



Briefing Note

Action Required:For Decision: For Discussion: For Information: **Date:** July 30, 2020**Prepared by:** Karen Thomson,
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Issue:

As course delivery in the Fall is primarily online, there are some issues for student privacy regarding use of cameras, microphones and recording. Though there are privacy considerations to take into account, instructors may have legitimate reasons for making cameras and/or recordings mandatory (e.g., student engagement, academic integrity). It is important for instructors to be aware of the privacy concerns and employ the least privacy-invasive measures to meet the purpose.

Background:

Some schools are requesting that students be required to have a camera and microphone to participate in online classes. While there is no real privacy concern with asking students to have these items, there may be a concern if they are used to record students in their homes without the student's knowledge or consent.

Recording or broadcasting a student's image or voice via video conference or their written comments in a video chat would be considered a collection of their personal information. As a local authority subject to LAFOIP, any personal information Sask Polytech collects about students must be justifiable.

If the camera inadvertently records something in the student's home, there is also the risk of a privacy breach in that sense.

If students were to express concerns with this requirement or if a privacy breach occurs, it would be necessary to prove that the collection of information (and invasion of privacy) fulfills a legitimate purpose that cannot be accomplished through other, less invasive, means. While LAFOIP does not prescribe exactly what is appropriate for information collection, this is the test the Information and Privacy Commissioner has applied in the past to determine if collection is reasonable and necessary.



Key Considerations and Analysis

We can think of the protection of privacy as a series of choices between less invasive and more invasive practices. Wherever possible instructors should choose from the left hand side of the list and only implement measures from the right hand side where necessary.

If choosing to implement a measure from the more invasive list, instructors must be prepared to defend the decision and explain the need for that measure.

More Invasive	Less Invasive
Recording students without notification (NOT recommended)	Providing notification of any type of recording (video or chat)
Recording video of students in class discussions Recording student comments in chat	Instructors recording themselves or recording in presentation mode
Recording class discussions	Holding class discussions via Zoom (no recording)
Posting recordings online	Not posting recordings online
Posting a recording to an external site open to public (NOT recommended)	Posting a recording on Brightspace
Cameras and recordings are mandatory for students	Allow students to opt-out of turning their camera on and/or being recorded
Requiring students to have a camera and microphone available and requiring that they have them turned on at all times	Requiring students to have a camera and microphone available but making allowance for students with legitimate reasons for not turning camera and/or microphone on*

*There is no privacy concern with requiring students to have a camera and microphone available for use, but there may be a concern if you do not allow students with a legitimate reason to turn off their camera where necessary. This does not need to be provided as an option, but rather as notification that any student with a concern about privacy may speak to the instructor or the privacy office.

There are measures which should be taken in all cases to provide greater security of personal information and minimize the risk of a privacy breach or privacy complaint by a student, including:

- Using Zoom security configurations as recommended by ITS and being familiar with how to use the Zoom features.
- Encouraging students to use strategies suggested by Student Services to be a successful online student (e.g., using a Zoom background in videos)
- Reminding students of the need to adhere to the Student Code of Conduct (e.g., being respectful in online interactions, not recording or taking screenshots of classmates without their consent, etc.).



Recommendation:

Instructors should be made aware of privacy considerations related to cameras, microphones and recording and should adhere to the following guidelines:

1. Consider the desired objective for using cameras or microphones and choose the least privacy-invasive method of meeting that objective.
2. Instructors may record themselves (audio or video). There is no privacy concern with that practice.
3. If instructors are recording a class discussion, students need to be:
 - a) Notified that recording is happening and the purpose of the recording.
 - b) Given the option to speak to the instructor or privacy office regarding any concerns.
4. In most situations, it is not necessary to obtain written consent from each student for recordings, but they should be notified and if they do not wish to be recorded, efforts should be made to respect that wish. This could include turning off their video, etc.
5. Recordings should be deleted once the purpose for the recording has been met. Instructors must know where to go to delete these recordings.

Instructors should contact the Privacy Office (privacyhead@saskpolytech.ca) to discuss and questions or concerns they have about student use of cameras and microphones in class settings.