1. POLICY STATEMENT

The provisions of this Recording of Meetings Policy (the "Policy") balance the promotion of the free and open sharing of ideas in an environment of mutual respect and trust with those legal and business interests regarding confidentiality, consent, and privacy implicated by the proliferation of teleconferencing, videoconferencing, and other technologies that assist in remote work and allow users to readily make, store, and/or share audio and visual recordings of meetings, calls, discussion, or other conversations.

2. PURPOSE

The purpose of this Policy is to establish requirements and best practices – consistent with state and federal law – for the making, use, retention, and destruction of recordings of meetings conducted via telephone, videoconference (such as Zoom or Microsoft Teams), or any other shared audio or visual means.

3. APPLICABILITY

This Policy applies to any meeting conducted by, or on behalf of TCS Education System ("TCS"), including all TCS employees, volunteers, or interns, and any individual using TCS resources, when organizing or attending a meeting that would allow for any combination of audio and/or video recording or sharing via any network owned or managed by TCS, or via the internet.

This Policy does not apply to recordings made with a single person such as instructional content, training videos, safety presentations, marketing presentations, or briefings.

4. DEFINITIONS

4.1 Meeting

Any assembly or coming together of two or more people for a particular purpose, either in person or online, including but not limited to meetings, calls, instruction, discussion groups, town halls, committee meetings, or other conversations.

4.2 Recording

Any action or process by which the audio or video of a particular event is stored (on any tape, disk, electronic, or digital means) in a manner that would allow the audio or video to be heard or seen at a later date.

5. PROCEDURES

5.1. Recording Meetings

Meetings should only be recorded where there is a specific and practical necessity for doing so. Examples include:

- to support asynchronous education delivery;
- live trainings that must be offered asynchronously for those not in attendance;
- meetings that need to be offered asynchronously for those not in attendance; and
- to assist with the preparation of meeting minutes where the recording will be retained and destroyed in accordance with the provisions of this Policy.

In-person and remote meeting practices must remain consistent. Specifically, any meetings that would not be recorded if conducted in person, should not be recorded if that same meeting were instead conducted remotely.

Screenshots, photography, or other copying of chat exchanges (via Windows snipping tools, print screen functions, etc.) is prohibited unless permission is granted by the meeting's host and advance notice to all participants is provided consistent with this Policy (*see* Section 5.2).

5.2. Consent to Record Meetings

In order to comply with state and federal law, when recording is to occur during any meeting, all parties must be notified either prior to or upon the commencement of the recorded meeting. This requirement applies to any recording method regardless of whether the recording is accomplished by a feature contained in a video conferencing application or by the use of a separate program or device.

Notice of recording can be included in an automatic notice via the recording software used to record the meeting (where that notice is provided to all participants); in a meeting invitation, agenda, or separate communication; or upon commencement of the recording. The notice must be clear, easily understandable, and conspicuous enough to allow any party who does not consent to the recording the ability to object to the recording.

Whenever possible, the notice should also include:

- the intended subject matter of the meeting, including whether any sensitive topics might be discussed;
- the anticipated meeting audience;
- how the meeting will be recorded;
- whether the invitees are permitted to record the meeting;
- how the recording will be used, including whether the recording will be uploaded to the internet, or otherwise shared, transmitted, or published;
- if, when, and where the recording will be available and for what duration;
- whether any third parties beyond the anticipated audience will record, have access to, or otherwise retain any content; and
- other relevant details that could influence an individual's decision to attend or participate in the meeting.

Consents to recording are specific to the party providing notice, and thus receipt of consent by one individual providing notice does not establish a general license for others participating in a given meeting to also record that meeting.

5.3. Recordings of Meetings without Consent

Recording meetings without consent, including the covert or secret recording of meetings, is prohibited.

When any participant in a meeting objects to the recording of a meeting, no part of the meeting shall be recorded until all concerns regarding the recording of the meeting have been resolved and all participants consent to the recording of the meeting.

Arranging for others to record meetings without consent, regardless of the purpose, is prohibited.

Receiving, downloading, sharing, transmitting, or publishing covert or secret recordings of meetings is prohibited.

5.4. Use and Sharing of Recordings of Meetings

In order to promote the free and open sharing of ideas in an environment of mutual respect and trust, to comply with state and federal privacy laws, and with the understanding that ideas or opinions expressed in a meeting may not be fully formed, researched, or provided in context, recordings of meetings should not be shared outside of the articulated practical or business purpose(s) for which they were created or intended.

Any device used to record a meeting must comply with TCS's policies regarding the use of technology and storage of data, including TCS's System Computer & Email Usage Policy, Internet Usage Policy, Mobile Computing Policy, and Data Incident Notification Policy.

Where the recording of a meeting includes, or potentially includes, personally identifiable information, privileged information, confidential information, or highly sensitive data, the recording, storage, and handling of such a recording must comply with state and federal laws regarding the protection of such information, along with any applicable TCS policies regarding the protection of such data.

Recordings of meetings must not be uploaded to the internet, or otherwise shared, transmitted, or published without the prior written consent of all meeting participants.

Recordings of meetings must not be shared with any individuals or entities not affiliated with TCS without the prior approval of TCS's Office of General Counsel.

5.5. Retention of Recordings of Meetings

Unless specifically articulated in a more specific TCS policy or procedure establishing that the recording is an official record, or unless necessary for the continued asynchronous delivery of education or training, recordings of meetings should be considered Transitory Communications as that term is defined in TCS's Records Management and Retention Policy – documents of temporary usefulness that are connected to TCS business but have only a short-term business value and are not essential to the fulfillment of statutory obligations or to the documentation of TCS's functions. Thus, unless a legal hold notice or similar mandate has been issued, recordings of meetings should be destroyed as soon as they are no longer relevant to their particular purpose or are obsolete.

Where meetings are recorded to assist with the preparation of meeting minutes, such recordings should be retained only until after the written minutes of that particular meeting have been approved by the relevant authority, unless the recording is subject to a legal hold notice or similar mandate.

Recordings of meetings made via Zoom videoconferencing software platform must be stored using Zoom's "Record to the Cloud" feature. Recordings of meetings made via Zoom videoconferencing platform must not be locally recorded or saved to any local or personal device. Zoom cloud recordings will be managed by TCS's IT department and deleted after six (6) months if not deleted earlier by the recorder consistent with this Policy.

Any questions regarding the need to maintain recordings of meetings should be addressed to TCS's Office of General Counsel.

5.6. Recorded Meetings Including Copywritten Works

In order to avoid creating a prohibited duplication of copywritten material in violation of federal law, the portion of any meeting which includes the presentation of copywritten work(s) (such as film or television shows) not owned by TCS or members of the meeting in question, or not licensed for duplication or distribution, should be excluded from the recording of any meeting.

5.7. Recordings for Security Purposes

This Policy does not apply to recordings to prevent or deter crimes, protect public safety, and/or facilitate official investigations into criminal activities or violations of policy. Nothing in this Policy should be read or understood to limit the ability of TCS to create, obtain, review, maintain, and/or share such recordings in any way which, in TCS's view, furthers a legitimate public safety or investigative purpose and does not otherwise conflict with applicable state or federal law.

Nothing in this Policy should be understood to limit the ability of anyone to openly record a law enforcement officer in the performance of their official duties, subject to applicable state or federal law.

5.8. Violations of this Policy

TCS employees who fail to comply with the provisions of this Policy may be subject to disciplinary action, up to and including dismissal from employment.

6. RELATED DOCUMENTS

- TCS Records Management and Retention Policy
- TCS Computer & Email Usage Policy
- TCS Internet Usage Policy
- TCS Mobile Computing Policy
- TCS Highly Sensitive Data Policy
- TCS Data Incident Notification Policy
- TCS Code of Ethics & Professional Conduct

7. CONTACTS

- TCS Office of General Counsel
- TCS IT