



Guarantor: Rector's Office

Košice 18th November 2020

Ref.: REK000231/2020-UPA/ 4729

**Rector's Decision no. 22/2020
on the production and use of audio-visual recordings
from teleconferencing educational, popularization and presentation
activities at Pavol Jozef Šafárik University in Košice and its parts**

In accordance with para. Article 4 (1) 3 of the UPJŠ Organizational Rules in Košice, as amended, and in connection with Art. § 15 par. 1 letter m) of Act no. 131/2002 Coll. on Higher Education Institutions and on Amendments to Certain Acts, as amended, I hereby

issue

the Rector's following decision on the production and use of audio and audio-visual recordings from teleconference lectures at Pavol Jozef Šafárik University in Košice.

**Article I.
Introductory provisions**

1. The lectures are in accordance with Act no. 131/2002 Coll. on Higher Education Institutions and on Amendments to Certain Acts, as amended (hereinafter referred to as „Act on Higher Education“) and Art. 8 par. 1 of the UPJŠ Study Regulations for 1st, 2nd and combined 1st and 2nd level of study one of the forms of educational activities, which consist of subjects of individual study programmes, carried out at individual faculties of UPJŠ or at its university-wide workplaces.
2. Lectures can be given through information and communication technologies without the physical presence of the lecturer, students and other persons in the physical learning areas, in particular by public live transmission via the Internet as
 - a) transmission of the lecture or other educational format (hereinafter "lecture") in real time in the form of a teleconference, which is a direct interactive connection of the lecturer with students or other participants in the lecture, or
 - b) in the form of streaming, which is a one-way transmission between the lecturer and students or other end users (hereinafter referred to as "teleconferencing lectures").
3. UPJŠ employees, students and other persons participating in the teleconference lecture (hereinafter referred to as "lecture participants") are obliged to comply with the provisions of Act no. 40/1964 Coll. Of the Civil Code as amended (hereinafter referred to as the "Civil

Code"), Act no. 185/2015 Coll. Of the Copyright Act as amended (hereinafter referred to as the "Copyright Act") and Act no. 131/2002 Coll.

Article II.

Production and use of audio and audio-visual recordings from video conferencing lectures UPJŠ

1. UPJŠ, through its employees, is in accordance with Art. § 108 par. 8 Act. no. 131/2002 Coll. is authorized to make sound recordings or audio-visual (audiovisual) recordings from teleconferencing lectures to the extent necessary for scientific and study purposes and to carry out their public transmission.
2. In connection with the preparation and use of records under para. 1 of this article of the decision, UPJŠ is entitled to process the personal data of the participants in the lecture, while the legal basis for the processing of personal data is the fulfillment of legal obligations under Art. 6 par. 1 letter (c) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation) (hereinafter only "GDPR") and public interest tasks under Art. 6 par. 1 letter e) GDPR, in accordance with the description of the purpose of personal data processing according to par. 1 of this Article of the Decision.
3. Participants of the teleconference lecture realized in the form of videoconference in the sense of Art. I par. 2 letter (a) of this decision (hereinafter referred to as "videoconference lecture") must be demonstrably informed in advance or at the latest at the beginning of the lecture transmission that a record is being made of the lecture, of the use of this record in accordance with para. 1 of this Article of the Decision and on the facts arising from par. 2, 4, 5 and the record retention period pursuant to para. 6 of this Article of the Decision. The information obligation is fulfilled even if the videoconferencing tool used visibly informs all participants about the start of the recording.
4. In case a participant of a videoconferencing lecture would like to ask the lecturer a question or comment on the topic of the lecture and does not agree with the recording, UPJŠ is obliged to ensure that this participant has the opportunity to do so orally during the videoconferencing lecture, via e-mail or chat.
5. In the case of storing a record from a teleconference lecture in a repository with controlled access, UPJŠ will provide protection so that lecture participants, students studying the subject of the study programme to which the teleconference lecture relates, if they did not attend the teleconference lecture or did not watch its live broadcast, have access to these records. and persons by providing individual approach to the lecturers.
6. The record retention period from teleconference lectures will be determined by UPJŠ, resp. the faculty at which the study programme is implemented. Unless otherwise specified, records shall be kept indefinitely.
7. Based on the lecturer's consent, UPJŠ, through the administrators of the computer network of the faculty or university workplace, is entitled to perform manual editing of the teleconference lecture record before making it available in accordance with para. 5 of this article of the decision, in particular in order to eliminate the insignificant beginning, preparation of the lecturer, the end and possible break in the lecture so that there are only

relevant parts in the final record. As part of editing the record, it is possible to add textual and pictorial information that further identifies the record and modifies the copyright.

8. UPJŠ is entitled to terminate the public transmission of the teleconference lecture, resp. block access to its record or delete the record if the transmission or record would be in conflict with the generally binding legal regulation of the Slovak Republic or the internal regulations of UPJŠ or the behavior of the participants was in conflict with general ethical or academic principles. If a record has been made of the lecture, the lecturer may decide to remove it in order to prevent its further dissemination.
9. In order to ensure greater compliance with the regulations under Art. 1 par. 3 of this Decision, it is recommended that the lecturer or other person organizing the teleconference lecture familiarize himself/herself with the control mechanisms of the teleconferencing tool used in the field of personal data protection, personal and copyright and ethical principles and apply them when conducting the lecture, if necessary (these are, for example, mechanisms for determining who is eligible to join, for defining the roles of lecture participants, determining the rights regarding content presentation, moderating content sharing and moderating communication in order to comply with ethical rules).

Article III.

Production and use of video and audio-visual recordings of video conferencing lectures by students

1. Students are not authorized by any technical means to make a visual and / or audio-visual (audiovisual) recording, which would contain a material capture of the form (individualizable form) of the speaker and / or other participants in the teleconference lecture, and to use it without prior permission and other participants of the lecture according to ust. § 12 par. 1 Act. no. 40/1964 Coll.
2. The lecture as a result of the author's creative intellectual activity may be an author's work and its use requires the consent of the author or a person exercising the author's property rights in accordance with the Copyright Act. The use of a copyright work without the consent of the lecturer as the author or the person exercising the author's property rights is an infringement of copyright.
3. In accordance with para. § 39 par. 3 of the Copyright Act, a student who, without the consent of the lecturer, uses a work that is a public lecture, reproduction, public transmission or public distribution by transfer of ownership to the extent justified by the right to information does not interfere with copyright.
4. In accordance with para. § 42 of the Copyright Act, a student who, without the consent of the lecturer as the author of the lecture, uses the lecture by making a copy for his private use for a purpose that is not directly or indirectly commercial does not interfere with copyright.
5. According to ust. § 44 of the Copyright Act, a student who, without the consent of the author, uses the published lecture as an author's work by making a copy, public performance or public transmission for the purpose of demonstration in teaching or research does not interfere with copyright, if such use does not directly or indirectly benefit property.

Article IV.
Final provisions

1. Individual provisions shall apply mutatis mutandis to other forms of educational, promotional and presentation activities.
2. This decision shall enter into force and effect on the day of its signing by the Rector of UPJŠ.

This is the English language translation of the original Slovak language version of internal regulation and is not an authorized translation. In the event of inconsistency or discrepancy between the Slovak language version and the English translation of this internal regulation, the original Slovak language version prevails.

prof. RNDr. Pavol Sovák, CSc.
Rector UPJŠ