



Striving Towards Excellence

Philippians 3:14

Streaming and Recording Church Services

The Risks You Need to Consider

The past year has brought about unmatched changes to the way churches do ministry. While these changes have been difficult at times, they have also brought about an outreach into our communities as never seen before through the increase of live stream and on demand recordings of church services around the globe. These live videos and recordings, however, come with some risks you may not have considered. Please share this information with those in your ministry who are in charge of church services, media and technology.

The information contained herein is a great starting point regardless of whether you are new to recorded church services or have been doing it for years. What follows is intended for informational purposes only and does not constitute legal or risk management advice. We recommend consulting a licensed professional attorney to address the risk management needs of your ministry.

Notice of Video Recording

When your church makes the decision to record your church services, it is important to consider what physical areas of the church will be recorded and broadcasted publicly and how this will be communicated to both those leading and attending the service. It is best to only record the stage so that those in attendance are not recorded. If this is not possible, however, consider placing signs in the church that indicate the service is being recorded, what sections of the church will be recorded and what areas are “Video Free” zones. Printing a notice of recording weekly in a bulletin, newsletter, or posting on your church website or social media account is also a good idea.

Privacy and Consent to Record

It is important to make sure that all persons who have been asked to participate in the service on stage are made aware that they will be recorded. Written consent should be obtained when possible, but informed consent, through the aforementioned notice of recording, is next best. Extra thought should be given to special service elements such as: baptisms, baby dedications, altar calls, missionary sharing, children’s singing, etc. When it comes to minors, consider getting explicit consent from every parent or, even better, recording only the audio and showing a different visual so that the children do not appear on the recording. Keep in mind the potential risks of broadcasting your patrons over the internet, specifically for minors, foster children, domestic abuse victims, or missionaries.



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PROTECTING YOUR PEOPLE

E-mail Address Request

Do we have correct e-mail addresses for your ministry contacts? Send them to audra@chuppinsurance.com so we can keep you informed and up to date with news you need to know.

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Confidentiality

If your church has sharing time or prayer requests spoken during the service, consider removing this portion of the service from your broadcast service. If you live stream, it would be a good idea to have a different audio and possibly video play during this portion of the service. If muting or deleting the prayer request time from the video is not possible or not desired, then it is imperative that a reminder of recording and/or broadcast is made clear prior to sharing time. Permission to share publicly must be obtained from any person requesting prayer prior to the service.

Copyrighted Material

The laws pertaining to copyrighted material and their use during religious services are vast and beyond the limited knowledge of our agency. When considering copyrights, think of it this way: If you didn't write it, you don't have the right to it. The most important thing churches need to know is that licenses that cover the use of copyrighted material during an "in person" religious service *do not* carry over to recorded, rebroadcast, or live streamed services. In other words, you must have a copyright license that explicitly covers the use of materials that will be recorded, rebroadcast, or live streamed, and these licenses do have limitations as to what material is covered.

How to Protect Yourself in the Digital Age

Even with your best efforts, it is still possible to find yourself with a copyright infringement on your hands. General church liability will come in to play for copyright infringement that occurs during a non-recorded, in-person service or on printed material. To protect yourself in the case of infringements that occur from recorded, rebroadcast or live streamed services or from posts on a website, blog or social media outlet, you will need Cyber Liability Insurance.

Keep in mind that not all Cyber Liability policies are created equal. Media liability is a crucial coverage within Cyber Liability that protects what church's post online. Some policies, however, restrict media liability to only what is posted on a church's website, which leaves you vulnerable to footing the bill of an infringement from anything posted elsewhere. That means that coverage would not be provided for copyright infringements that occur from a recorded or streamed service posted off your church website, anything posted on a social media page or a blog.

If you are concerned about what coverage you have, please give our office a call. We will be happy to review your current coverage to ensure you have the protection you need. We know the idea of paying for more insurance likely does not excite you, but keep in mind that one copyright infringement could result in damages up to or exceeding \$30,000, and that does not include court fees or attorney costs. Social media and video-sharing platforms contain software that automatically scans for copyrighted material, meaning the frequency of copyright infringement lawsuits are likely to increase drastically in the coming months and years.



He shall be like a tree
Planted by the rivers of
water,
That brings forth its fruit in
its season,
Whose leaf also shall not
wither;
And whatever he does shall
prosper.
Psalm 1:3 NKJV