

Dealing with unauthorised recordings (images, audio recordings, videos) in classes and dissemination thereof on the Internet

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A. Prevention

Students are to be informed that image, audio and video recordings of lecturers are not permitted unless the lecturers have explicitly consented to such recordings. Any permission to make a recording does not include permission to disseminate or publish it. Unauthorised recordings and the unauthorised dissemination or publication thereof may result in legal consequences.

1. More prominent reference to this information within the framework of the enrolment process than in the past (D1)
2. Topic for faculty induction events, student representatives and the General Student's Committee (AStA)
3. Integration of a text module into the class description in HIS-LSF
4. Website update: <https://www.intranet.hhu.de/zentrale-universitaetsverwaltung/stabsstellen/stabsstelle-justitariat/informationen-zum-urheberrecht> (German only) and information in the employee portal
5. PowerPoint slide "Prohibition of video recordings" shown in classes at the start of the semester or repeatedly during the semester: "Recordings are not permitted. The University management may impose sanctions in the event of violations" and information in the student portal ([Annex 1](#))

B. Following up violations

In the event of unauthorised recordings during a class and/or unauthorised publication of the recordings and where the student is known, the following escalation levels are possible:

1. In the first instance, the lecturer should approach the student, demand that they delete the videos and forbid them from making further recordings. Lecturers may exclude students who do not comply from the class on the basis of Art. 2 of the HHU house rules and report them to the Dean's Office.
2. Where the e-mail address of the student is known, the corresponding Dean/Dean of Studies shall send an e-mail to the student ([Annex 2](#)) and inform Division 1 "Student Affairs". This is the only way to ensure the identification of any repetition across other subjects.

3. Where the student fails to comply with the demands of the Dean's Office or their e-mail address is not known, the matter should be reported to Division 1 "Student Affairs". Division 1 shall then send an e-mail to the student and decide whether to call a meeting of the disciplinary committee pursuant to Art. 51 a of the Higher Education Act (*Hochschulgesetz* – HG).
4. The lecturer may report the offence to the police at any time. A criminal complaint should be initiated at the same time. It is entirely at the discretion of the lecturer whether and when they do so. However, it must be taken into account that a criminal complaint must be initiated within three months of becoming aware of the offence and the offender. It is also possible to file a civil action for injunctive relief. Where temporary relief is sought, this must occur within four weeks of becoming aware of the offence.

Where the **student is not known**, it is only possible to initiate a complaint against persons unknown.

C. Reaction of lecturers where recordings of classes are published on social media platforms

In the event that images/audio recordings/videos of lecturers are published on social media platforms (e.g. Instagram, X/Twitter, TikTok, LinkedIn, YouTube, etc.), which have been taken out of context and thus appear defamatory or which the lecturer otherwise finds inappropriate, we recommend that the lecturer should:

1. Save/document the content by means of links, screenshots and downloads where applicable, as users can easily delete their content again or restrict its access to certain individuals, making it difficult to obtain proof at a later date. Wherever possible, screenshots should include the user name of the person publishing the material and the time of publication.
2. Contact the Dean/Dean of Studies, providing documentation of the publication(s) and, where applicable, detailed information about the inappropriate context or the exact point at which the defamatory content appears, which is particularly helpful in the case of video content. They should also state the name of the person, insofar as the uploader is known.
3. Contact the Press and Communications Unit, providing documentation of the content and links. In such cases, the Press and Communications Unit shall take measures to prevent further circulation on the central HHU social media channels and advise the lecturer about further measures or further documentation possibilities.

In the event that the press becomes aware of a post shared on social media and asks the lecturer involved for a statement, the lecturer should also contact the Press and Communications Unit and obtain advice about how to respond.

D. Further information

1. General personal rights set out in Art. 2 (1) of the Basic Law for the Federal Republic of Germany (*Grundgesetz* – GG) and the right to one's own image pursuant to Arts. 22, 23 of the German Art Copyright Act (*Kunsturhebergesetz* – KUG) are rights that cannot be transferred, i.e. they can only be asserted by the affected person themselves. Consequently:
 - a. HHU cannot represent the affected person in court. The rights holder also cannot sue in their own name without being directly involved in the subject matter of the action (i.e. via a representative), as the power to bring legal action is not transferable for such rights.
 - b. Neither the Dean's Office nor HHU can act on behalf of the person whose personal rights have been violated. The person whose rights have been violated must engage a law firm themselves.
 - c. At best, it may be possible to cover the legal costs. However, with a view to potential audits by the State Court of Audit, this can only be considered in serious cases.

2. Representation when reporting an offence/initiating a criminal complaint

Unauthorised recording and the dissemination of recordings are offences that are generally only pursued on application. A criminal complaint may only be initiated by the person whose rights have been violated and generally not by their employer. You should therefore title your report to the police as a "criminal complaint", sign it personally and send it by post. An online report is not sufficient in this case, as it does not fulfil the written form requirement for a criminal complaint.

Only in cases where the publication of the unauthorised recordings takes an offensive form and thus meets the requirements for being treated as slander/libel, can the criminal complaint also be initiated by the person's supervisors. However, not every case meets these requirements. Furthermore, any potentially defamatory statements expressed in the comments on the publication cannot be attributed to the student who published the recording without permission. However, if you feel that a correspondingly serious level of defamation exists, please contact the Legal Unit if you do not wish to initiate a criminal complaint yourself.

3. Representation in the case of violation of the house rules

- a. As Art. 2 of the HHU house rules authorises lecturers to enforce said rules within the framework of their classes, lecturers may exclude anyone causing disruption from the class concerned.
- b. Division 1 is responsible for issuing bans from the premises to students. To ensure the proportionality of the measure vis-à-vis the rights of students, bans from the premises can only be considered in cases of serious and persistent violations.

4. Representation in the event of discrimination pursuant to Art. 7 of the General Act on Equal Treatment (*Allgemeine Gleichbehandlungsgesetz – AGG*): The employer must intervene here.

Where the unauthorised recording and dissemination or publication of recordings simultaneously constitutes inadmissible discrimination in the meaning of Art. 7 AGG, HHU is obligated in its role as employer to take measures to eliminate the discrimination of its employees.

Discrimination in the meaning of Art. 7 AGG only applies when one of the grounds for discrimination referred to in Art. 1 AGG exists at the same time. This relates exclusively to discrimination on the grounds of racist motivation, due to the ethnic origin of a person, discrimination due to gender, religion or belief, disability, age or sexual orientation. The unauthorised recording and dissemination or publication of recordings alone are not sufficient.

If you have experienced discrimination, please contact the AGG Complaints Office at the Legal Unit.