

Audio Recording in Human Subjects Research

I. Overview

Research involving human subjects may include audio recordings for various reasons, including the documentation of informed consent or as part of data collection. Massachusetts law pertaining to the use of audio recording by private citizens applies to the use of any device that allows for the recording of audio, (e.g., microphone, video recorder, camera, or telephone). Audio recordings collected for any part of research are considered data, and therefore all DF/HCC Policies and Guidelines for collection, use, storage, and destruction of data apply.

The purpose of this document is to provide guidance for investigators who plan to include audio (including video with sound) recordings in their research.

Use of Audio Recording

When incorporating the use of audio recording in any aspect of human subject research, the following criteria must be met:

- All parties must be informed of the use of audio recording or video recordings where audio is captured prior to the recording taking place.
- If any party declines proceeding with recording, that party should remove themselves from participation. The Investigator may choose an alternative to audio recording if possible, such as transcription, if agreeable to the participant.
- Recording in public spaces is prohibited if the use of a recording device is concealed or otherwise not obvious.
- Recordings must not be shared or otherwise used for purposes beyond what is indicated during the consent process or in the consent document.

II. Additional Considerations

- **Protocol:** The research protocol should specify the type of recording being utilized, the purpose of the recording, how the use of recording relates to the aims of the research, and any procedures that will be implemented to protect confidentiality.
- **HIPAA:** Biometric indicators, including voiceprints, are considered one of the 18 HIPAA identifiers and therefore should be treated as PHI. Privacy Rule requirements may apply.
- **Documentation:** When documenting the informed consent process in accordance with DF/HCC policies, clearly affirm that audio recording of verbal consent was used and that the subject was informed of use of recording prior to its initiation.
- **Maintenance and Destruction:** The research protocol should prescribe how audio recordings will be secured, as well as when and how they will be destroyed. This information should also be provided to the study subject.

Resources:

- Massachusetts General Law Chapter 272 § 99 – Interception of Wire and Oral Communications
- Guidance on Documenting Informed Consent
- HIPAA Privacy Rule
- DF/HCC SOP CON-100 Informed Consent Process
- DF/HCC DOC-101 Source Documentation Requirements
- DF/HCC RCL-101 Record Retention for Completed Research