Ein Tag im Leben eines datafizierten Schulkindes.
Die Auswirkungen auf Kinderrechte, Gemeinwohl und Profite.

Aufwachsen in überwachten Umgebungen – Wie lässt sich Datenschutz in Schule und Kinderzimmer umsetzen?

Jahreskonferenz des Forum Privatheit

Donnerstag, 21. November

defenddigitalme.com

HAPPY BIRTHDAY
1989
30
2019
UNCRC

"Bildung ist heutzutage die mit Abstand datenverarbeitbarste Branche der Welt."

Jose Ferreira, Vorsitzender, Knewton, 2012

“Education happens to be today, the world's most data mineable industry– by far.”

Jose Ferreira, CEO of Knewton, 2012

“Die Sensibilität digitalisierter Schüler- und Studentendaten ist nicht zu unterschätzen”

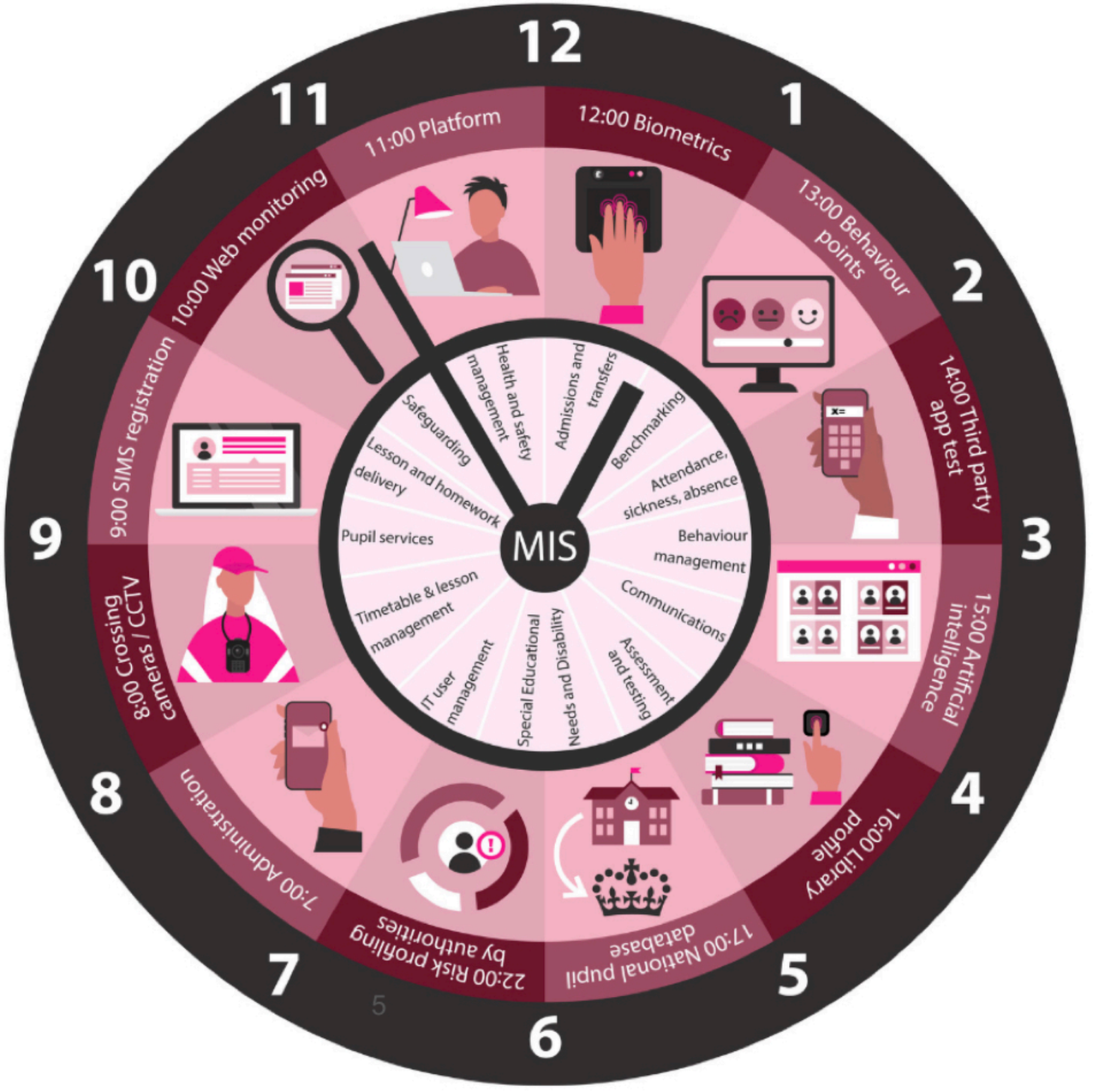
Internationale Arbeitsgruppe zum Datenschutz in der Telekommunikation
Arbeitspapier zu E-Learning-Plattformen
(April 2017)

“The sensitivity of digitized pupil and student data should not be underestimated”

International Working Group on Data Protection in Telecommunications
Working Paper on e-Learning Platforms
(April 2017)

Wie sieht der Alltag eines datafizierten Kindes in Ihrer Schule aus, und können Sie das erklären?

What does a day-in-the-life of a datafied child look like at your school, and can you explain it?



defenddigitalme.com
#MyRecordsMyRights

Die Auswirkungen auf Kinderrechte.

The impact on children’s rights.

“Kinder verlieren ihre Menschenrechte nicht, nur weil sie durch die Schultore gehen.”

UN-Ausschuss für die Rechte des Kindes.
zu den Zielen der Bildung (2001)

“Children do not lose their human rights by virtue of passing through the school gates”

UN Committee on the Rights of the Child.
The aims of education (2001)

Bargeldlose Schulkindspeisungsysteme, die mit biometrischen Identitätssystemen verbunden sind

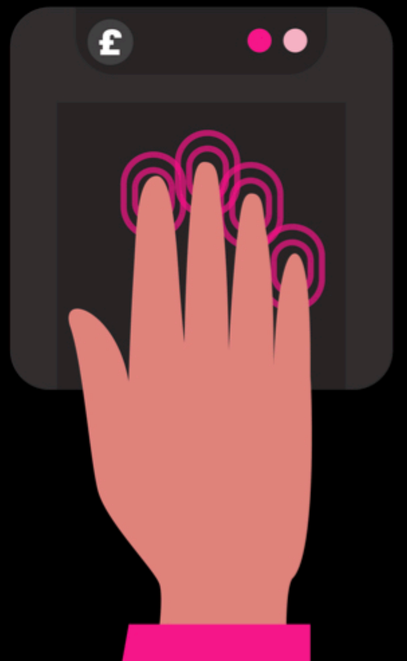
Cashless catering systems connected to biometric identity systems

Es ist nicht erforderlich, um Zustimmung zu bitten, um die biometrische daten eines Kindes in der Schule in England / Wales / Schottland / Nordirland zu erfassen.

There is no requirement to ask for consent to capture a child's biometrics in school in England / Wales / Scotland / Northern Ireland?

Richtig oder falsch?

True or false?



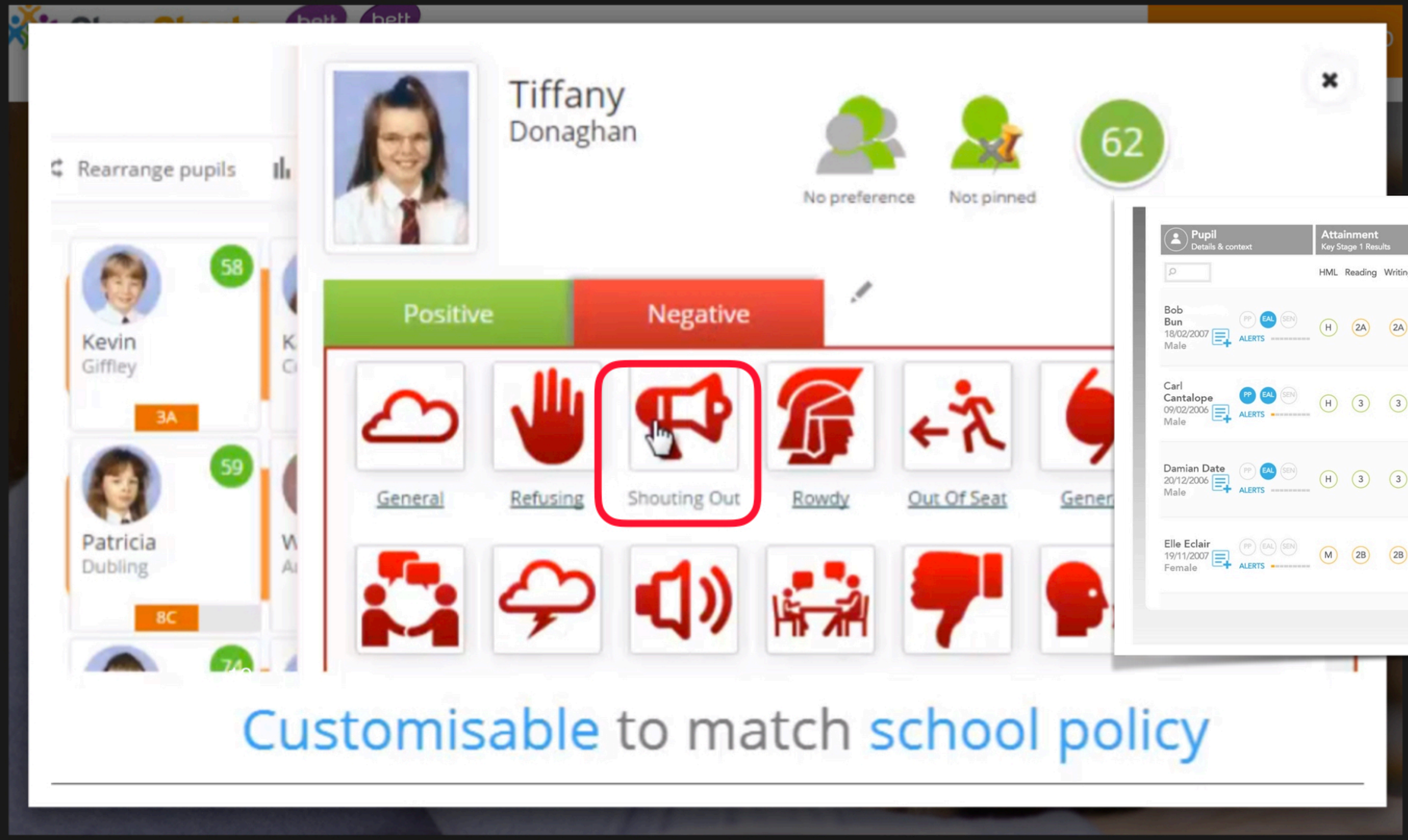
You said your school uses biometric technology. Were you offered a choice whether to use this system or not?

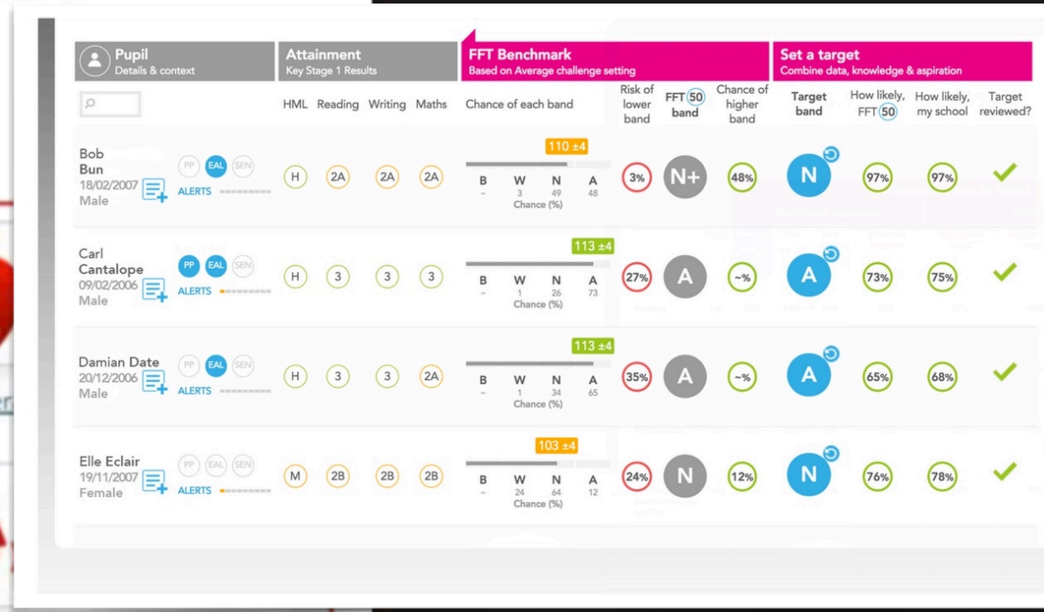
NO
38%

defendigitalme believes a Code of Practice is needed that covers use of children's biometrics and better data protection practice. The 2012 Protection of Freedoms Act requires both parents and the child to be asked for consent to use a child's biometrics, and an alternative method to be on offer. .

Fallstudie: Verhaltensmanagement

Case Study: Behavioural management apps





Fallstudie: 360° Kameras im Klassenzimmer
Case study: 360° Classroom cameras

SCHOOLS WEEK

A digital newspaper determined to get past the bluster and explain the facts.

UNDER-FIRE BRIGHT TRIBE TO CLOSE

BrightTribe
learn grow prosper

P6

SCHOOLSWEEK.CO.UK | @SCHOOLSWEEK

FRIDAY, JULY 20, 2018 | EDITION 148

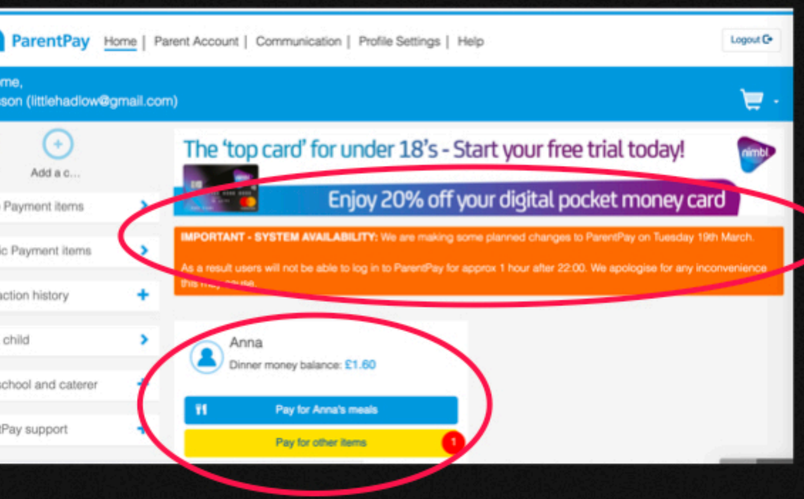
A camera in every classroom: Is Big Brother watching you?

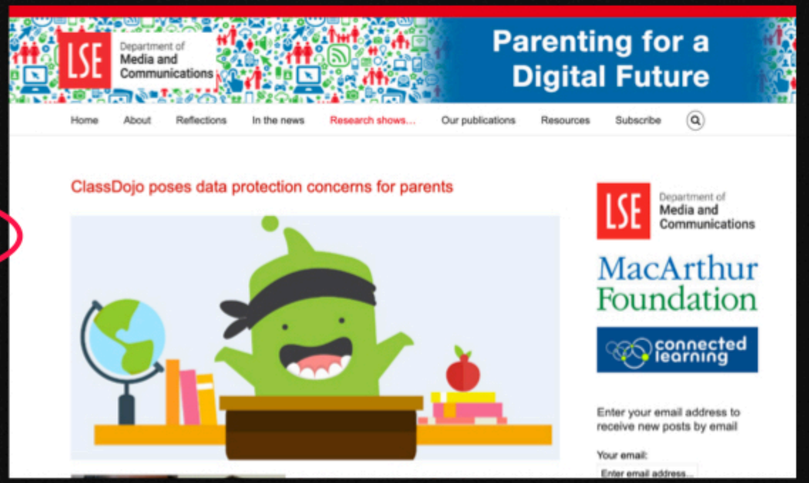
- Birmingham UTC becomes first school to install always-on 360° lesson cameras

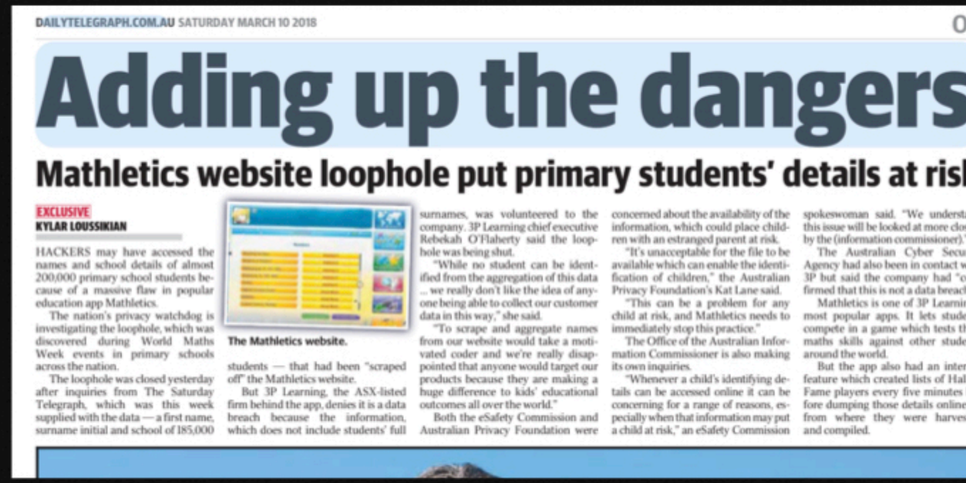
Kameras
Stimme
Bewegung

Cameras
Voice
Movement

Werbung und kostenlose Dienstleistungen/ Advertising and free services



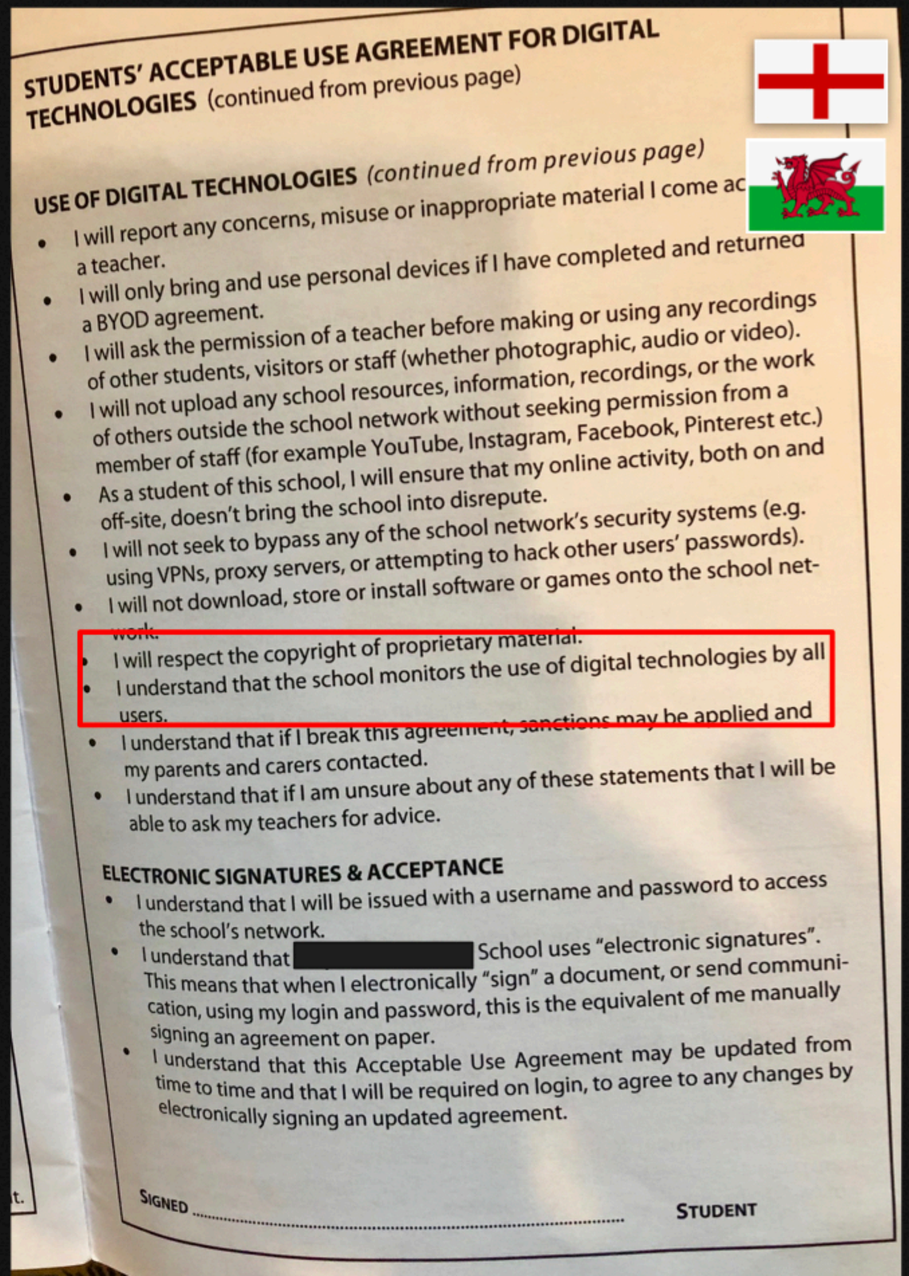




- Ethik
- Privatsphäre
- Sicherheit
- Mindestdatenspeicherung

- ethics
- privacy
- security
- data minimisation / retention

Internetüberwachung / Web surveillance



STUDENTS' ACCEPTABLE USE AGREEMENT FOR DIGITAL TECHNOLOGIES (continued from previous page)

USE OF DIGITAL TECHNOLOGIES *(continued from previous page)*

- I will report any concerns, misuse or inappropriate material I come ac
  a teacher.
- I will only bring and use personal devices if I have completed and returned
  a BYOD agreement.
- I will ask the permission of a teacher before making or using any recordings
  of other students, visitors or staff (whether photographic, audio or video).
- I will not upload any school resources, information, recordings, or the work
  of others outside the school network without seeking permission from a
  member of staff (for example YouTube, Instagram, Facebook, Pinterest etc.)
- As a student of this school, I will ensure that my online activity, both on and
  off-site, doesn't bring the school into disrepute.
- I will not seek to bypass any of the school network's security systems (e.g.
  using VPNs, proxy servers, or attempting to hack other users' passwords).
- I will not download, store or install software or games onto the school net-
  work.
- I will respect the copyright of proprietary material.
- I understand that the school monitors the use of digital technologies by all
  users.
- I understand that if I break this agreement, sanctions may be applied and
  my parents and carers contacted.
- I understand that if I am unsure about any of these statements that I will be
  able to ask my teachers for advice.

ELECTRONIC SIGNATURES & ACCEPTANCE

- I understand that I will be issued with a username and password to access
  the school's network.
- I understand that [redacted] School uses "electronic signatures".
  This means that when I electronically "sign" a document, or send communi-
  cation, using my login and password, this is the equivalent of me manually
  signing an agreement on paper.
- I understand that this Acceptable Use Agreement may be updated from
  time to time and that I will be required on login, to agree to any changes by
  electronically signing an updated agreement.

SIGNED ..... STUDENT

BuzzFeed News

Gaggle Knows Everything About Teens And Kids In School

language commonly used by children and adolescents for almost a decade."

The service also runs images uploaded by students through an "Anti-Pornography Scanner" (also proprietary and powered by AI). Gaggle, citing the sensitivity of its proprietary information, declined to tell BuzzFeed News how these tools were trained, answer questions about the original training sets, or say whether Gaggle's AI tools learn based on what students put into G Suite and Microsoft 365.

Among the many banned words and phrases on Gaggle's list are "suicide," "kill myself," "want to die," "hurt me," "drunk," and "heroin." Gaggle also commonly catches profanity — in 17 US school districts, about 80% of posts flagged by Gaggle within a particular school year were flagged for such words, according to documents obtained by BuzzFeed News.

Digital surveillance is just one part of a booming, nearly $3bn-a-year school security industry in the United States. Illustration: Guardian Design/The Guardian

Tue 22 Oct 2019 06.00 BST

953

Under digital surveillance: how American schools spy on millions of kids

Fueled by fears of school shootings, the market has grown rapidly for technologies that monitor students through official school emails and chats

Take our school surveillance survey here

by Lois Beckett in Oakland

For Adam Jasinski, a technology director for a school district outside of St Louis, Missouri, monitoring student emails used to be a time-consuming job. Jasinski used to do keyword searches of the official school email accounts for the district's 2,600 students,

“Innovation muss nicht auf Kosten der Erosion der Grundrechte der Privatsphäre gehen. “

Elizabeth Denham, ICO, 3 July 2017,
Feststellungen in Google DeepMind und Royal Free Hospital zur rechtswidrigen Verarbeitung von Gesundheitsdaten für die Produktentwicklung des Unternehmens

“The price of innovation does not need to be the erosion of fundamental privacy rights.”

Elizabeth Denham, ICO, 3 July 2017,
findings on Google DeepMind and Royal Free Hospital unlawful processing of health data for the company’s product developmen

Fallstudien in den Nachrichten.

Case studies in the news.

Unzureichende Rechtsgrundlage für die Datenverarbeitung (Art. 5 (1) c) DSGVO, Art. 9 DSGVO, Art. 35 DSGVO, Art. 36 DSGVO)

Insufficient legal basis for data processing (Art. 5 (1) c) GDPR, Art. 9 GDPR, Art. 35 GDPR, Art. 36 GDPR)

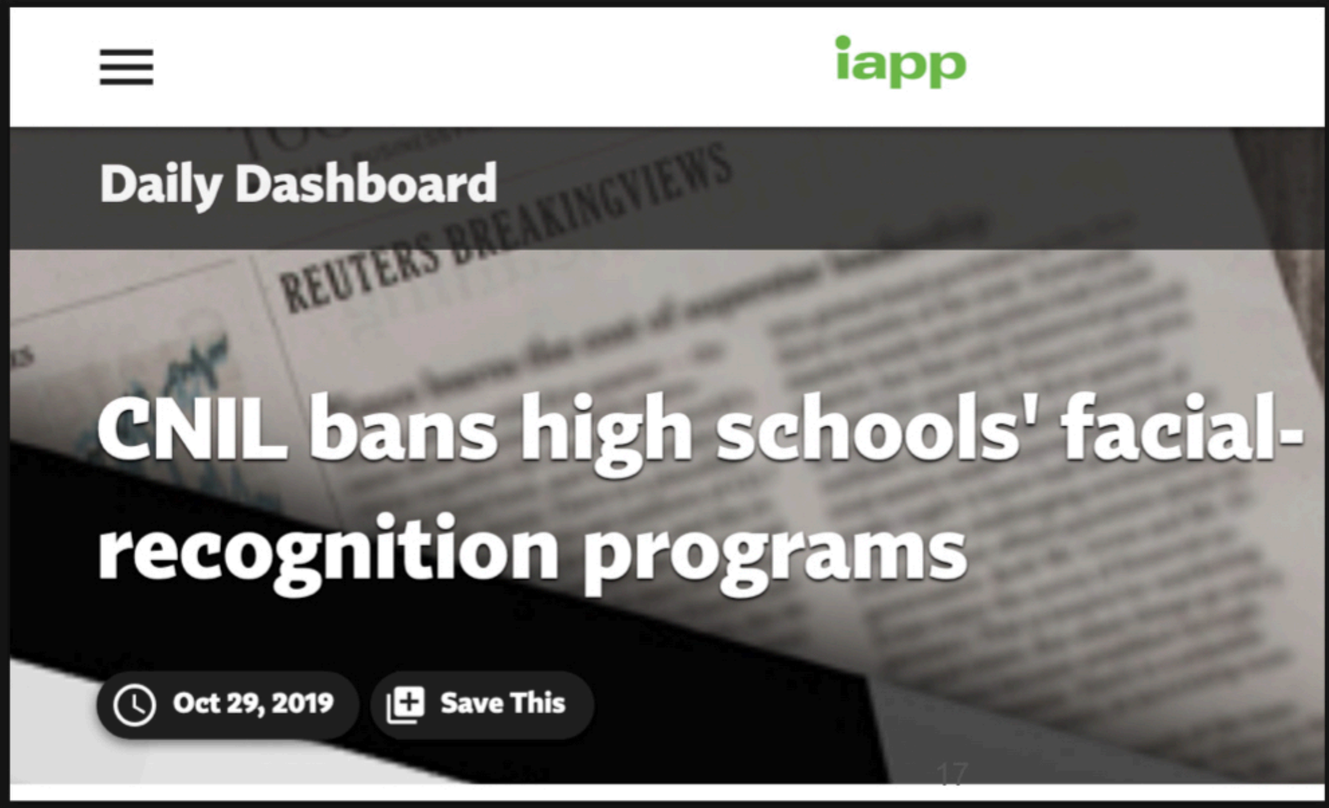
- Studenten und ihre Erziehungsberechtigten nicht frei entscheiden können, ob sie / ihre Kinder zu Anwesenheitszwecken überwacht werden möchten.
- Bei der Prüfung, ob sich die Schulbehörde auf eine der in Art. 9 (2) stellte die Aufsichtsbehörde fest, dass dies nicht der Fall war.
- Eine Verarbeitungstätigkeit mit hohem Risiko, da mit Hilfe neuer Technologien sensible personenbezogene Daten von Kindern verarbeitet wurden.
- Nach Ansicht der Behörde konnte die Schulbehörde nicht nachweisen, dass Art. 35 DSGVO und dass die Schulbehörde verpflichtet war, die Behörde gemäß Art. Zu konsultieren. 36 (1) DSGVO.

- Authority argued that consent can not be applied since students and their guardians cannot freely decide if they/their children want to be monitored for attendance purposes.
- When examining if the school board can rely on any of the exemptions listed in Art. 9 (2), the supervisory authority found that this was not the case.
- A processing activity with high risks since new technology was used to process sensitive personal data concerning children.
- In the view of the authority, the school board was not able to demonstrate compliance with Art. 35 GDPR and that the school board was required to consult the authority in accordance with Art. 36 (1) GDPR.

School in Skellefteå
Data Protection Authority of Sweden
August 2019
Fine: 18,630 Euros

Versagen der Grundprinzipien: Verhältnismäßigkeit und Notwendigkeit

Failure of Fundamental Principles: proportionality and necessity



Unzureichende technische und organisatorische Maßnahmen zur Gewährleistung der Informationssicherheit (Art. 32 DSGVO)

Insufficient technical and organisational measures to ensure information security (Art. 32 GDPR)

Strafe für Sicherheitslücken in einer mobilen Messaging-App, die für den Einsatz in einer Osloer Schule entwickelt wurde. Die App ermöglicht Eltern und Schülern, Nachrichten an das Schulpersonal zu senden. Aufgrund unzureichender technischer und organisatorischer Maßnahmen zum Schutz der Informationssicherheit konnten sich Unbefugte als berechtigte Benutzer anmelden und Zugang zu personenbezogenen Daten über Studierende, gesetzliche Vertreter und Mitarbeiter erhalten.

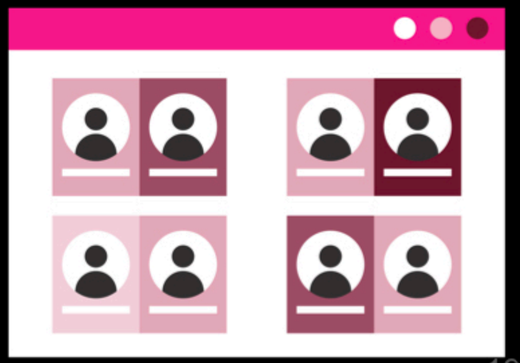
Fine for security vulnerabilities in a mobile messaging app developed for use in an Oslo school. The app allows parents and students to send messages to school staff. Due to insufficient technical and organisational measures to protect information security, unauthorised persons were able to log in as authorised users and gain access to personal data about students, legal representatives and employees.

Oslo Municipal Education Department
Norwegian Supervisory Authority (Datatilsynet)
April 2019

Fine: 203,000 Euros

Die Auswirkungen auf Gemeinwohl und Profite.

The impact on the public good and commercial profit.



The New York Times

Do Google products meet privacy requirements for use by students and children?

More than 40 million students rely on G Suite for Education. G Suite for Education complies with the U.S. Family Educational Rights and Privacy Act (FERPA), and our commitment to do so is included in our agreements. We contractually require G Suite for Education schools to obtain parental consent regarding the use of our service in conformity with the U.S. Child Online Privacy Protection Act (COPPA), which facilitates compliance with COPPA requirements.

EDUCATION DISRUPTED

How Google Took Over the Classroom

The tech giant is transforming public education with low-cost laptops and free apps. But schools may be giving Google more than they are getting.

REPUBLIK

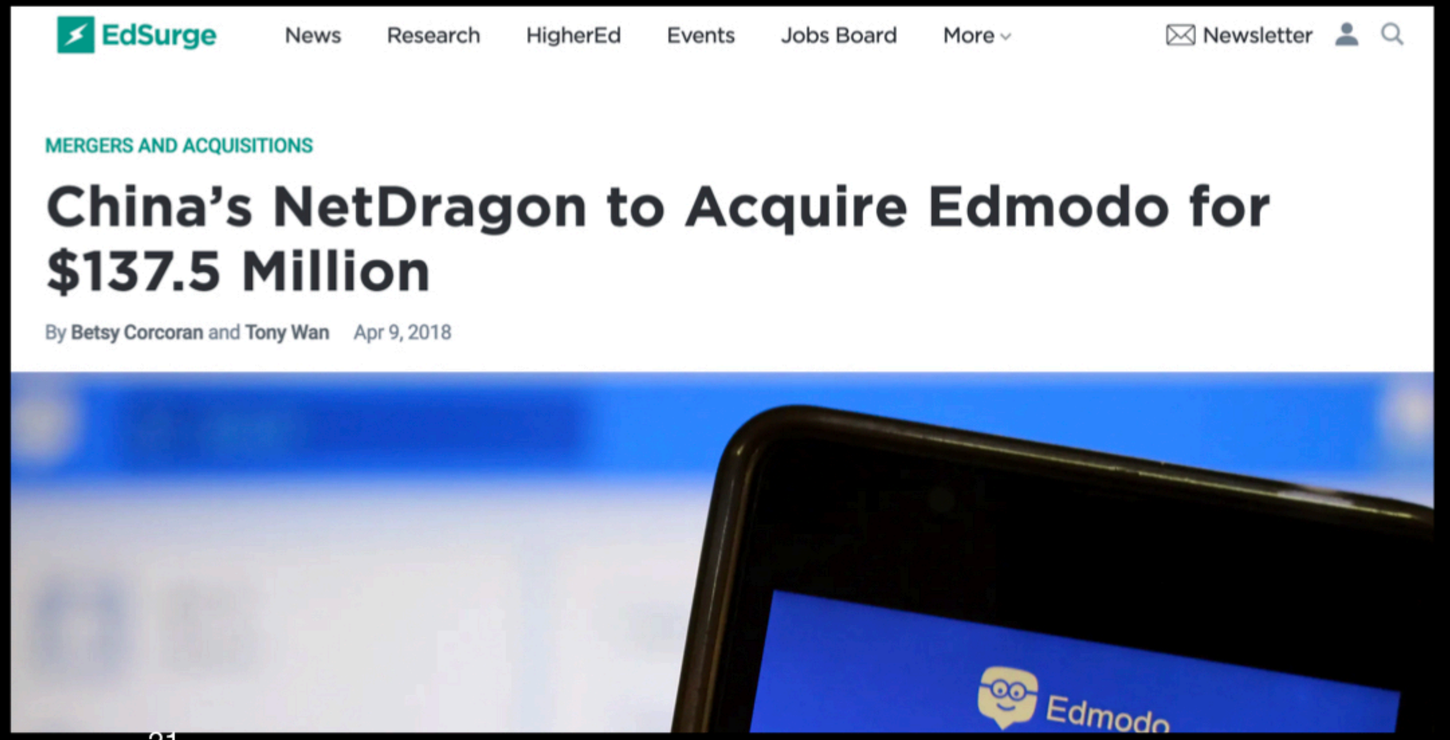
Der Spion im Schulzimmer

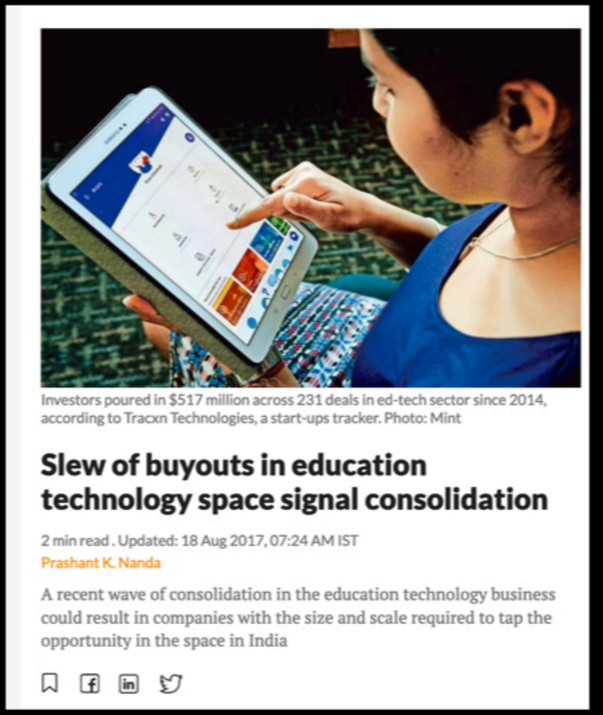
Google rüstet den digitalen Klassenraum aus – und sammelt so die Daten von Minderjährigen. Kann die Schweiz die Total-überwachung noch stoppen?

Von Adrienne Fichter (Text) und Kwennie Cheng (Illustration), 02.07.2019

Verkäufe, Fusionen, Private Equity und Übernahmen

Sales, mergers, private equity and takeovers

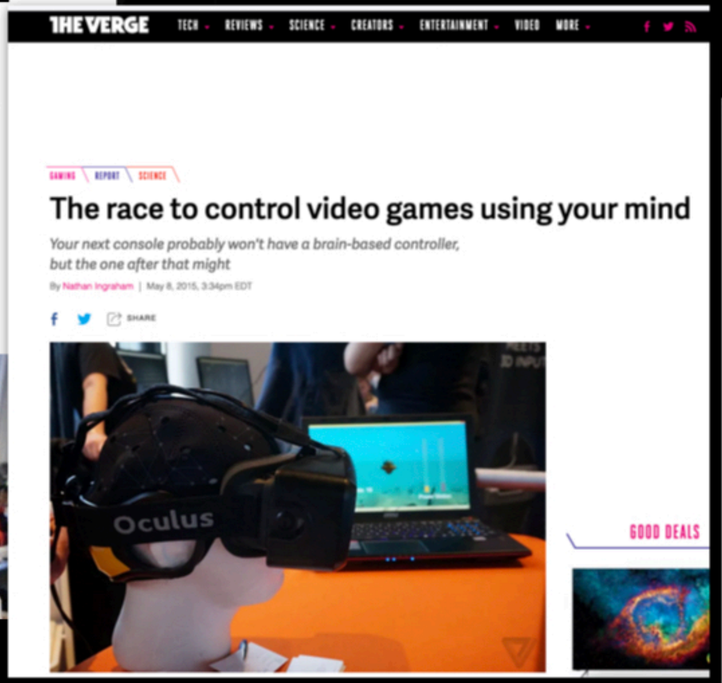


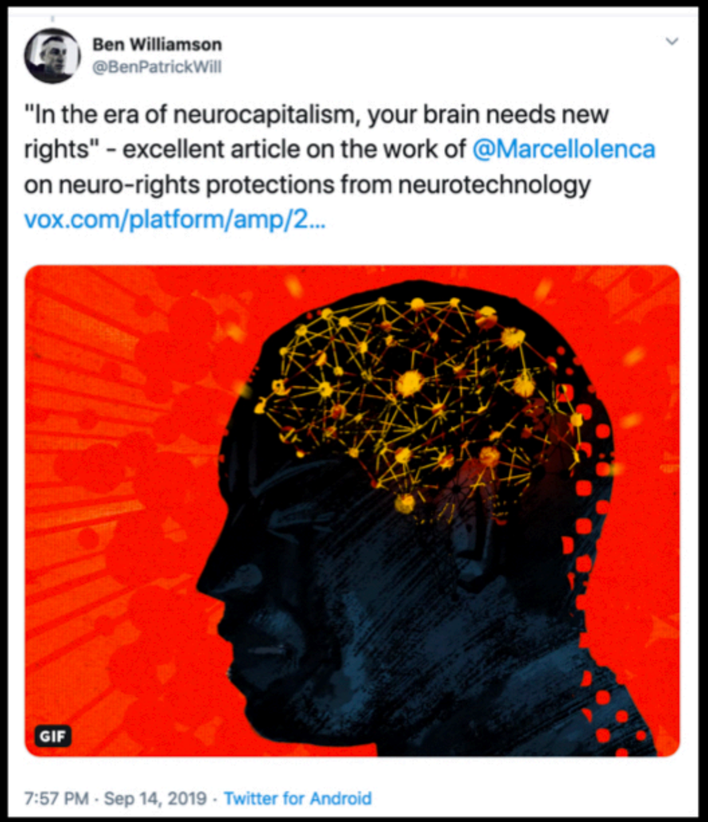


Die Zukunft

The future

Was kommt als nächstes? What's next?





Was kommt als nächstes? What's next?

2013

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Education ▸ Schools Teachers Universities Students

Education policy

Genetics outweighs teaching, Gove adviser tells his boss

Dominic Cummings' 250-page paper attacks fear of elitism and waste of billions of pounds, and calls for slimmed-down ministry

Patrick Wintour, *political editor*
Fri 11 Oct 2013 22.06 BST
10,195 3,008
This article is over 5 years old

▲ Education secretary, Michael Gove, is followed by special adviser Dominic Cummings. Photograph: Oli Scarff/Getty Images

Education in England is no better than mediocre, and billions of pounds have been wasted on pointless university courses and Sure Start schemes for young children, Michael Gove's special adviser has said in an outspoken private thesis written a few weeks before he is due to step down from his post.

Dominic Cummings, the most influential adviser to the education secretary

2019

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g the genome of every UK d be an ethical minefield

HEALTH | ANALYSIS 7 November 2019
By Clare Wilson

Do you want to know what's in your DNA?
Tetra Images/Getty Images

Plans for the National Health Service to sequence the DNA of every baby born in the UK, star a pilot scheme of 20,000 children, were announced by health minister Matt Hancock this week. It sounds like the UK is leading the way in high-tech healthcare – but doctors are saying the idea is ethically questionable.

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Health

NHS to offer paid-for DNA tests if patients share data

26 January 2019 Share

“Einwilligungs- und Vertragsbedingungen müssen im Kontext der Bildung überdacht werden.”

defenddigitalme, 2019

“Consent and contract terms must be rethought in the context of education.”

Wie sehen US Rechtsgrundlage und Einwilligung aus (Art. 6 DSGVO)?

What about legal basis and consent (Art. 6 GDPR) A U.S. consent model.

MONTGOMERY COUNTY PUBLIC SCHOOLS
Online Digital Tools Consent Form

Dear Parents and Guardians,

MCPS teachers may utilize a variety of supplemental online digital tools to reinforce the district's instructional program. In the list below, you will find supplemental tools that may be used by teachers. These tools have been evaluated to be safe for student use and are consistent with federal laws on student data privacy.

ABC Mouse	Educreations	IXL	Quizalize	Storyboard That
ABCya	Epic!	Kahoot	Quizizz	Thinglink
Animoto	Everfi	Khan Academy	Quizlet	Toontastic
BookCreator	Figure	Menti/Mentimeter	Reason Compact	Typing Club
Canva	Flipgrid	Opinion	Remind	Unity
ClassDojo	Freckle Math	Padlet	Scratch	UnStuck
Code.org	Glogster.edu	Pear Deck	Scratch Jr.	Vocaroo
Conjuguemos	Goosechase	Playground Physics	Screencastify	Weebly
CoSpaces EDU	HP Reveal	Playposit	Seesaw	Wixie
Desmos	iCivics	Poll Everywhere	Socrative	XtraMath
Doodle Buddy	Incredibox	Powtoon	Splash Math	
Edpuzzle	Insta360 ONE X	Prodigy	Splice	

MCPS requests your consent to allow your student to use the supplemental tools listed above, as these tools may collect personally identifiable student information, such as first and last name, classroom teacher, or grade level. This information is typically collected by online digital tools to enable use of the tool and to track student progress.

Descriptions of the above supplemental tools are provided on the following pages. Links to each supplemental tool's terms of service and privacy policy, as well as additional information on MCPS' data privacy practices, are available on the MCPS Data Privacy and Security website[1].

If you choose not to provide consent for your student to use the above tools, alternative instructional activities will be provided.

Yes, I consent to my student's use of the supplemental online digital tools listed above	No, I do not consent to my student's use of the supplemental online digital tools listed above

Student Name: _____

Student ID Number: _____

Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Date: _____

[1] Data Privacy and Security website: http://www.montgomeryschoolsmd.org/data-privacy-security/

Öffentliche Schulen in Montgomery County, Maryland USA, Oktober 2019
162.680 Schüler (2018–2019)

Montgomery County Public Schools, Maryland U.S., October 2019
162,680 pupils (2018–2019)

Schaffung eines digitalen Umfelds in Schulen, das die Rechte achtet
Delivering a rights-respecting digital environment in schools

- Reduzierung des Ermittlungsaufwands
- Selbstbestimmung der Kinder
- Die Rolle der Familien
- Die Rolle des Schulpersonals
- Ein Model-Management-Framework
- Beschaffung
- Automatisierte Entscheidungen, Profilerstellung und KI (künstliche Intelligenz)
- Horizontscannen
- Die permanenten Single-Aufzeichnung
- Darstellung und Abhilfe
- Lebenszeitverantwortung für den Datenzyklus

- Reducing the investigative burden
- Children’s agency
- The role of families
- The role of school staff
- A model management framework not consent
- Procurement
- Automated decisions, profiling, and AI
- Horizon scanning on new technology
- The permanent single record
- Representation and remedy
- Data cycle lifetime accountability

Sicherheit / Security

Das New Yorker Studentendatengesetz enthält eine spezielle Anforderung zur Verschlüsselung von Studentendaten gemäß den Verschlüsselungsanforderungen des Bundesgesetzes über die Portabilität und Rechenschaftspflicht der Krankenversicherung (HIPAA) (New Yorker Bildungsgesetz, § 2-D (5) (f) (5)).

New York's Student Data law includes a specific requirement to encrypt student data in line with the encryption requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) (N.Y. Educ. Law § 2-D(5)(f)(5)).

“Die Augen aller künftigen Generationen sind auf Sie gerichtet. Und wenn Sie sich entscheiden, uns im Stich zu lassen, sage ich - wir werden Ihnen niemals vergeben.”

Greta Thunberg beim UN-Klimagipfel, New York, USA. 23. September 2019

“The eyes of all future generations are upon you. And if you choose to fail us, I say - we will never forgive you.”

Greta Thunberg, at the UN Climate Summit in New York, USA. September 23, 2019

@defenddigitalme

@TheABB

jen@defenddigitalme.com

defenddigitalme.com