

FRAMEWORK ON RECORDING LECTURES

Article 1 Definitions

1. For the purposes of this framework the terms set out below have the following meaning:
 - a. **GDPR**: the General Data Protection Regulation (EU Regulation no. 2016/679).
 - b. **Data Subject**: the person to whom the Personal Data relates (Article 4(1) GDPR).
 - c. **Lectures**: lectures given by a Lecturer or Guest Lecturer.
 - d. **Lecturer**: the person giving a Lecture and who is employed by Maastricht University.
 - e. **Guest Lecturer**: the person giving a Lecture but who is not employed by Maastricht University.
 - f. **Faculty key user**: the person who manages the Maastricht University video platform within a faculty.
 - g. **Recording**: digital registration by means of audio recordings or audio video recordings, whether or not accompanied by a video stream showing slides.
 - h. **Personal data**: any data with regard to an identified or identifiable natural person;
 - i. **Controller**: a natural person or legal entity, a public authority, a department or other body who/which determines alone or together with others the purpose of and the resources for processing the Personal Data;
2. Where the definition in this Article is written in the singular this also includes the plural and the other way around, unless explicitly otherwise stated or is otherwise apparent from the context.

Article 2 Scope

1. This framework relates to Recordings of Lectures so that they can be consulted after a lecture.
2. Unless indicated otherwise, this framework does not relate to the registration of activities other than Lectures. Therefore the following is in any event not within the scope of this framework: filming events, interviews, role-playing, round-table discussions, activities filmed on location, knowledge clips, skills clips, clips made by students as assignments, assessments, activities aimed at assessing or giving feedback to a participant and other formats that are not mentioned in this framework.
3. Recordings made by Maastricht University security cameras are outside the scope of this framework.

Clause 3 Recordings by Maastricht University

1. The Recordings of Lectures form an addition to regular education. Maastricht University is not obliged to provide Recordings and the student has no right to demand this.
2. A Recording can be paused or terminated by the Lecturer or Guest Lecturer at any time during the Lecture, if, at his or her discretion, this is reasonably necessary, for instance due to the privacy-sensitive or not yet patented content of the Lecture.
3. A Lecturer or Guest Lecturer is entitled not to make available a Recording of an entire or partial Lecture if, at his or her discretion, this is reasonably necessary, for instance due to privacy-sensitive or not yet patented content of the Lecture.
4. A Lecturer or Guest Lecturer is entitled to cut certain fragments from the Recording or have them cut, if, at his or her discretion, this is reasonably necessary, for instance due to the privacy-sensitive or not yet patented content of the Lecture.
5. A Lecturer can only be obliged to have a Recording of his or her Lectures made if this obligation is explicitly included in a decision made by the respective faculty board. Even if there is such an obligation to allow a Recording, the Lecturer is entitled to object to this in writing pursuant to the GDPR. In that case the respective program director, in consultation with the data protection officer, will reassess the presence of a legitimate interest in accordance with Article 21 GDPR, weighing the interest of the Lecturer in omitting the Recording on the one hand and the interest of Maastricht University to make the Recording on the other hand. The objection will be processed in accordance with the rules for exercising Data Subjects' rights as described in Article 12 GDPR.
6. A Guest Lecturer will always be asked in writing for consent for the Recording prior to the Recording of the Lecture. The Recording will only be made if the Guest Lecturer has given his or her written consent.

Article 4 Recordings by students

1. Students are not allowed to make Recordings of Lectures.
2. The prohibition set out in the previous paragraph does not apply when no Recording of the Lecture is made by Maastricht University, unless a Lecturer or Guest Lecturer has explicitly prohibited the Recording by students at the beginning of or during a Lecture. The student can record a Lecture if all the conditions set out below have been fulfilled:

- a. The Lecturer or Guest Lecturer has been informed about the Recording in advance by the student and the Lecturer or Guest Lecturer has given his or her consent;
 - b. The Recording by the student takes place openly so that it may be possible for the Lecturer or Guest Lecturer and other students to take note of the Recording;
 - c. The Recording by the student is for personal use and shall not be made public, for instance by publication on the internet or making it available in another way;
 - d. Fellow students shall not be recorded or should be recorded as little as possible;
 - e. The Recording shall only take place in the hall in which the Lecture takes place and only during the period in which the Lecture takes place;
 - f. The Recording will be permanently deleted after the student has finished the subject or is no longer registered for the subject for other reasons.
3. A Lecturer or Guest Lecturer may explicitly prohibit Recordings by students at the beginning of or during a Lecture. Such a prohibition may be imposed if the nature of the Lecture is sensitive or controversial such that the Recording is undesirable. Also, any reasons in the area of (future) intellectual property or (future) patents may form grounds for such a prohibition. A prohibition on students making Recordings, imposed by the Lecturer, Guest Lecturer or Maastricht University does not have to state the reasons.
 4. Students are not allowed to make Recordings of and/or during tutorial group meetings.
 5. Students are not allowed to use Recordings, made either by Maastricht University or the student, for purposes other than study purposes. Students are explicitly not allowed to edit the Recordings, to distribute them or to inflict damage on a Lectures, Guest Lectures, student, UM and/or third party by means of the Recordings or an editing of them.
 6. If a student acts in contravention of this Article, this will be considered as a violation of the general house rules and disciplinary measures of Maastricht University (Section 7.57h of the Dutch Higher Education Act ['WHW']), more specifically Article 1 paragraph 1. In that case, the measures specified in Article 3 of the general house rules and disciplinary measures of Maastricht University (Section 7.57h WHW) can be imposed.

Article 5 Announcement of Recordings and placing of video cameras.

1. Students are made aware to the Recording of the Lecture by means of signs at the entrance of the hall where the Recording is to take place. If possible, the sign will also indicate where students can take their seats in order to remain out of view.
2. If a video camera is used to Record the Lecture, this camera will be located in a fixed place in the lecture hall.
3. The video camera must be placed at the front or the back of the lecture hall. If the video camera is placed at the front of the lecture hall, the video camera must be directed such that the students do not come into view. If the video camera is placed at the back of the lecture hall, the image will be zoomed in so that only the Lecturer or Guest Lecturer is in view or the image remains zoomed out so that the (back of) the heads of the students can be seen.
4. Contrary to paragraph 2 of this article, the nature of the Lecture may, at the discretion of the Lecturer or Guest Lecturer, necessitate the relocation of the video camera in order to realise an optimum Recording. Prior to the relocation of the video camera the Lecturer will announce that the video camera will be relocated during the Recording.

Clause 6 Privacy

1. Maastricht University is the Controller of the Personal Data which are processed in connection with the Recordings of Lectures described in these Regulations.
2. The justification for processing Personal Data in connection with Recordings is carrying out a task in the public interest that has been transferred to Maastricht University (Article 6(1)(e) GDPR). Maastricht University has been charged with this task in Article 1.3(1) WHW and consists of providing scientific education and performing scientific research. The justification for processing Personal Data in connection with Recordings of Guest Lecturers is consent (Article 6(1)(a) GDPR).
3. All rights under the GDPR accrue to the persons whose Personal Data are processed in a Recording. These rights are comprehensively described in the General Privacy Statement of Maastricht University on the website www.maastrichtuniversity.nl.
4. If a Recording is made by a student Maastricht University will not be the Controller for the Personal Data processed in connection with the Recording. In such case the student is responsible for compliance with the applicable legislation and regulations.

Article 7 Retention period and removal requests

1. Recordings are retained at the longest for the period determined under the Dutch Public Records Act (*Archiefwet*). A faculty can determine a shorter retention period. After the retention period has expired the Recording will be removed.
2. Before the period referred to in the first paragraph has expired the Lecturer or Guest Lecturer may indicate in writing to the Faculty key user of the respective faculty that the Recording must be retained. The retention period of the Recording will in that case be extended by a period coordinated between the Faculty key user and the Lecturer.
3. Before the period referred to in the first paragraph has expired the Lecturer or Guest Lecturer may indicate in writing to the Faculty key user of the respective faculty that a Recording must be removed. The respective Recording will in that case be removed within one month after receipt of the written request. The period of one month can be extended by two months. The Lecturer or Guest Lecturer will be informed of this within good time. If at the moment the removal request is submitted, the Recording is being used within an ongoing subject, the respective program director, in consultation with the data protection officer, shall weight the interests of the Lecturer in the removal of the Recording on the one hand and the interest of the students in retaining the Recording on the other hand. After a removal request the Recording will in any event be removed after the students who were at that time registered for the subject have had a last chance to sit the exam.
4. A student who is recognisably in view or whose voice is recorded in a Recording of a Lecture can indicate in writing to the Faculty key user of the respective faculty that he or she wants to be removed from a Recording. The Faculty key user of the respective faculty will, where possible, take measures or have them taken to make the student unrecognisable in the Recording.
5. If the Guest Lecturer withdraws his or her consent for the Recording of his or her Lecture and for making it available to students, the Recording will be removed as soon as possible.

Clause 8 Intellectual property rights

1. Unless explicitly otherwise agreed in writing, the intellectual property rights with regard to the Recordings will accrue to Maastricht University, with the exception of intellectual property rights to the content of the Recording accruing to third parties, for instance Guest Lecturers.
2. Commercial use of the Recording by Maastricht University takes place with the consent of the Lecturer or Guest Lecturer on the respective Recording.
3. The intellectual property rights to a Recording of a Lecture by a student accrue to and are the responsibility of the student, with the exception of intellectual property rights to the content of the Recording which accrue to Maastricht University and/or third parties.

Article 9 Management

1. For the Recordings of Lectures recording equipment is placed in several lecture halls of the faculties. In addition, there are several mobile recording devices which can be used in a limited number of halls which are available for a limited number of faculties.
2. The Faculty key user of Maastricht University video platform is the first point of contact for questions from Lecturers and Guest Lecturers as well as for students with regard to the Recording of Lectures.
3. The Recordings are stored and managed by the university library. The university library forms the point of contact for the Faculty key user for questions with regard to the Recording of Lectures.

Article 10 Usage statistics

1. The Maastricht University video platform registers statistics regarding the use of the Recordings as viewed, such as how many persons viewed a Recording and how long the views have been on average. Faculty key users of the Maastricht University video platform have access to these usage statistics.
2. The Lecturer who provided the recorded Lecture and the block coordinator of the subject to which the Recording relates may ask to inspect the usage statistics.
3. If a Faculty key user receives a request as described in the previous paragraph, he or she will only share anonymous usage statistics. The term 'anonymous' means randomised and/or aggregated such that the statistics cannot be traced to a specific user. The anonymous data may be used for quality care and research.
4. Perusal of non-anonymous usage statistics by others that the Faculty key-user can only take place on the grounds of and in accordance with the rules and procedures set out in the Acceptable Use Policy (AUP) for employees of Maastricht University, specifically Articles 7 and 9 of the AUP.