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## **UNICEF GUIDANCE ON NON-CONSENSUAL RECORDINGS**

**Document Number: GUIDANCE/DHR/2021/001**

**Effective Date: 28 December 2021**

### **RATIONALE**

1. Modern technology and the proliferation and use of personal mobile communication and other electronic devices has made it increasingly easy to make recordings in and outside the workplace.
2. UNICEF does not condone non-consensual recordings at workplace settings or activities. Such recordings undermine the work relationship between employees and UNICEF's core value of Trust, raise confidentiality concerns, and may infringe on the rights of others. They might not be in compliance with the Staff Regulations and Rules or may violate local laws. Making a non-consensual recording is unacceptable behavior and may amount to misconduct.

### **APPLICABILITY / SCOPE / DEFINITIONS**

3. This internal guidance is applicable to all UNICEF personnel<sup>1</sup>.
4. This guidance applies to all work-related activity recordings, defined as an audio or visual (still or moving) recording in the workplace or at any work-related activity, including on MS Teams and Zoom calls, except audio/video recordings which are made for:
  - 4.1. official purposes where staff have no reasonable expectation of privacy, for example for security purposes; and
  - 4.2. investigative activities undertaken by the Office of Internal Audit and Investigations (OIAI).

### **GUIDANCE STATEMENTS**

5. Personnel must not make a work-related activity recording, without first gaining express consent from each person being recorded, or pressure any participant to consent against their will.
6. Where consent is obtained, personnel must document on the audio/visual record that participants agreed to the recording.
7. Notwithstanding the preceding paragraph, consent to being recorded is assumed if the participants are notified of the recording and choose to remain in the meeting (in person or remotely) when a recording is:

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<sup>1</sup> Personnel means all UNICEF staff members as well as staff members from other UN organizations on loan or secondment to UNICEF and all other non-staff personnel, including consultants, individual contractors, gratis personnel, interns and volunteers.

- 7.1. Approved by management to record town hall or departmental meetings, or similar notable events in the overall interest of the Organization and its personnel; or
- 7.2. Essential to accommodate access for personnel with an impairment or disability.
8. Where consent is not obtained from each participating party, no recording shall be made, and an alternative arrangement should be made such as taking notes, utilizing a support person, or deferring the conversation until a satisfactory agreement can be reached.

***Securing evidence***

9. Taking recordings to secure evidence without the explicit consent of all parties involved is discouraged. However, in a situation where personnel believe they may become or are a victim or a witness of prohibited conduct, including discrimination, harassment, sexual harassment or abuse of authority, they may record a work-related activity without consent of the participants on an exceptional basis, following a consultation with the Ethics Office and for the sole purpose of making a report of misconduct.
10. Such recordings may be considered as evidence for investigation purposes and any subsequent legal process, including under local laws, subject to the applicable rules and laws governing its use in different processes.
11. Recordings which were taken under the above-mentioned circumstances shall not be shared outside the established official processes, including administrative or disciplinary proceedings, or referral to national authorities where permissible.

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**RISK MANAGEMENT**

| <b>Document Title: UNICEF GUIDANCE ON NON-CONSENSUAL RECORDINGS</b>   |   |
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| <b>Corporate Risk Category: Human resources</b>   |   |
| <b>Typical Risks</b>  | <b>Minimum Expected Mitigation Measures</b>   |
| Recordings, audio and/or visual, are being made without the knowledge of participants and/or without the participants understanding what the recordings will be used for, e.g., not enough information to provide valid/informed consent. | Any meeting should start with the remarks that no recordings are allowed, unless agreed upon.   |
| Unauthorized release of information to third parties as well as use of information for unrelated/unexpected purposes  | Participants of meetings shall be reminded of the allowed use of information and the procedure for retention or release of information. |
| Consent is not unambiguous, e.g. may be disputed later.   | Participants shall be reminded what consent means.  |
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## DOCUMENT MANAGEMENT INFORMATION PAGE

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|---|--|
| <b>Document Title</b>   | UNICEF Guidance on Non-Consensual Recordings   |
| <b>Document Number</b>  | GUIDANCE/DHR/2021/001  |
| <b>Effective Date</b>   | 28 December 2021   |
| <b>Mandatory Review Date</b>                                    | 28 December 2023   |
| <b>Responsible Business Owner</b>                               | DHR  |
| <b>Responsible Manager</b>                                      | Chief, Policy, Employee Relations, Compensation and Social Benefits  |
| <b>Document Summary</b>   | This document shall guide personnel on non-consensual recordings which in principle are prohibited. It includes circumstances for exceptions to the principle. |
| <b>Regulatory content the Document Replaces</b>                 | N/A  |
| <b>Topics Covered</b>   | Handling of non-consensual recordings and the exceptions thereto   |
| <b>Corporate Risk Area</b>                                      | Human Resources  |
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| <b>Reference / Links to Enabling Legislation and Background</b> |  |
| <b>Links to Relevant Policy</b>                                 | <a href="#">Values Charter:</a><br><a href="#">ISCS Standard of Conduct for the International Civil Service</a><br><a href="#">UNICEF Competency Framework</a> |
| <b>Links to Relevant Procedure</b>                              | <a href="#">UNICEF PROCEDURE ON RETENTION OF RECORDED INFORMATION</a>  |
| <b>Links to Relevant Guidance</b>                               |  |
| <b>Links to Relevant Training Materials</b>                     |  |

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| <b>Links to Other Knowledge &amp; Information Resources</b> |  |
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