

## East of England Operational Delivery Networks comprising Neonatal, Paediatric Critical Care and Surgery in Children Networks (the ODNs) Code of Practice on recording

### Background

1 The ODNs operate an educational learning platform under the umbrella of Health Education East of England. This is comprised of the learning platform itself, (TBC) and a video/presentation storage platform, Panopto. Users, each of whom has been expressly authorised by the ODNs to access its learning platform, include health professionals from medicine (including physician associates), nursing, and allied health professionals representing all three networks as listed above across the East of England region. Considering this dedication to sharing and increasing equity of access, recordings by the ODNs of educational activities has become a vital part of the ODNs teaching strategy to enhance the quality of the attendees learning experience. Accordingly, the ODNs will make available recordings to all users of the ODNs learning platform regardless of the original intended audience.

2. This Code of Practice deals with the recording by the ODNs of activities with an educational purpose (each a 'Session').

3. Recordings by the ODNs may be used by the ODNs for any purpose supporting the ODNs educational objectives. This may include making recordings available internally in any media or platform. Subject to having the relevant consents in place, the ODNs will also make recordings available externally on its learning platforms to enable each user to enhance their learning and training. The ODNs may grant rights to third parties to use the recordings.

### Personal Use

4. The above right does not extend to participants. Recordings of sessions are not for public consumption by any means, including by virtue of external publication, whether on the web or otherwise. Participants shall not access or use recordings for purposes other than those for which the recordings have been made available, except where they have obtained the ODNs prior written consent. Participants may use the recordings for personal study only and must not copy or pass on the recordings to anyone else, including on social media or by email, except with the ODNs prior written consent. Participants found to be in infringement of this principle may be subject to disciplinary proceedings.

### Intellectual Property Ownership

5. Except for content that has been legally obtained from sources outside of the ODNs listed in this code of practice, including from contributors, the ODNs owns the intellectual property in the content of all Sessions and also owns the intellectual property in any recordings made by it or on its behalf.

### Contributors

6. Contributors are participants who deliver the sessions. Contributors are responsible for ensuring that inappropriate material is not included in the recordings. Inappropriate material includes but is not limited to: a. Defamatory comments b. Sensitive or personal information c. Where third party material is used without appropriate right or consent. The ODNs acknowledges that third party material may be included in a recording, but this should only be the case where it is lawful to do so, and ethical requirements have been met. It is the responsibility of contributors to ensure that the material used for the Session is copyright cleared. Where a situation occurs where a recording is

challenged by rights holders or deemed unacceptable for other reasons e.g. defamatory in nature, the ODNs may edit or remove inappropriate material

7. If another contributor is present in the recording, it is the responsibility of the main contributor to obtain consent (by signing the ODN Lecture Presenter or Guest Lecturer Consent to Record form), from such other contributor, including in relation to any further use of the recording.

8. Contributors have the right to: a. Ask for the recordings to be edited b. Require that their recordings may only be available, for example, to a set of users who are registered on a particular education programme. These requests will be decided by programme leaders and can be adjusted at any time c. Ask for the recordings to be removed.

#### Contributors' Use of the Recordings

9. Contributors may retain a personal copy of the recording they contributed to be used in a professional or educational capacity only. Any such use and other uses should be agreed with the ODNs and where permitted, contributors shall comply with the obligations as set out in this Code of Practice as if they were the ODNs, in particular, in relation to participants' rights

#### Consent to the Recordings

10. For every recording, the ODNs shall follow the following procedure: a. Initial notification: to advise attendees that Sessions are being recorded; to that effect, the ODNs shall inform in advance all participants of its intention to record a Session. Such notification may be general (e.g. in relation to a whole programme or set of modules). Notification should include: i. details of intended use and access ii. a reminder that individuals may opt out of being recorded or ask to edit the recording iii. details of where any opt-out or request for editing should be sent

b. Consent: to ensure that consent is obtained from all present in the recording session. To that effect, consent can be assumed if the attendee has logged on to the session and remains logged on following the formal notification of recording made at the start of any session

#### Editing

12. While respecting the integrity of the recording, the ODNs reserves the right to edit recordings where necessary and appropriate, for example:

- a. where there is offensive language
- b. Where there is a breach of the law
- c. Where there is a breach of a professional code of conduct
- d. Where there is a breach of the data protection legislation
- e. where the relevant material is no longer academically sound or contains a defamatory statement
- f. where there is a proven copyright infringement

13. Participants have the right to request that the recording be edited, for example where they do not wish to appear on the recording. Session organisers will remind participants at the beginning of the session of their right to request edits to the recording. Participants should make their request immediately after the recording. In cases of disagreement, the ODNs shall take into account the

interests of all relevant parties when considering the matter and will be mindful of the need for sensitivity and privacy.

#### Opt-out

14. Participants may have legitimate reasons for not wishing to be recorded, especially by video recording; and in such cases they have the right to opt out of recording. Contributors will remind participants at the beginning of their lecture of the participants' rights to opt-out of the recording. Participants should make their request known to the contributor at the beginning of the Session. In cases of disagreement, the ODNs shall take into account the interests of all relevant parties when considering the matter and will be mindful of the need for sensitivity and privacy.

#### Storage

15. Recordings will normally be kept by the ODNs for a maximum of 10 years from the date of the recording, except where they are kept for the duration of the programme for which they were made.

#### Data Protection

16. Recordings will often engage data protection rights because they include the "processing" of personal data where individuals can be identified. For example, a video may show faces of those attending, though in the majority of cases this will not happen. The ODNs will comply with all data legislation when processing personal information. Personal details of participants in the Sessions are never made available to third parties.

#### Participants' Recordings

17. Participants can only record Sessions with the prior written consent of the ODNs. Where the ODNs gives its consent, participants can only use the recording for private study. Participants are not permitted to make further copies of such recordings or share such recordings with other participants, except with the ODN's prior written consent.

18. Where a recording by a participant is permitted all those present must be informed and have the same rights as if the recording was made by the ODNs or on behalf of the ODNs.