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When are Captions and Transcriptions Required by Law and How to Protect Your Company

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While most people don't encounter closed captioning unless they're in a crowded bar or walking through an airport, having an accurate representation of spoken words in a visual format isn't just an important accessibility feature for users; it's sometimes required by law. But especially during live broadcasts or with AI-driven transcriptions of speech, these can be presented as garbled, inaccurate, and simply useless.

In 2014, the Federal Communications Commission received over 1,600 complaints about inaccurate or incomprehensible television transcriptions (https://apps.fcc.gov/edocs_public/attachmatch/DOC-337706A1.pdf), leading those broadcasters into some hot water. While accessibility standards in television broadcasts are well established and fairly strict, the agency recently issued guidelines for video programming delivered over the Internet, throwing those who produce video content for the web into a considerable lurch - including (technically) those who produce content for YouTube.

Stricter rules apply for television content that's reproduced or re-edited for Internet distribution, but the FCC suggests these four guiding principles for quality closed captioning (<https://www.fcc.gov/consumers/guides/closed-captioning-television>) no matter the distribution method or platform. The agency's guidelines require that all television programming (and likely future online video programming) be:

Accurate

Any written captions or transcriptions must correctly match the spoken words throughout the video as well as communicate background noises, ambient sounds, and music that may be included as part of the full video experience.

Synchronous

Captions or transcriptions should display at the same time as the spoken dialogue and sounds as well as be displayed on-screen at a reasonable, readable speed for the average viewer.

Complete

At no point in the full video should captions or transcriptions be incomplete or lacking and all written depictions of spoken words should be accounted for within the context of the video.

Properly Placed

Any on-screen captioning or transcriptions shouldn't inhibit the overall viewer experience by obscuring important elements of the video, overlap one another, or be partially displayed along the edge of the screen.

Who's Exempt?

Two exemptions exist for traditional video programming: public service announcements funded without federal money, under 10 minutes, or programming shown between 2 AM-6 AM. In addition, those who may not be able to afford the cost of closed captioning or transcription services may be exempt from these regulations.

What It Means for Your Business

If your company or organization primarily utilizes online and social media platforms to publish its video content, you're likely in the clear - for now. However, schools, medical providers, and legal practices are prime targets for FCC attention due to federal accessibility standards directly or indirectly affecting these industries (<https://www.fcc.gov/consumers/guides/21st-century-communications-and-video-accessibility-act-cvaa>).

As standards change and evolve and the Americans with Disabilities Act (ADA) is interpreted in different, more progressive ways, companies producing video content - educational, promotional, or otherwise - should be aware they may need to provide a written transcription of the spoken dialogue in all their videos. In 2012, a lawsuit against Netflix demonstrated how video analysis via closed captioning can be used to identify accessibility issues. For more information, please refer to our Privacy Policy (<https://www.transcriptionhub.com/privacy-policy>) or our Terms of Service (<https://www.transcriptionhub.com/terms-of-service>). While this ruling was broad in nature, it has significant implications for everyone who provides video content to the

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public - especially because Netflix requires payment and account information before making its content available. Legal experts say that services like YouTube, Vimeo, and Facebook may be next in line for regulatory oversight in favor of greater ADA-compliance.

In 1990, a series of anti-discrimination laws requiring public and private organizations to better provide accessibility services to those with disabilities (<https://www.law.cornell.edu/uscode/text/42/12101>) was successfully passed in Congress. This required any video, visual presentation, or promotional commercial that's displayed in a public setting must be captioned. It's only a matter of time before all video content online is more strictly mandated and guided by ADA standards.

What It Means for Education

The 1973 Rehabilitation Act, passed with the intent to curb discrimination against disabilities (<https://www.ada.gov/cguide.htm#anchor65610>), has significant impact on educational materials recorded or filmed for future consumption. Amendment 508 dictates how electronic media must be captioned with a significant tilt toward educational materials. Especially for institutions that receive public or federal funding, any recorded materials must be accompanied by closed captions or a written transcription to ensure full compliance and accessibility.

What It Means Today

In 2010, Congress passed the Century Communications and Video Accessibility Act (CVAA) (<https://www.fcc.gov/consumers/guides/21st-century-communications-and-video-accessibility-act-cvaa>), which aims to protect the rights of the disabled in the advent of the digital age and all its forms of media. The immediate impact for video producers is that anything that's been previously broadcast on television must include closed captioning or transcriptions. While these restrictions don't apply to the majority of organizations employing online video to reach their audience, it's important to consider that most bloggers, social influencers, and major media producers provide closed captioning anyway. It's a service to the audience, yes, but likely a preventative effort to help ward off any FCC scrutiny in the future.

By law, video producers with such applicable content have 45 days after publishing it online to provide captioning or transcriptions to their content.


Next Steps

Regardless as to whether you're required by ADA regulations to provide written depictions of your video content, studies have shown that those who choose to comply with federal accessibility standards actually experience better results compared to competing video content without these accessibility features. If you have a breadth of video content requiring transcription, a professional transcription provider (<http://www.transcriptionhub.com/blog/3-ways-professional-transcription-services-can-benefit-your-business>) can streamline the process and keep your costs low throughout. Starting at just \$0.75 per minute, Transcription Hub is the premier provider of quality transcription services at a reasonable rate. Contact us today for more information or get started today using our automated uploader tool (<http://www.transcriptionhub.com/price-plan>).

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