



Guidelines

Privacy and data protection in connection with teaching on digital platforms

Supplementary guidelines for the processing of personal data in connection with teaching on digital platforms at the University of Bergen.

Target group: Teachers and students at the University of Bergen

Background

Teaching on digital platforms involves the processing of [personal data](#), including audio and visual recordings of the teachers and students. The purpose of these guidelines is to ensure that the participants' privacy and personal data are protected in connection with teaching on digital platforms, and the solutions used must therefore comply with the EU's General Data Protection Regulation (GDPR) and the Norwegian Personal Data Act (the data protection regulations). How the University of Bergen processes personal data is described in the University of Bergen's [Privacy Statement](#).

These guidelines have been prepared on the basis of the University of Bergen's guidelines for the processing of personal data: [Governing framework for the processing of personal data at the University of Bergen](#) and recommended guidelines from the Directorate for ICT and joint services in higher education and research: [Video teaching and data protection](#), 19 March 2020 (guidelines only available in Norwegian)

1. Scope

The guidelines apply to the recording or live streaming of teaching and assessment via digital solutions, where the recording or live stream contains audio from and/or video of people.

A distinction is drawn between asynchronous and synchronous teaching. There are two main forms of synchronous teaching: live streaming without recording and live streaming with recording. Asynchronous teaching is typically lectures, videos, etc., where only the teacher contributes.

Typical forms of synchronous teaching are live streaming, with and without recording. These, and especially live streaming with recording, are the main topic of the rest of this document.

A distinction is drawn between teaching methods that require the students to participate actively with input and teaching methods that only record the person who is teaching. This is because the purpose of the teaching and the legal basis (basis in law) for the processing of personal data will vary depending on who is participating.

Recordings and live streams that are not part of a teaching or assessment plan are not covered by these guidelines.



2. The institution's purpose for the recording or live stream

The University of Bergen shall offer teaching at a high academic level. The overall purpose of the processing of personal data in connection with teaching on digital platforms is to increase the students' knowledge.

The purpose of the teaching shall be described in the institution's digital learning platform and be made clear to the person or persons included in the recording or live stream. If a course has several teaching or assessment activities of the same nature (for example, a series of lectures), a single, common description of the purpose provided for all the teaching activities that are similar is sufficient.

If the recordings are to be used for other purposes (quality assurance, research, learning analysis, etc.), the reuse of the data must have its own legal basis, and the reuse must be considered not to be incompatible with the original purpose of the recording (cf. Article 5(1)(b) and Article 6(4) of the GDPR). Alternatively, consent must be obtained from the people who are included in the recording.

3. Legal basis for the processing of personal data in a recording or live stream

There must be a valid lawful basis for processing of personal data, as defined in Article 6 of the GDPR. The legal basis should be cited together with the purpose of the teaching (see section 2).

3.1. Performance of a contract as legal basis

The employment contract and the employer's right of management entitle the University of Bergen to decide that employees must carry out their teaching via a digital platform. This applies correspondingly to contracts with external teachers where such teaching is part of the contractual service to be provided.

3.2. Necessary to be able to perform a task in the public interest

As a general rule, public interest will be the legal basis for the processing of personal data in connection with teaching on digital platforms. The processing of personal data that is necessary to be able to perform a task in the public interest is permitted pursuant to Article 6(1)(e) of the GDPR, with a supplementary legal basis in the Norwegian Universities and University Colleges Act (uhl.), section 1-3, section 3-8 on teaching, section 4-2 on the individual education plan, and section 4-3 on the students' learning environment.

It must be stated whether active student participation is **required** (compulsory) in order to achieve the purpose of the teaching, or whether the purpose can be achieved on a voluntary basis, or, as applicable, video recording of only the teacher. If active participation is compulsory, it must be clearly related to the descriptions of the learning outcomes for the course. In this case, the students' consent is not required.

Encouraging and facilitating active participation does not require a separate legal basis, only that the students are informed that they themselves must decide whether to participate with audio and/or visual input during the teaching.



3.3. Consent as legal basis

As a general rule, consent will not be an appropriate legal basis for the processing of personal data in connection with teaching on digital platforms, due to a lack of real freedom and challenges linked to dealing with the consequences of revocation of consent. Valid consent pursuant to the EU's General Data Protection Regulation (GDPR) must be given freely, and must also be specific, informed and unambiguous, in a statement that can freely be withdrawn without any negative consequences for the individual.

Consent must be obtained when there is no other suitable legal basis (see sections 3.1. and 3.2), and there is no possibility to opt out of participating with audio and/or visual input.

4. Duty to inform

Information about the processing of personal data shall be provided to everyone affected by a recording (data subjects). This information shall include:

- That the teaching will be recorded
- The purpose of the recording
- The legal basis for the recording (see section 3)
- How and for how long the recording will be kept
- How the recording will be made available to others
- Who has access to the recording
- Any right to object to the processing of personal data (cf. Article 21(1) of the GDPR)

The information must be provided before the teaching commences, on the course web page associated with the teaching and/or through the digital learning environment platform MittUiB. Any changes to the course after the students enrolled for the class or for assessment must be updated.

5. Student participation in different types of teaching

5.1. Non-compulsory teaching

5.1.1. Live streaming

With live streaming of classes using tools like Zoom, Teams, etc., the students are generally free to choose whether to participate with their own visual, audio or video input. The students choose which settings they want to use when they connect to the live stream and can change them at any time.

5.1.2. Recording student participation in non-compulsory teaching

As a general rule, non-compulsory teaching should not be recorded if the students are part of the recording.

The students must be informed that the session will be recorded and that if they choose to participate with audio and/or visual input, they will be included in the recording.

5.2. Compulsory teaching

5.2.1. Courses with existing student participation recording requirements

The students must be informed that the session will be recorded and that if they choose to participate with audio and/or visual input, they will be included in the recording. The students choose themselves whether they want to participate with their own visual, audio or video input.



If the course has only a compulsory attendance requirement, but does not require active participation by the students, sessions may be recorded in the same way as for non-compulsory teaching (see section 5.1.2).

To minimise the impact on the student's privacy, the students may be able to ask questions via a chat function, ensuring that they are not included in the video or audio recording.

5.2.2. Courses that previously did not have student participation recording requirements

When it is necessary to record a teaching session for the University of Bergen to be able to fulfil its duties and safeguard the students' rights pursuant to the Norwegian Universities and University Colleges Act, the same requirements apply as for courses with existing recording requirements (see section 5.2.1). For example, it may be necessary to record classes so that students who are not able to attend in real time can benefit from the teaching.

If the course has only a compulsory attendance requirement, but does not require active participation by the students, sessions may be recorded in the same way as for non-compulsory teaching (see section 5.1.2).

6. Information security

Solutions that are used for teaching on digital platforms must have been risk-assessed and approved for the purpose.

For an overview of the tools for teaching on digital platforms at the University of Bergen, see the web page [Teaching and assessment on digital platforms](#).

7. Storage, use and deletion of recordings

7.1. Storage of recordings

Where and how recordings are stored will depend on the tool used. Please refer to the user guides for the individual tools on the website [Teaching and assessment on digital platforms](#).

7.2. Use and editing of recordings

The recordings shall only be used for teaching and assessment (see section 2).

Contact the Learning Lab if you need assistance to edit recordings or delete parts of the recording where others' personal data have inadvertently been included.

Transcripts of chats that are downloaded locally and saved as text files must not be distributed.

7.3. Deletion of recordings

As a general rule, recordings where the students can be identified shall be deleted once the teaching in the course has concluded and the examination in the course has been completed.

In exceptional cases, recordings may be stored for longer for specific reasons, such as to enable appeals, re-sit examinations, etc.