

Images and Recording of Humans in Research

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These guidelines apply to research studies that involve the images or recordings of research participants. Using multimedia tools to record the image or voice of an individual creates a record that requires careful handling and storage, particularly if the content of media or the purpose of the research may be considered sensitive. As with all research procedures, the dignity of human subjects must be respected, and the wishes of the subject must be adhered to. Only what is necessary for the “answering the research question” should be recorded, participants should be told upfront about recording, and they should be given the option to decline being recorded if possible.

Because audio, video, or other digital recordings can include images or voices of research participants, they pose a greater concern to the IRB than data that do not have readily available identifying information. Still photography and audio or video recordings of participants is allowable as a data collection method. The NC State University IRB application must specify the use of images or recordings as a data collection method and provide a scientific rationale as to why the images or recordings are essential to answering the research questions. During the IRB review process, the IRB considers the identifiability of the images or recordings, the sensitivity of what is recorded, the public or private nature of what is recorded, participant consent (or lack thereof), and overall research design.

This document details researcher considerations and requirements regarding recording images and voice for non-exempt research and research eligible for exemption.

Studies Requiring Expedited or Convened Full Board Review

Research participants must be prospectively informed that they will be recorded, and they must be provided with information about the purpose, procedures, storage, confidentiality, security, and future use of the resulting record unless the study qualifies for a waiver of consent under the federal IRB regulations.

In the IRB application for non-exempt research, the researcher must provide a scientific justification for creating images or audio or video recordings of participants; describe the informed consent, assent, or parental/guardian permission process or [request a waiver of consent](#) (Word document); and describe the creation, access, use, transfer, storage, sharing, and disposition of the images and recordings.

Informed Consent Requirements for Non-Exempt Studies

To meet informed consent requirements, participants must know:

- what is recorded and how it is recorded
- who will have access to the recordings or images
- where the recordings or images will be stored and how the recordings or images will be protected
- if identifying features (and which ones) will be captured and used for research or captured but later blurred or cropped from the recording prior to publication, presentation, or future research uses
- if their voice will be recorded, captured and *not* altered, or captured but then altered before being shared in presentation or future research projects
- the timeline for the destruction of the recordings and images
- the identifiable or re-identifiable images or recordings that will be shared with other researchers for unspecified research purposes (see the NC State University IRB [broad consent](#) (Word document) guidance and addendum form).
- that in addition to being used for analysis purposes, the identifiable images, audio, or video recordings will also be used in publications or presentations.

For non-exempt research, the IRB will consider special circumstances that may lead to an exception to these requirements on a case-by-case basis. Exceptions must be scientifically justified and be rooted in participant-centered protections. The above consent requirements regarding disclosure are addressed in the NC State University [non-exempt informed consent template](#) (Word document).

Studies Eligible for Exemption

The NC State University [IRB application for an exemption determination](#) (Word document) requests all required information for the use of images and recording in research eligible for exemption, including the special NC FLEX exemption category.

Informed Consent in Studies Eligible for Exemption

Even with exempt studies, participants (and parents/guardians, if the participants are minors) must be notified that they (or their child) will be photographed or recorded, and they must be provided with information about the purpose, procedures, storage, confidentiality, security, and future use of the resulting record via an [exempt informed consent form](#) (Word document) or an “opt out” form. In studies where recording is for interviews, focus groups, or benign behavioral interventions, please include information about the recording in the exempt consent information for the study. Please note that interviews, focus groups, and benign behavioral interventions with minors is not eligible for exemption unless the study can qualify for a FLEX exemption. Please see the NC State University IRB unit standard on exemptions for further details.

When appropriate to the research design, please use the “opt out” form for observing large groups of people. This allows for easier facilitation of the research and provides participants the autonomy to choose not to be in research. This form also discusses how those who “opt out” will be treated. This can be information about creating a space out of view of the camera or a discussion about how their recorded information is not used as data and will be deleted. Please note that if you wish to record in a public K-12 classroom setting in North Carolina, the NC Parents’ Bill of Rights determines permission for photography and recording. Review the [NC State University’s IRB guidance on the Parent’s Bill of Rights](#) (Word document) as permission for photography and recording must be prospectively sought.

Use of Images and Recording in Research for All Studies

Modes of Data Collection

- If completing photovoice as a data collection method, please review the NC State University IRB’s guidance for [Qualitative Research](#) (Word document) for guidance on and IRB requirements for the photovoice method.
- If completing interviews, focus groups, benign behavioral interventions, or small-scale observations, informed consent for recordings is practical to get and must be sought. This requirement applies to exempt and non-exempt research.
- Participants must be told if they must consent to recordings to be in the research or if they can choose not to be recorded but still be in the research.

Software and Devices

- If using web conferencing software or collaborative software, discuss the software used and state why it was selected in the IRB application. Please refer to [NC State University’s Software Licensing](#) (opens in a new window)
- Make sure to read the manual/directions to make the settings to the software consistent with what you tell participants and articulate in the IRB application.

- This will help you create an image/recording plan that is designed for your study and the software you use to maximize its capabilities.
- Many web conferencing software packages have ways for participants to turn off their camera, only record audio and not video, change the recorded view so only one aspect is recorded, remove their name for a pseudonym/number/code, and choose between local and cloud recording, etc. Choose appropriate settings for your research data collection which reflects the data's sensitivity, the terms to which the participants consent to, and for which the IRB will approve.
- Web conferencing software records more than just sound or just video. The recording contains text between and among participants during the conference and, within the text capture, participant usernames (commonly the real name of the participant). Choose appropriate settings for your research data which reflects the data's sensitivity, the terms to which the participants consent to, and for which the IRB will approve.
- Please review the [NC State University OIT guidance and requirements for Zoom settings](#) (Google document) to record human subjects data.

In Educational Settings

- Participation in research must be voluntary. Due to the structure of educational institutions and the power differentials between administrators and instructor(s)/student(s), a person cannot be required to participate in a classroom research activity that is not a normal part of the course curriculum.
- A researcher may be able to define research space within a setting and allow people who did not consent, to sit outside of the research space. If this negatively affects student learning, the research study cannot be exempted. The school wherein the research takes place, must agree to this setup as they are responsible for enforcing all requirements.
- For all non-exempt protocols where a virtual classroom's setting will be recorded via web conferencing, researchers need to obtain full consent from everyone in the classroom who will be recorded: students, instructors, aides, etc. If the students are minors, parental/guardian permission and assent is also required.
- For all IRB protocols completed face to face, researchers can define their specific research setting with a plan to ensure recording does not occur for those who do not consent, assent, or do not have parental/guardian permission.

- The preferences of parents/guardians, students, faculty, and staff should be respected. There may be multiple reasons for not consenting to a research activity utilizing recording of subjects, including legal, safety, cultural, and/or religious considerations.
 - Strategies to implement recording and later remove images or recordings of non-consenting students often "miss the point" or add unnecessary risk to a research protocol that would not be present if the recording was not occurring.
 - The researcher must have a plan in place to define specific research setting and a plan to ensure recording does not occur for those who do not consent, assent, or do not have parental/guardian permission.
 - Even after these efforts are made, situations may arise where those who did not consent are inadvertently recorded. If this occurs, it would be appropriate to blur images, remove sound, or delete these recordings, and notify the IRB of the instance.
 - Not recording is preferred over incidental recording.

Kindergarten through 12th Grade Classrooms

- If recording in a public K-12 classroom setting in North Carolina, the NC Parents' Bill of Rights determines permission for photography and audio or video recording. Review the [NC State University's IRB guidance on the Parent's Bill of Rights](#) (Word document) as parental/guardian permission for photography and recording must be prospectively sought.

Nature of the Images and Recordings

- The image or recording may be considered a [FERPA](#) (Word document) record.
- Researchers are responsible for verifying the status of the record(s) they wish to use for research purposes with an appropriate institution representative from the educational institution with the knowledge and standing to determine if FERPA applies.
- Researchers are not qualified to make the FERPA determination themselves due to conflicts of interest and commitment.
- If recording in a public K-12 classroom setting in North Carolina, the NC Parents' Bill of Rights determines permission for photography and audio/video recording. Review the NC State University's IRB guidance on the Parent's Bill of Rights (Word document) as

permission for photography and recording must be prospectively sought.

- If the image(s)/recording(s) is/are made by the teacher or another representative of the educational institution acting as an NC State researcher:
 - Gatekeeper permission to access the site for research purposes is required and permission must document knowledge of images/recordings being produced for research purposes. This must occur and be articulated in the IRB application but does not need to be uploaded to the supporting documentation before approval.
 - Researchers cannot act as a gatekeeper and give themselves site permission due to conflicts of interest and commitment.
- If the recording is made by the NC State University researcher who is unaffiliated with the educational institution in which they wish to collect image(s)/recording(s):
 - Gatekeeper permission to access the site for research purposes is required and permission must document knowledge of image(s)/recording(s) being produced for research purposes. This must occur and be articulated in the IRB application but does not need to be uploaded to the supporting documentation before protocol approval.
 - Researchers cannot act as a gatekeeper and give themselves site permission due to conflicts of interest.
- If a researcher wants to use the image(s) and/or recording(s) for non-research purposes, they must document the agreement for using the research data for non-research purposes [on a separate form that is not regulated by the IRB](#) (PDF file).

FERPA and Permission to Access FERPA Records

- The institution making and maintaining the specified record(s) is responsible for determining whether FERPA applies to the specified records.
- The institution making and maintaining the specified FERPA record(s) is responsible for fulfilling FERPA requirements.

- If FERPA applies, images and/or recording will be considered a FERPA record, and their creation and statuses must be discussed in the IRB protocol and parental/guardian permission form/processes.
- The record-holding institution must give permission for the record to be used for research purposes and formally release the image(s)/recording(s) to the researcher through a FERPA exception determination.
 - Any FERPA exception determination must come from the [record-holding institution's data steward or their delegate](#) (Word document) for the specified data.
 - While the FERPA exception determination must be articulated in the IRB application it does not need to be uploaded to the supporting documentation before protocol approval.
 - The FERPA exception determination cannot be given by the principal investigator or anyone on the research team due to conflicts of interest.
 - Researchers cannot act as a gatekeeper, nor can they give themselves site permission to complete the research. This is due to real and perceived conflicts of interest and commitment.
- If the image(s)/recording(s) is/are made by the NC State University researcher who is unaffiliated with the educational institution in which they wish to collect image(s)/recording(s) and the recording is not a required assignment:
 - The image/recording is not considered a FERPA record and as a result, FERPA does not apply.
 - If FERPA applies, images and/or recording will be considered a FERPA record, and their creation and statuses must be discussed in the IRB protocol and parental/guardian permission form/processes.

Parental Permission and Minor Assent

- Informed consent under the IRB regulations and permission to access FERPA records may be requested in the same form.
 - For research eligible for exemption, please use the [exempt consent template](#) (Word document).
 - For research requiring expedited or convened full board review, please use the [non-exempt informed consent template](#) (Word document).
- For all IRB protocols reviewed via expedited or convened full board procedures, adult consent and/or minor assent and parental permission must be sought, obtained, and documented OR the protocol must be able to qualify for a full waiver of consent or parental permission.
- If the recording is made by the NC State University researcher who is unaffiliated with the educational institution in which they wish to collect image(s)/recording(s):
 - Adult consent and/or minor assent and parental/guardian permission must be sought, obtained, and documented OR the protocol must be able to qualify for an exemption or a full waiver of consent or permission. Note, the NC Parent's Bill of Rights may affect this option.
 - If the researcher wants to use the image(s)/recording(s) for non-research purposes, they must document the agreement for using the research data for non-research purposes [on a separate form that is not regulated by the IRB](#) (PDF file). This should not occur at the same time as the research informed consent process.

Postsecondary Institution Classrooms

NC State University

Nature of Images and Recordings

- If the image(s)/recording(s) is made of NC State University students and the researcher or teacher making the recording is a representative (employee, faculty, student, etc.) of NC State University

- The image/recording is considered a [FERPA record](#) (Word document).
- The institution (i.e., NC State University) making and maintaining the specified FERPA record(s) is responsible for fulfilling FERPA requirements. The IRB office at NC State University does not maintain FERPA records.

FERPA and Permission to Access FERPA Records

- NC State University must give permission for the record to be used for research purposes and formally release the recording to the researcher through a FERPA exception determination. This must occur but does not need to be provided to the IRB before approval and must be articulated in the IRB protocol.
 - FERPA records are released by the [data steward or their delegate](#) (Word document).
 - You cannot act as a FERPA records holder and give yourself permission to access the FERPA records.
- The FERPA exception determination must be articulated in the IRB application.
- The FERPA exception determination must come from the NC State University data steward for the specified data (this cannot be the principal investigator or anyone on the research team due to conflicts of interest and commitment). This must occur but does not need to be provided to the IRB before approval.
- The data steward for the record-holding institution must state what data they are releasing to be used for research purposes. This must occur but does not need to be provided to the IRB before approval.

Informed Consent Processes

- Informed consent requirements under 45 CFR 46 must be sought, obtained, and documented OR the protocol must qualify for exemption or be able to qualify for a full waiver of consent.
- Certain procedures must be followed if you wish to include minors at post-secondary institutions in your research study. Please review the NC State IRB unit standard on the [Inclusion of Minors Attending Post Secondary Institutions in Research](#) (Word document).

Institutions Other Than NC State University

Nature of Images and Recording

- If the images or recordings are made by an NC State University researcher who is unaffiliated with the secondary educational institution where the images or recordings are collected, the images or recordings are not considered a FERPA record unless the recordings are made as a class assignment.

Informed Consent Processes

- Certain procedures must be followed if you wish to include minors at post-secondary institutions in your research study. Please review the NC State IRB unit standard on the [Inclusion of Minors Attending Post Secondary Institutions in Research](#) (Word document).

Archiving Images and Recordings

For all studies, regardless of review level, the NC State University IRB recognizes the potential value in archiving images or recordings for future research.

If an investigator wishes to archive identifiable images, identifiable video or identifiable audio recordings, the IRB requires the following information be included in the IRB application:

1. A justification for archiving identifiable or re-identifiable images, video or audio recordings indefinitely or for a certain period (such as professional standards or use of data for future research).
2. A justification as to why the images, video or audio recordings must remain identifiable or re-identifiable and cannot be augmented to de-identify participants.
3. At the initial time that participants are initially consented, the informed consent form must include the [broad consent addendum](#) (Word document) for the use of identifiable/re-identifiable data for unspecified future research projects.

Using Archived Images and/or Recordings for Research

Any proposed use of image(s) and/or recording(s) that were or will be made for any other purpose but the proposed research project, will constitute secondary data. The use of this secondary data must be reviewed by the IRB before the images/recordings are accessed for research purposes.

The image(s)/recording(s) can exist already or be created in the future. Please refer to our guidance regarding [secondary data and the IRB](#) (Word document) for the use of these images or recordings.

- If [broad consent](#) (Word document) was sought and obtained from participants and/or minors and parents/guardians at the initial generation of the images or

recordings, then the IRB can review and approve the proposed research project under administrative review, resulting in an exemption determination.

- If [broad consent](#) (Word document) was not sought and obtained from participants and through administrative review, the NC State IRB must find:
 - that the original study's purpose and the new proposed study's purpose are the same, and
 - the use of the images and audio/video recordings do not increase risk to participants
- For studies where broad consent was not sought, but meet the aforementioned criteria, the NC State IRB will review the secondary data analysis application at the mid-level (expedited) IRB review.
 - Mid-level (expedited) reviews are subject to all of the federal regulations for human subjects' research.
 - Mid-level (expedited) reviews must qualify for a waiver of consent.
 - For a waiver of consent to be granted, the researcher must provide justification as to why informed consent or minor assent and parental permission cannot be obtained.
 - There may be circumstances where the secondary use of the audio/video recordings are unrelated to the initial study and the study does not qualify for a waiver. In these cases, re-consent may be required.
- If the purpose of the secondary data analysis is found to differ significantly from the purpose of the original study AND the material in the recordings exposes participants to more than minimal risk, the application for secondary data analysis is likely to undergo a convened full board review.
 - The convened full board will determine whether secondary analysis of the recordings increases risk to participants and whether participants were adequately informed during the original study about the use, confidentiality, or destruction of their recordings.
 - Based on these findings, the IRB may require that informed consent for secondary analysis be obtained from participants, or they may determine that the data is unusable.

Using Archived Images and/or Recordings for Non-Research Purposes

For all IRB protocols regardless of review level, if the images and recordings will be used for non-research purposes, such as for educational purposes, training,

demonstration, advertising, promotion, or publication, researchers must document the agreement for using the research data for non-research purposes [on a separate photo release form that is not regulated by the IRB](#) (PDF document). This release should be discussed with the participant in a separate process from when the research itself is discussed.

- The NC State University IRB office does not require that your non-research purposes agreement form be uploaded to your IRB protocol for review and approval because non-research uses of the information isn't subject to IRB review.
- Researchers must be vigilant to not confound the two processes of consenting to research and giving permission to have their research data used for non-research purposes. This must be clear in the participant recruitment and consent process. In particular, photo release *cannot* be embedded in the consent form for research activities as exculpatory language is prohibited in any human subjects' research.
- In the IRB application, researchers should provide information about the images and recordings that they are collecting for research and non-research purposes. Example language includes "We are seeking the use of these recordings for purposes outside of research, such as marketing and other media. We will work with the NC State University Office of General Counsel to provide appropriate release information to participants. The non-research release process will not be done in conjunction with the research."

Appendix A: Web Conferencing Tips and Training

[NC State University Extension developed a succinct webpage summarizing the web conference options available to NC State researchers](#) (opens in a new window). Below is a summary of commonly used platforms that NC State researchers use for data collection of images and recordings. Please keep in mind, for non-exempt research, a research team cannot collect any images or recordings on any of these platforms without 100% consent from everyone present. An [overview of the NC State University web conference platforms](#) (opens in a new window) is located on the NC State Extension website.

Zoom

- [Required settings for use of Zoom in human subjects research](#) (Google document)
- The [NCSU Zoom dashboard](#) (opens in a new window) provides a wealth of information about the platform once you're logged in. It is expected that when using Zoom for data collection, NC State University researchers use the NC State affiliated Zoom account.
- For support while using Zoom, please access [Zoom support](#) (opens in a new window).
- Zoom has guidance for how to change the layout for recording for both desktop and mobile devices. This includes recording the active speaker, gallery view, and shared screens. You can find guidance on [Zoom's Recording Layouts webpage](#) (opens in a new window).
- Zoom allows for both local recording and cloud-based recording.
 - Local recording allows the researcher to record the session on their computer. You can then upload the files elsewhere. You can find information about local recording on [Zoom's Enabling and starting local recordings webpage](#) (opens in a new window).
 - Cloud recording allows the researcher to record the session to a cloud service. Find information about cloud recording on [Zoom's Starting a cloud recording webpage](#) (opens in a new window).
- Please find information regarding Zoom and its use for data collection methods subject to HIPAA on [Zoom's Zoom for Healthcare webpage](#) (opens in a new window).
- Zoom support also offers [Zoom training](#) (opens in a new window).

Google Meet

- The Office of Information Technology (OIT) at NC State University has a [Google Workspace website](#) (opens in a new window) where you can find information on accessing the University's Google Meet web conferencing platform. The NC State IRB expects researchers to use their NC State affiliated Google Meet account for research data collection when appropriate, as the data protection standards are stronger than the publicly available Google Meet accounts.
- Researchers who need or want training on how to use Google Meet can access the [Google Meet training and help homepage](#) (opens in a new window).

- Learn how to change your computer's video and audio settings in Google Meet on the [“Change your video and audio settings” page on Google Meet Help](#) (opens in a new window).
- Researchers can find information about video recording a Google Meet session in the [“Record a video meeting” Google Meet Help](#) (opens in a new window). The page explains how to record and what is recorded.
- Researchers can find information about how to use features like mute, pin, or remove Google Meet participants on the [“Pin or mute Google Meet participants” Google Meet Help](#) (opens in a new window).
- For information about Google Meet security and privacy of its users, please go to the [Google Meet Security & Privacy for Users webpage](#) (opens in a new window). This includes safety measures implemented by Google to keep the meeting safe and secure, and information about encryption and privacy.