preserved and securely stored consent forms strengthens the staff member's position and helps protect against potential legal consequences.

By recognising the importance of safely and securely storing completed consent forms, staff demonstrate their commitment to maintaining compliance with legalisation and University policies. They also safeguard the privacy of individuals and protect themselves and the university from potential legal and reputational risks that may arise from the mishandling or unauthorised disclosure of consent-related documentation.

7. Analysis of Platform Terms of Service

7.1 Ownership and Control of Published Content

Staff members should conduct a considered review of the terms of service of social media platforms before publishing any content. Understanding the specific terms and conditions outlined by these platforms is crucial in determining the extent of ownership and control staff members retain over the content they publish.

By reviewing the terms of service, staff members can ascertain whether the platform requires them to grant any rights or licenses to the content they publish. Some platforms may have clauses that grant them broad rights to use, distribute, or modify the content. It is important for staff members to be aware of these provisions to make informed decisions about sharing their content on such platforms.

Staff members should consider whether the terms of service allow them to retain ownership of the content they publish or if ownership rights are transferred to the platform. Retaining ownership provides staff members with more control over the content and its subsequent use.

In addition to the terms of service of social media platforms, staff members should also familiarise themselves with the policies of the University of Bath regarding content publication. It is important to determine whether the university allows staff members to publish content through their personal accounts or if there are specific guidelines in place for professional or institutional accounts. Adhering to university policies ensures consistency and alignment with the institution's objectives and values.

By carefully reviewing the terms of service of social media platforms and understanding the ownership and control implications, staff members can make informed decisions about where and how to publish their content. Additionally, being aware of the university's policies ensures that staff members comply with University guidelines and maintain professionalism when representing the University of Bath on social media platforms.

8. Conclusion

Staff members at the University of Bath should approach the public publication of content online with caution and careful consideration of the potential risks involved. This is especially important when using social media and video sharing platforms. Understanding the implications related to copyright, consent, intellectual property, licensing, and terms of service is essential to ensure the protection of the University, staff members themselves, and the individuals involved.

By having a clear understanding of copyright laws, staff members can avoid infringing on the rights of copyright holders. They should ensure that they have the necessary permissions and licenses to use any protected by copyright material and be aware of the exceptions and limitations under UK copyright legislation.

Obtaining proper consent is vital to respect individuals' privacy and rights. Staff members should seek written consent from individuals featured in the content they intend to publish, ensuring they have explicit permission to use their images, videos, or personal information. Regularly reviewing the validity of consent is important to maintain compliance with legal and policy standards.

Intellectual property considerations should also be taken into account. Staff members should respect the intellectual property rights of themselves, the university, and other relevant parties. Properly attributing and acknowledging the original creators or copyright holders is necessary to ensure compliant use of intellectual property.

Understanding licensing issues is crucial to ensure compliance with platform requirements and terms of service. Staff members should familiarise themselves with the specific terms and conditions of the platforms they use, as they may affect the level of protection afforded to their intellectual property and the content they publish.

By thinking critically and considering the legislative implications, staff members can minimise unnecessary risks. This includes avoiding potential legal consequences, reputational damage, and other negative impacts. Adhering to legal and compliance guidelines when publishing content online helps protect both the staff members themselves and the reputation of the University of Bath.