



## Information sheet

### Use of video and audio recordings at the BFH

#### 1. Purpose of the information sheet

Video and audio recordings are used in teaching to improve its impact (e.g. communicating content, documenting learning outcomes, illustrating self-reflection, etc.). However, the recording and publication of video and audio products contain the potential for conflict. The BFH is therefore establishing a Code of Conduct and making recommendations, the purpose of which is to contribute as far as possible to the avoidance of infringements of personal rights and litigation.

When considering copyright, reference is made to "[the Copyright Information Sheet](#)".

#### 2. Legal framework

The *right to one's own image* means that the persons appearing in a picture can decide whether and in what form a picture may be recorded and published. A declaration of consent for photo, film and sound recordings and their publication prevents potential legal consequences. Persons whose images were published without justification may object to the publication at any time and, if need be, assert their claims by means of an action in the civil court. The court may order the removal or destruction of the recordings in dispute and also order the payment of compensation for financial and/or immaterial damage. When indicated, further financial or penal consequences are possible (destruction of printed materials, court and lawyers' fees and fines). These explanatory notes on recordings of images apply equally to video and audio recordings.

#### 3. Video and audio recordings by the BFH

##### 3a. For teaching purposes

By enrolling at the BFH for studies or continuing education purposes students state that they agree to forms of instruction containing recordings. The BFH, for its part, warrants that the recorded material will be treated in a responsible and lawful manner. Like all data, video and audio recordings are subject to the Cantonal Data Protection and Archiving Regulations and the corresponding implementing provisions which, in order to protect the persons in the recordings, restrict third party access.

##### 3b. For publication

A declaration of consent from every person who is depicted or recorded is required as soon as recordings of any nature whatsoever are to be placed in the public domain (Intranet, the Web, Youtube, print media, etc.). This applies both to students and to all other groups of persons of the BFH. In this case the persons whose image is used must be informed about the purpose of the photos and can sign a [declaration of consent](#).

#### 4. Video and audio recordings by staff and students

If staff and students make recordings themselves, these can also have an impact on the personal rights and copyright of the persons in the recordings. Loss of control is likely if the recordings are retransmitted or uploaded into the Internet and other channels. Damage can no longer be reversed. Recordings of rehearsal sequences with actors as well as of persons and patients in training situations in the healthcare sector are particularly problematic. The person in charge of the departments must issue rules in this regard to prevent such problems. In addition, the risk of infringements of personality rights can be minimised also in these cases by the person(s) in the recording signing a declaration of consent.



## 5. Short and correct

- All the persons present should be asked for their consent before recordings are made. Persons who do not wish to feature in the recording can, depending on the sequence, leave the room; alternatively care must be taken that they are not included in the video or audio recording.
- The departments may make specific rules for the declaration of consent on the basis of this information sheet.

[Model declaration of consent for filming](#)

[Model declaration of consent for photo-shoots](#)

[Copyright data sheet](#)

Bern, May 5th 2017

Rector BFH