

Fact Sheet

Privacy and Remote Teaching and Learning



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The shift to remote teaching and learning introduces potential privacy issues around video conferencing and recordings. This fact sheet provides guidance to instructors on how to manage privacy concerns while teaching remotely.

In accordance with Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA), Queen's University must collect, use, disclose, retain, and dispose of personal information in a manner consistent with the legislation. Information within the institution must also be managed in accordance with University policy and guidelines. Instructors should be familiar with the following:

- [Access to Information and Protection of Privacy Policy](#)
- [Privacy Breach Protocol](#)
- [Records Management Policy](#)

Asynchronous teaching and learning

Instructors may choose to use pre-recorded content for asynchronous teaching and learning. These recordings might consist of content created and pre-recorded by instructors including full lectures, short lecture segments, or lab demonstrations, that can be viewed by students at any time; or content created and pre-recorded by students including oral presentations, group discussions, or oral examinations.

At Queen's, course materials, including pre-recorded content, are the property of the instructor unless otherwise stated. Expectations should therefore be set with respect to students accessing, using, and copying pre-recorded content. Additional copying or sharing can be a **copyright violation**, and, with respect to student material, a **privacy violation** as well.

COPYRIGHT

Contact the [Copyright Advisory Office](#) for more information, including how to [Protect your Course Materials](#).

Synchronous teaching and learning

When using video conferencing for synchronous teaching, instructors should maintain an awareness of the confidentiality of those classes, tutorials, or meetings. Use the tools authorized by Queen's (MS Teams, Zoom) and seek IT support to ensure they are configured with the proper privacy and security settings.

Take note of these tips for enhancing confidentiality:

- Consider whether others in the physical teaching/learning space are able to overhear confidential conversations and adjust accordingly.
- Be mindful that while many devices allow for enabling video, some students may prefer to participate using voice only, or to obscure the background of their meeting space. Students should not be required to turn on their webcam unless there is a demonstrated need to do so (e.g., for assessment purposes).
- Avoid recording synchronous classes or meetings unless there is a compelling reason to do so. Is recording necessary for student evaluation (e.g., grading based on class participation within the full class or break-out groups), or another requirement to evaluate student performance in real-time?
- Unless there is a compelling reason to do so (e.g., for an accommodation need), students are not allowed to make their own recordings of the class, tutorial, or meeting, or to take screenshots. Recordings contain the personal information of other students and would constitute a privacy violation.
- **Instruct students at the beginning of each class with respect to the expectations about recordings.**

When recording ensure the following:

- You are familiar with the platform being used, including how to enable security and privacy safeguards. See the FAQs on [Recordings Online Classes and Meetings](#) for details on privacy settings. Additional assistance and resources can be accessed through [Queen's ITS online tutorials](#).
- You ensure that the platform settings prevent recording on the platform by anyone other than yourself.
- You notify participants BEFORE beginning to record followed by a statement about recording the session **after** the recording has begun, to document the announcement.
- Only consenting participants (e.g., students, guest speakers, TAs) who have elected to take part in the class, tutorial, or meeting are captured in the recording.
- Your work area is "clean" so that nothing personal, private, or copyrighted (e.g., pictures, artwork, etc.) is visible and subject to inadvertent recording.

Post a notice of recording:

- If a course includes recording, instructors should display a Notice of Recording before the course begins; this allows students time to express their concerns directly to the instructor in private, rather than having to raise their concerns during a class in the presence of others.
- The notice should be displayed prominently within onQ and/or in the syllabus (see the Appendix for recommended wording). Instructors should also verbally describe recording activities at the outset of the course and announce the intention to record at the beginning of every class, tutorial or meeting that is to be recorded.

Retention and disposal of recordings:

- Recordings containing the personal information of a student (e.g., name, image) must be retained for a **minimum of one year** after use in accordance with [FIPPA, s. 40 \(1\)](#). After one year, recordings should be disposed of in accordance with the university's authorized records retention schedules.
- When recordings are disposed of, all reasonable steps need to be taken to ensure they cannot be retrieved. If you are unsure of the proper process for doing so, seek assistance from ITS.

Questions

If you have questions about privacy or protecting records containing personal information, please contact the [Records Management and Privacy Office](#). Technology questions should be directed to the [Queen's IT Support Centre](#).

APPENDIX: NOTICE OF RECORDING

If you plan to record your synchronous (live) classes or meetings and make the recordings available to students in your course afterwards, include the following statement in your syllabus. Customize as appropriate.

Recording Synchronous (Live) Classes

Synchronous (live) classes will be delivered in this course through a video conferencing platform supported by the University [MS Teams, Zoom]. Steps have been taken by the University to configure these platforms in a secure manner. Classes will be recorded with video and audio (and in some cases transcription) and will be made available to students in the course for the duration of the term. The recordings may capture your name, image or voice through the video and audio recordings. By attending these live classes, you are consenting to the collection of this information for the purposes of administering the class and associated coursework. If you are concerned about the collection of your name and other personal information in the class, please contact the course instructor to identify possible alternatives.

To learn more about how your personal information is collected, used and disclosed by Queen's University, please see the general [Notice of Collection, Use and Disclosure of Personal Information](#).

Guidelines

For Students

- Masks are mandatory in the classrooms (except for lecturing faculty, subject to 2m physical distancing)
- Maintain 2m physical distancing at all times
- Please ensure everyone from the previous class have left the room before entering
- If class is still in progress please use the floor markings to ensure you are maintaining physical distancing while waiting to enter room
- Only sit in seats designated with athletic pinnies/vests to ensure physical distancing during class
- Classrooms are only to be used for scheduled classes. Please exit room once class has ended
- Please use hand sanitizer and wipe surfaces with provided sanitary wipes when entering the room
- In the event of an emergency please use the closest exit to leave the classroom

For Faculty

- Please ensure physical distancing is maintained from students seated in front row. Standing behind podium will maintain 2m physical distancing in all classrooms
- Please end class at the specified time so that sufficient time is provided for students to exit and enter class while maintaining physical distancing
- Please do not allow students to break physical distancing to ask one-on-one questions

Guideline on retention of video recordings from online proctoring tools

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Video recordings created by online proctoring tools may constitute important evidence in an academic integrity investigation. Faculties/Schools should include instructions in their academic integrity procedures for the proper management of this video evidence, ensuring due regard for privacy and security. Faculties/Schools may wish to tailor their instructions based on how a particular proctoring tool functions, but should address the activities described below.

Reviewing and requesting videos

1. Videos of student assessments are made available on an instructor dashboard. If a student assessment is flagged in an online proctoring tool, instructors should review the report and videos on the instructor dashboard and determine whether a potential departure from academic integrity has occurred. Videos should not be downloaded unless there is a real possibility of an investigation.
2. Where an instructor determines an investigation is warranted, it will be necessary to obtain a copy of the video for evidence. (Note that there may be additional evidence provided by the remote proctoring vendor, such as an email flagging where a potential departure from academic integrity has taken place. Treat such additional documentation in accordance with this guidance on videos.) Include instructions for how an instructor can obtain the video. This could involve making a request to the exam proctoring service, or it could involve making a request to a Faculty/School support unit who liaises with the exam proctoring service. It is strongly recommended that the downloading be handled by a central Faculty unit.

Downloading and storing videos

3. If a copy of the video is required, download and store it in a secure manner by using a Queen's managed file share. Do not download it to a personal device, and do not store it on any computer's local hard drive. Download it to:
 - a. the instructor's own One Drive for Business; or
 - b. the instructor's own file share on Active Directory (e.g., the H drive); or
 - c. a departmental/Faculty/School Teams site to which only authorized individuals have access; or
 - d. a departmental/Faculty/School file share on Active Directory to which only authorized individuals have access.

It is strongly recommended that the storage of video evidence be handled by a central Faculty unit.

Sharing videos

4. If it is necessary to share the video with others who do not have permission to the file share (e.g., the student), do not send it via email. Rather, send a link to the video using One Drive for Business or other MS functionality. Consult the ITS Tutorials on how to use these tools for

sharing (<https://www.queensu.ca/its/microsoft-office-365/onedrive-business/tutorials> and <https://www.queensu.ca/its/microsoft-office-365/teams>).

Retaining and deleting videos

5. If after investigating the matter it is concluded that the student has not departed from academic integrity, all documentation, including any video recordings, must be deleted/destroyed as soon as possible. A simple delete is sufficient for disposal of a video recording. Academic integrity officers may wish to develop a checklist with sign-off to assist instructors/support units in fulfilling this requirement.
6. Where there is a finding of departure from academic integrity, the video recording will be retained along with other evidence and documentation by the Faculty/School office having carriage of academic integrity matters. If the video recording has been stored on an instructor's or support unit's file share, it should be moved to the Faculty/School file share and deleted from the others.
7. Procedures should articulate the authorized retention periods. For example, in the Faculty of Arts and Science, academic integrity files are retained as follows:
 - a) For a Level I finding, until the student's graduation.
 - b) For a Level II finding, for 10 years after the student's graduation
 - c) For all findings, the video will be retained until the student's avenues of appeal have been exhausted.