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Recording meetings

Some Community Councils have assumed the practice of recording their meetings, particularly in audio format, mainly for archival purposes or forming an accurate minute of meeting.

However it should be borne in mind, in recording meetings whether it be in audio or video format that this strays into the realms of Data Protection and Community Councils must make themselves aware of issues surrounding making recordings.

What's the issue with recording meetings?

Still and moving images and sound recordings featuring identifiable individuals (whether they are community council members, guests and members of public in attendance) contain 'personal data' of these individuals.

The Community Council is the Data Controller for all such images and recordings they make that feature people, regardless of where the recordings take place.

Do I / we need to record?

The Community Council determines the purpose of recording and is legally responsible and accountable for its use. Any recordings made and retained must be relevant to your Community Council business and only used for that business.

Making attendees aware of recording

It may be common knowledge to community council members who regularly attend meetings/events that recording is taking place. However at EVERY meeting or event that is recorded that at the outset of the meeting, an announcement is made to that effect. Alternatively a notice should be **prominently displayed** on the door of the room or within the room that states that audio/video recording is taking place

It is necessary to seek the consent of the individuals concerned and ensure that recordings and images of people are managed in accordance with their rights as data subjects under the UK Data Protection Act 1998.

In the case of a group meeting, this means that everyone in the room who might be recorded must give permission before the recording can proceed. All reasonable efforts must be made to inform the parties that the conversation is/or was recorded.

However, any person has the right to refuse / say "no" without explanation, when a Community Council proposes to record the meeting/ event. Either then the recording does not take place or they can opt-out of the meeting and be given opportunity to leave.

Using the recordings/images taken

In order to process personal data lawfully, the Community Council must comply with relevant condition(s) for processing.

- May record meetings for the purpose of producing accurate minutes of actions and decisions approved.
- Where the Community invites media such as newspaper photographers or film crews to take still and moving images of events for journalistic purposes, this is legitimate as long as the individuals involved in the event are fully informed in advance and given the opportunity to opt out of the picture, where appropriate
- That the processing is necessary for the Community Council's legitimate interests; and processing is not unwarranted because of its damaging effect on the rights, freedoms or legitimate interests of the individual.

Examples include

- photography involving members,
- filming of meetings or events
- filming or photography of other events where the image or recording represents an un-posed record of the event and any images of people are incidental then formal consent is not required as long as clearly visible notices are displayed to inform people that filming is taking place in that area so individuals can move out of the picture

When a minute taker wishes to record a meeting for ease of minute taking, the Chairperson of the meeting should obtain the consent of all present to record the meeting. Recordings should be erased securely and permanently as soon as the minutes have been approved.

When one of the parties in a meeting asks to record the meeting e.g. for evidential purposes, the individual must obtain the consent of the other parties before recording the interview. All parties must sign consent (template available) for the following conditions of recording. Unauthorised disclosure of the recording or its contents to third parties may be an offence under the Data Protection Act.

If the meeting relates to confidential business e.g. the investigation of a complaint relating to the individual who wishes to record the meeting, the recording must be kept securely or encrypted. All copies of the recording must be destroyed confidentially when the minutes of the meeting have been approved

Glossary

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| Personal Data | means data which relates to a living person who can be identified from those data or from those data and other information that that the Data Controller holds or is likely to receive |
| Data Controller | The organisation, Community Council that commissions or creates personal data and determines the purposes for which it may be used. |
| Processing | Processing, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, adaptation or alteration of the information or data, retrieval, consultation or use of the information or data, disclosure of the information or data by transmission, dissemination or otherwise making available, or erasure or destruction of the information or data. |