

BRIEFING NOTE ON DATA PROTECTION AND HOLDING MEETINGS USING MICROSOFT TEAMS

To use Microsoft Teams lawfully, the Council must ensure it complies with Data Protection. Meeting organisers (hosts) are responsible for managing the meeting and retaining any information recorded for a legitimate, lawful purpose and that legitimate interests are served by this being the only way to undertake the task, and that attendee rights and freedoms are not harmed by the activity.

When preparing for a meeting, hosts should give some thought to the following:

General steps to take:

- Why are you holding the Teams meeting? Is it for a formal purpose-such as a 1-2-1, an investigatory hearing or similar? If so, have you explained to the attendees about this?
- Also, have you explained to attendees about their Data Protection rights? Which are outlined at Appendix 1 below;
- Is using Teams for the meeting necessary and proportionate? Could you achieve this in a less intrusive way-via email or a Skype call for example?;
- If you are inviting external attendees, have you considered their privacy? How will you ensure their details are not misused (see Appendix 3 below for guidance on how to do this); and
- If you are planning to record the meeting-consider why? What is the purpose and how long will it be kept for?

Steps to take when recording meetings:

- If the purpose of recording is to keep a record of the meeting to prepare notes or a formal minute make sure that attendees are advised of this in advance and encouraged to view the recording for their own information.
- Also ensure that the recording is only retained until a formal record (notes or minutes) can be made and circulated;
- Make sure that all attendees are advised of the recording and why it is being undertaken and given chance to mute microphones and turn off cameras if they wish to do so (and if this is appropriate);
- Will you advise the attendees of this and allow them to opt-out of being seen/heard?

Consent of attendees-do we need it?

When it comes to consent, this must be freely given, specific, informed, and unambiguous; there must also be some ability of the attendee to control what occurs and the outcome of the activity. For many of the Council's activities this is not the case as the Council will have legitimate and lawful reasons to do what it does.

For example, in its everyday operations the Council operates like any other business and an employee's consent to attend a 1-2-1 with their manager, or a team meeting

where work business is conducted would not be sought as this activity is a legitimate interest.

Even so, hosts still need to consider the following:

- Attendees still need to be informed of purposes but in cases like safeguarding or investigations we are required to conduct there will be some justification for use that does not require attendee consent;
- Those hosts that however propose to record for any other purposes will need the attendees' consent for the specific purpose of recording the meeting.

Recording meetings

For most Teams meetings, legitimate interests can apply and provided people are told what the meeting is for that will be adequate

If the intention is to record meetings, the host will be required to actively justify lawfulness of recording, by demonstrating the purpose fulfils one of the following conditions:

- Attendees have given their consent to be recorded for one or more specific purposes (and their consent is valid obtained for this purpose-see below);
- Recording is necessary to fulfil a contract to which the participant in the call is a party (such as an employment-related matter);
- Recording is necessary for fulfilling a legal obligation to which the recorder is subject (such as a formal, lawful investigation);
- Recording is necessary to protect the vital interests of one or more participants (where for example safeguarding/abuse or health concerns may arise);
- Recording is in the public interest or in the exercise of official authority vested in the recorder (a broad category that encompasses the lawful activities the Council is required to conduct);
- Recording is for a legitimate interest and does not infringe on the rights and freedoms of those attending (see above).

Sensitive information

Some of the personal data captured (data around health, ethnicity, beliefs and trades Union membership for example) will be Special Category Data, and the host should justify the processing by reference to one or more of the following conditions:

- Attendees have given their explicit consent to the processing;
- Recording is necessary for the carrying out of the recorder's obligations under employment, social security or social protection law;

- Recording is necessary to protect the vital interests of the attendees or another person where consent has not been given or is not able to be given;
- Recording is necessary for the legitimate activities of the Council and does not infringe the rights and freedoms of the individuals involved;
- Recording relates to information already made public by individuals involved;
- Recording is necessary for legal proceedings;
- Recording necessary for reasons of substantial public interest;
- Recording is necessary for Medical purpose, to assess the working capacity of the employee or the provision of health and social care services;
- Recording is necessary for the purposes of Public Health;
- Recording is necessary for archiving, historical, scientific or statistical research purposes.

Appendix 1: Data Protection – Subject rights

Under Data Protection law, attendees have the following rights relating to their information:

The right of access - They have the right to ask us for copies of their personal information (including recordings).

The right to rectification - They have the right to ask us to rectify information they think is inaccurate. They also have the right to ask us to complete information they think is incomplete.

The right to erasure - They have the right to ask us to erase their personal information in certain circumstances.

The right to restriction of processing - They have the right to ask us to restrict the processing of their information in certain circumstances.

The right to object to processing - They have the right to object to the processing of their personal data in certain circumstances.

The right to data portability - They have the right to ask that we transfer the information they gave us to another organisation, or to them, in certain circumstances.

Any queries about Data Protection should be addressed to:

Data Protection Officer

Information Governance & Risk

Leicester City Council

City Hall

115 Charles Street

Leicester LE1 1FZ

Data-Protection-Officer@leicester.gov.uk

Appendix 2: Guidance for Staff Wishing to set up and record a Teams Meeting

Ask yourself WHY you need to record it? Is it necessary?

If you have a good reason to record it, you must do the following at the start of the meeting:

- Ensure that if you are inviting external attendees to meetings (members of the public for example, who may use personal email accounts such as Yahoo, Aol etc.) invite them as Resources (which conceals their personal email addresses from other attendees view);
- remind attendees at the start of the meeting you are recording the meeting;
- give all attendees the opportunity to switch off their camera; and
- remind all attendees that they must not record the meeting themselves or take screen shots.

Decide how long you will keep the recording. This should only be for as long as is necessary e.g. if it is to take accurate notes, delete the recording once the notes have been typed up and agreed.

Save it securely on the Council's IT system and limit access to only users who should be able to see it.

After the meeting, if you receive any complaints about the recording of the meeting or any request for a copy of the recording, please forward immediately to info.requests@leicester.gov.uk

If there is unauthorised access to or loss of the recording please report the incident immediately to Information-Security-Incidents@leicester.gov.uk

Tell all attendees in advance of the meeting in the invite email that it will be recorded, what the recording will be used for. Suggested wording:

*The meeting you have been invited to will be recorded for **[insert purpose e.g. accurate minutes of proceedings]**. If you do not wish to be recorded on camera, please ensure your camera is switched off. The recording will be kept securely on Council servers until the organiser of the meeting has no further need for it and then deleted. You are not permitted to take a recording or screen shots of the meeting yourself. If you have any further enquiries about the data being recorded, please contact info.requests@leicester.gov.uk*

Appendix 3: Keeping external attendees details private

If you need to include some personal (non-Council) e-mail addresses in a Teams meeting invitation, please be aware there is no blind copy facility in Microsoft Teams at present.

To ensure attendee privacy (bear in mind that while non-Council people may be happy to attend meetings, they may not wish their direct contact details to be shared with others) you should add these attendees as a resource instead of an attendee.

Doing this will ensure their email addresses are not visible to others.

See the link below for more info:

<https://support.microsoft.com/en-us/office/add-bcc-recipients-to-a-meeting-request-fcaff39e-7fcd-4a77-81e9-b609c57dadb1?ui=en-us&rs=en-us&ad=us>