

Procedure for audio and video recordings in research

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1. Introduction

This document describes the procedure about audio and video recordings (read: recordings) at the Faculty of Psychology and Neuroscience (FPN). The procedure has been reviewed and approved by the Ethics Review Committee of Psychology and Neuroscience (ERCPN) and the privacy-team of FPN. The procedure is based on the general recognized guidelines and adapted to the local (FPN) situation. If a researcher explicitly states in the ERCPN application form that he/she/they will adhere to the procedure, the ERCPN will generally approve this aspect in the research application.

2. Is a recording a personal data?

A recording in which a person is recognizable via image or sound is personal data. In order to be recognizable, it is not necessary to have an image of the face. Images of, for example, a characteristic tattoo or birthmark can also be personal data.

3. Do recordings contain special personal data?

Special personal data is data of a sensitive nature. They are data that need extra protection on legal or ethical grounds. Based on this data, for example, someone may be discriminated against. The following personal data are all special personal data, but this list is not exhaustive:

- Race or ethnicity;
- Political views;
- Religion or worldview;
- Trade union membership;
- Genetic data;
- Biometric data;
- Health data;
- Sexual orientation or data about a person's sexual behavior.

Special personal data may be derived from a photograph. For example, a photograph of a kissing couple may contain information about the sexual orientation of this couple.

4. When can you make recordings according to the GDPR?

To process personal data you need a so-called processing ground. For recording purposes, legitimate interest and consent are the most important grounds for processing.

Legitimate interest means that there must be a balancing act between the right to privacy of the person whose personal data is being processed on the one hand and the interests of the research in processing personal data on the other hand.

Consent means that a person has freely, informed, unambiguously and specifically given permission for his/her/their personal data to be processed.

The researcher as the data controller is the one who determines the purpose (the why) and usually also the means (the how) of processing. For example, the researcher collects personal data from participants via video cameras (how) operated by the trial director as part of the research (the why).

If the researcher wants to save the recordings of participants, how and where the recordings are stored is important. Below are some examples of recording methods approved and not approved by privacy. If it is not clear whether the tool to be used is approved or not, the researcher can ask Privacy-fpn@maastrichtuniversity.nl whether the recording method in question may be used. Approval of privacy can then be stated in the ERCPN application. Note: If the recordings are stored with an external party, a processing agreement must be concluded by privacy with this party.

Examples of approved and unapproved recordings:

- phone: is not the default but may be used if the phone-recordings are not synchronized with the Cloud. A recording is then uploaded directly to the RDM server in the Privacy folder by the researcher. After that, the recording should be permanently deleted from the phone.
- Teams and Zoom: only when the procedure "Capture screen recording" is applied (see Appendix 1 for explanation). The recording will be automatically saved locally on your desktop or laptop computer and again, the recording needs to be moved directly to the RDM server in the Privacy folder and the recording will be permanently deleted locally.
- Team view: an unapproved tool
- WhatsApp: an unapproved tool.

Public sharing of recording data (e.g., in the context of open science) can only be done with the transcript of the recording. Thus, the recording itself may not be shared. If transcribing is done by an external party, then a processing agreement with this external party is required. The privacy department is currently in the process of concluding a processing agreement with the external party uitgetypt.nl.

5. Obtaining consent from participants.

If recordings are made, regardless of the processing ground, then participants should always be informed about this, preferably even several times. In other words, everyone who can be captured in recordings must always be informed that recordings (can) be made.

In any case, informing participants should be done in the following way:

1. Mention the fact that recordings will be made in the information letter; and
2. Announce it in advance orally.

This will in any case include a statement of the purposes for which the recordings will be made, how long and where the recordings will be stored (in the RDM Privacy folder) and who has access to the recordings. In general, it is the ERCPN's preference that recordings - if possible - are immediately deleted after analysis and/or transcription.

6. Withdrawal consent.

If a person withdraws their consent to a recording, the recording(s) in question should be removed/destroyed. To start this process, the participant will need to make a formal request to

remove/destroy the recordings to FG@Maastrichtuniversity.nl. The subject in question should be notified in writing that their recording(s) has been removed/destroyed.

7. In conclusion

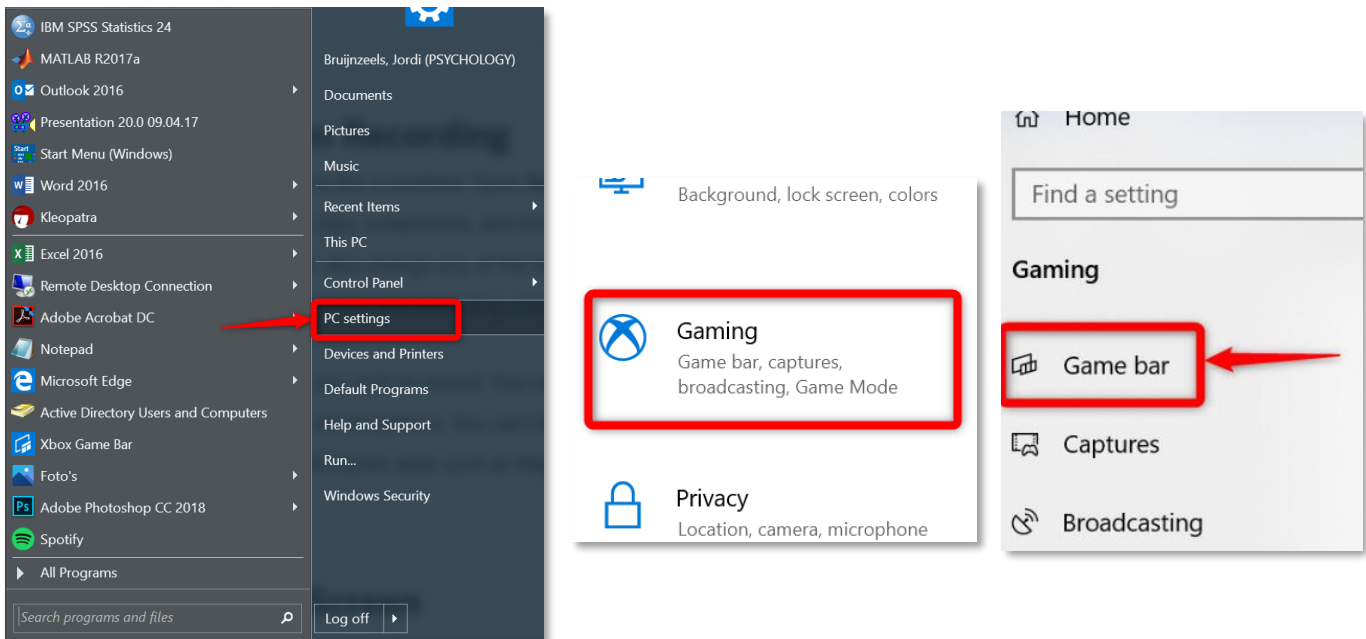
For questions or comments regarding this document, researchers should contact:

ERCPN-fpn@maastrichtuniversity.nl

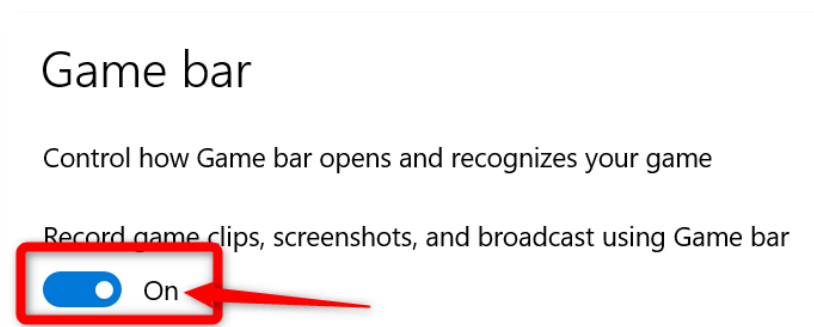
Appendix 1: Capture screen recording – Video call

Before starting your video call, check if the following settings are set-up correctly:

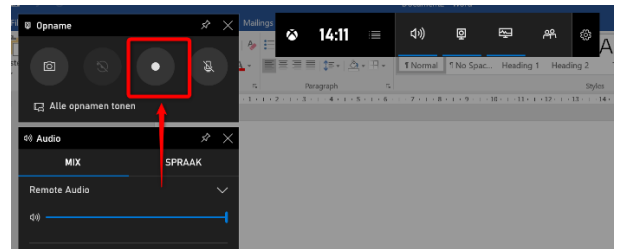
Click the Start button in the bottom left of your screen and choose **PC Settings**. In the newly opened Window, find and click on **Gaming**, and then click **Game Bar** in the panel on the left:



If the slider for **'Record gameclips, screenshots & broadcast using Game Bar'** is not toggled **'ON'** please slide it to the ON (and green) position. ->



You have now activated a shortcut to start capturing a screen recording when you press the **Windows and G** keys on your keyboard simultaneously. This will bring up the Game Bar. Click the dot in the top left panel to begin recording. A timer will be visible on the right of the screen.



When you have finished your call, click the blue stop button next to the timer on the right. Your recording is now saved in the Captures folder under your profile folder:

C:\Users\YOURUSERNAME\Videos\Captures

Appendix 2 How to handle recordings

Audio and video recordings contain data, speech and images, which can easily be traced back to individual persons. The use of such recordings - and the (personal) data stored on them - is therefore conditional on guaranteeing (as far as possible) the privacy of those involved in accordance with the privacy-team and Research Data management FPN.

This means that:

1. Participants must be explicitly asked to provide consent for audio and/or video recordings.
2. The Information Letter should address: The way in which the recordings are stored; the person or persons who will have access to these recordings; the time after which the recordings will be deleted. The minimum storage period is 10 years after the last publication, but they may be deleted sooner if full transcriptions of the recordings are made.
3. Archived audio and video recordings can be reused for other scientific research purposes if permission from the participants has been granted, or if new consent is granted for this purpose. In cases where renewal of consent is not possible, but the privacy of the involved party can be guaranteed, it is still possible for the recordings to be reused.
4. You must explain to ERCPN the reason behind the use of any secretly made audio and/or video recordings.
5. In case students are involved in analysing/scoring audio and video recordings, students are obliged to sign the Student Employee Confidentiality Agreement. This agreement can be obtained from the ERCPN's website. The researcher is obliged to describe how analysing/scoring recordings by students will be organised in order to be able to fulfill the conditions for both supervisor and students as described in the signed contract.