



Videotaping in the Classroom Advice to Members

ETFO members videotaping themselves, their colleagues, or teacher candidates, in the classroom for purposes of self-evaluation, or peer reflection, raises a number of potential issues. While ETFO recognizes the potential value of using video as a means of seeking to improve, ETFO does not encourage members to engage in this particular practice. It is fraught with risks for members and could lead to serious issues down the road, including potential fines and/or discipline.

Privacy Concerns

Members have professional obligations to maintain the confidentiality of all personal information about a student, teacher, or other individuals in their classroom. Videotaping in the classroom, where images of students, teachers, and others may be captured raises a number of these privacy concerns.

Personal information regarding students, teachers, and others is largely private. Educational staff are subject to an array of obligations concerning the collection, use, storage, disclosure, and disposal of private and personal information. The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* applies with respect to the personal information of students, teachers, and others. The definition of “personal information” in *MFIPPA* is very broad and includes videotaped images.

The Ontario College of Teachers (OCT) and the College of Early Childhood Educators (CECE) have also cautioned members to be mindful of the privacy of student personal information.

The privacy concerns of others who may be in the class (including EAs, parent helpers, etc.) must also be considered.

Consents

a) For Students

Prior to undertaking any videotaping which could involve students, ETFO members would need written permission from parents and their school board. With respect to parents, that permission must take the form of a consent form.

Parents must also receive notice that personal information about a student has been collected. The notice must set out the purposes of the collection, contact details for someone who can answer questions about the collection, and the legal authority for the collection.

b) For Teachers and Others

If teachers are videotaping other teachers, EAs, DECEs, or others, for whatever reason, they must ensure that the individual captured on video also signs a consent form. The consent form should include the express permission of the person being videotaped, restrictions on the uses to which the video will be put, and information concerning how the videotape will be either stored and/or destroyed.

Video Storage

MFIPPA does not contain detailed language on the storage of personal information. However, *MFIPPA* requires that school boards document and implement “reasonable measures to prevent unauthorized access” to records containing personal information. Given this requirement, school boards should have policies in place about the storage of personal information, and school staff should familiarize themselves with these policies or, with the assistance of ETFO, request training on storage.

Storing video on a home computer, keeping the copy on a zip drive in your briefcase or at home, or e-mailing it home to yourself to review may be inconsistent with board policies.

It should be noted that the disclosure rules under *MFIPPA* do not allow for disclosure through inadvertence or error. Education staff should consider how videos that are in their possession at schools are stored: are they accessible to other teachers or students in the classroom? Can other staff or visitors to the school access them? If staff are unsure, they should seek direction from their school

administrator. If staff thinks that the school board has not implemented secure storage systems for personal information at school, this could be raised through ETFO.

Liability

Under *MFIPPA* anyone who “wilfully” discloses personal information in contravention of the statute is guilty of an offence, and may have to pay a fine of up to \$5,000. These provisions apply not just to school boards, but also to education staff. This means that education staff must be diligent in working to understand what *MFIPPA* requires of them as they carry out their professional duties.

In addition, and as noted above, the disclosure rules under both statutes do not allow for disclosure through inadvertence or error.

College of Teachers / College of Early Childhood Educators

In addition to raising a number of privacy concerns, videotaping a classroom and capturing images or other information, even inadvertently, could be considered professional misconduct by both the OCT and the CECE. Both Regulation 437/97 of the *Ontario College of Teachers Act* and Regulation 233/08 of the *Early Childhood Educators Act* define professional misconduct in a manner that could include conduct related to videotaping in the classroom. The definition under both Regulations includes unauthorized disclosure of personal information, disgraceful, dishonourable, or unprofessional act or omissions, or conduct unbecoming a member, any of which could be triggered as a result of videotaping in the classroom.

Board Policies / Protocols

Education staff should be aware of policies their school boards have in place concerning privacy of personal information and what they require in terms of the collection, use, storage, disclosure, and destruction of personal information concerning students, teachers, and others. Failure to comply may lead to disciplinary consequences.

ETFO’s policy on information and communication technology reinforces many of the issues addressed in this publication. It can be found on the ETFO website.

Recommendations

In light of the many sources of obligations around protecting the privacy of personal information of students, teachers, and others, ETFO recommends avoiding the practice of members videotaping themselves, colleagues, or teacher candidates in the classroom. However, if it is a common practice at your board, ETFO recommends the following best practices:

- familiarize yourself with the policies governing your workplace;
- treat all information about students, teachers, and others as personal information deserving of protection under the network of applicable legislation;
- be aware that school boards are likely to consider any information education staff create in the performance of their duties to be the property of the board, not the member. Videos should be deleted after they have been reviewed or should be maintained in a way to ensure privacy and limited access. Members should be prepared for the possibility that access to such videos likely will be granted to students or their parents if requested, or to other adults who have been videotaped;
- if you are unsure about anything to do with videotaping, seek direction from your school administration. If you have concerns about the direction you have been given, consult your ETFO local office or staff in PRS; and
- consider whether there should be a request for training of staff more generally on these issues from the school administrator or the school board’s information and privacy officer.

**For further information contact your local ETFO president or Professional Relations staff
in PRS at 416-962-3836 or 1-888-838-3836**

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