

4.1.2 Media Recording of Board Proceedings

Introduction

1. This policy sets out the notice requirements and general terms for media when recording proceedings. The Board wishes to allow relatively unrestricted media access to public proceedings. However, it is important that such access not inhibit or unreasonably interfere with conduct of the proceeding. This policy is intended to strike a balance between those potentially opposing aims.

Definitions

2. “*in camera*” – means confidential

Application

3. This policy applies to all Board proceedings.

Prohibited

4. The following are strictly prohibited:
 - a. Recording of notes of a Board Member, participant, lawyers or Board staff person in any way;
 - b. Going into the Member seating area (dais – around or behind the Members);
 - c. Approaching or going behind a witness while that person is testifying;
 - d. Recording of any document marked as confidential; and,
 - e. Recording during confidential or “*in camera*” sessions.
5. Reporting on or publishing any information such as evidence or names of witnesses from *in camera* sessions is prohibited where the panel chair has determined that personal privacy or personal security concerns outweigh public disclosure. In these rare circumstances the panel chair may give oral or written direction on what is NOT to be recorded or published.

Board Rules

6. The Board has included guidelines for audio and video recording in its procedural Rules. They are:

AUDIO AND VIDEO RECORDING OF HEARINGS

1. Audio and video recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.

2. The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the hearing in any way.
3. Where recording is allowed, the following shall apply unless otherwise directed by the Board:
 - a. only equipment which does not produce distracting sound or light shall be used;
 - b. where possible, existing audio systems present in the hearing room shall be used;
 - c. media personnel shall not move about while the hearing is in progress; and
 - d. equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.
7. Rules relating to video recording also apply to still picture photography.
8. A complete list of Rules can be found on the Board's website at: <https://nsuarb.novascotia.ca/rules-regulations-statutes>

Recording Permitted

9. Audio recording from the Board's audio system is permitted during any public session.
10. Video recording, and still picture photography **are allowed** at the following times:
 - a. Any time the proceeding is not in session (e.g., before starting, during breaks, after the session ends).
 - b. At the start of a proceeding up to the point when the first witness begins to speak. That includes the initial roll call of participants and dealing with any preliminary matters.
 - c. Any other time the panel chair has granted permission to record.

Getting Permission to Video Record for Longer Periods

11. Media can request permission to video record for longer periods such as:
 - a. Opening statements;
 - b. All of a witnesses' testimony; and
 - c. The entire proceeding (other than *in camera* portions).
12. Requests to video record for longer periods should be directed to the Executive Director or hearing panel chair at least a day in advance of the hearing. Late requests may be declined. The Board reserves the right to canvass the parties for comment prior to deciding whether to grant permission.

Additional Guidelines for Recording and Filming

13. Indicator lights or signals on equipment must not be visible so as to be distracting. Audible signals must also be shut off or muted.
14. Photographers shall not approach the party speaking or otherwise move about in a manner which will become distracting or disruptive.
15. The panel chair or Executive Director may designate a fixed place from which video recording is to occur.
16. Any equipment which is interfering with the proceeding -- or the Board's audio recording or amplification -- must be removed when directed by a Member or any staff.
17. When video recording significant parts of a hearing the Board may direct that only one camera can be used and that the media outlets share the recording. Optionally, if the media outlets prefer, they may use a video distribution device to split the output to multiple recording devices.
18. Cellular phones, pagers, or other similar devices must be switched to silent or vibrate only.
19. Should the panel chair or a Board staff member give direction either granting additional permission or restrictions, that direction must be followed.

Copies of Audio Recordings

20. It is possible to request a copy of a Board audio recording. Audio recordings are usually copied to the Board's website soon after the end of a proceeding (Matters and Evidence menu selection). Requests for audio recordings can be directed to any Board staff person. There is no charge for this service.

Failing to Comply

21. Should anyone fail to comply with this policy, the panel chair may stop the proceeding, and/or order recording to cease. The panel chair has the discretion to allow the offending person to remain, or direct that they be removed from the hearing, or to give any other direction they feel necessary for the orderly conduct of the hearing.

Authority

22. This policy is issued on the authority of the Chair and is effective as of February 6, 2020.

Revision History

23. No revisions.