

## **DePaul University IRB Guidance- Audio and Visual Recordings of Communications between Researchers and Human Subjects**

It is a very common research practice for social behavioral research, particularly interview research, to record the conversation with a research participant for the purpose of making an accurate record of what was said. Often, the recordings are transcribed into written notes before data analysis. When the recording of conversations is part of the research procedures, the researcher must ensure that s/he follows Illinois State law [Illinois Eavesdropping Act 720 ILCS 5/14] that covers the recording of conversations.

Illinois law prohibits the “surreptitious”<sup>1</sup> recording of private conversations without the consent of everyone who is a party to the conversation. This is true whether the conversation takes place in person, over the telephone or through any other means, such as Voice over Internet Protocol (VoIP). Under Illinois law, a recording device is any device that is capable of being used to hear or record an oral conversation or intercept or transcribe communications.

In order to obtain consent of the participants, the DePaul IRB recommends that at the beginning of the conversation or interview (and before the recording begins), the researcher have scripted language such as, “This conversation is being recorded for research purposes. Please let me know now if you do not agree to being recorded. You may request that the recording stop at any time.” Then if the participant indicates they do not agree to be recorded, the researcher can end the conversation or continue the conversation without recording, if that is an option built into the research. The participant does not have to say “yes, I consent to the recording,” as in most cases a failure to object can be taken as consent.

### When and Where should the Consent Language Appear in the Research Plan or Documents:

When planning the research methods and design, the researcher should think about when they would like to begin the recording, for example only once they are ready for the interview to begin or at the beginning of the information or consent process. Which option is chosen will define which document or process should include the above recording consent information.

Additionally, if video recording is included in the research, the investigator should use the recommended consent language provided by the IRB and approved by the Office of the General Counsel. (Refer to Recommended Consent Language guidance document on the IRB web-page).

Research that may include talking to people in other states: Illinois law is stricter than federal law governing Wire Interception and Interception of Oral Communications [18 USC Chapter 119] (Wire Tapping) and laws in most other states. So as long as the DePaul researcher applies the Illinois law to conversations with people from other states, they are very likely also in compliance with the laws of those other states.

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<sup>1</sup> Surreptitious means: 1) done, made, or acquired by stealth : clandestine; 2) acting or doing something clandestinely: stealthy

Research that may include talking to people from other countries: There is no one law that covers every country, so recording conversations internationally can be complicated. It is recommended that any researcher who plans on recording conversations with participants in other countries contact the Office of the General Counsel for guidance regarding what law(s) must be addressed for those country(ies).

Research Involving Visual Recordings: The DePaul IRB guidance document “Recommended Consent Language” contains suggested language that should be included in information sheets/consent documents when video recordings are being made for research purposes.