



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”

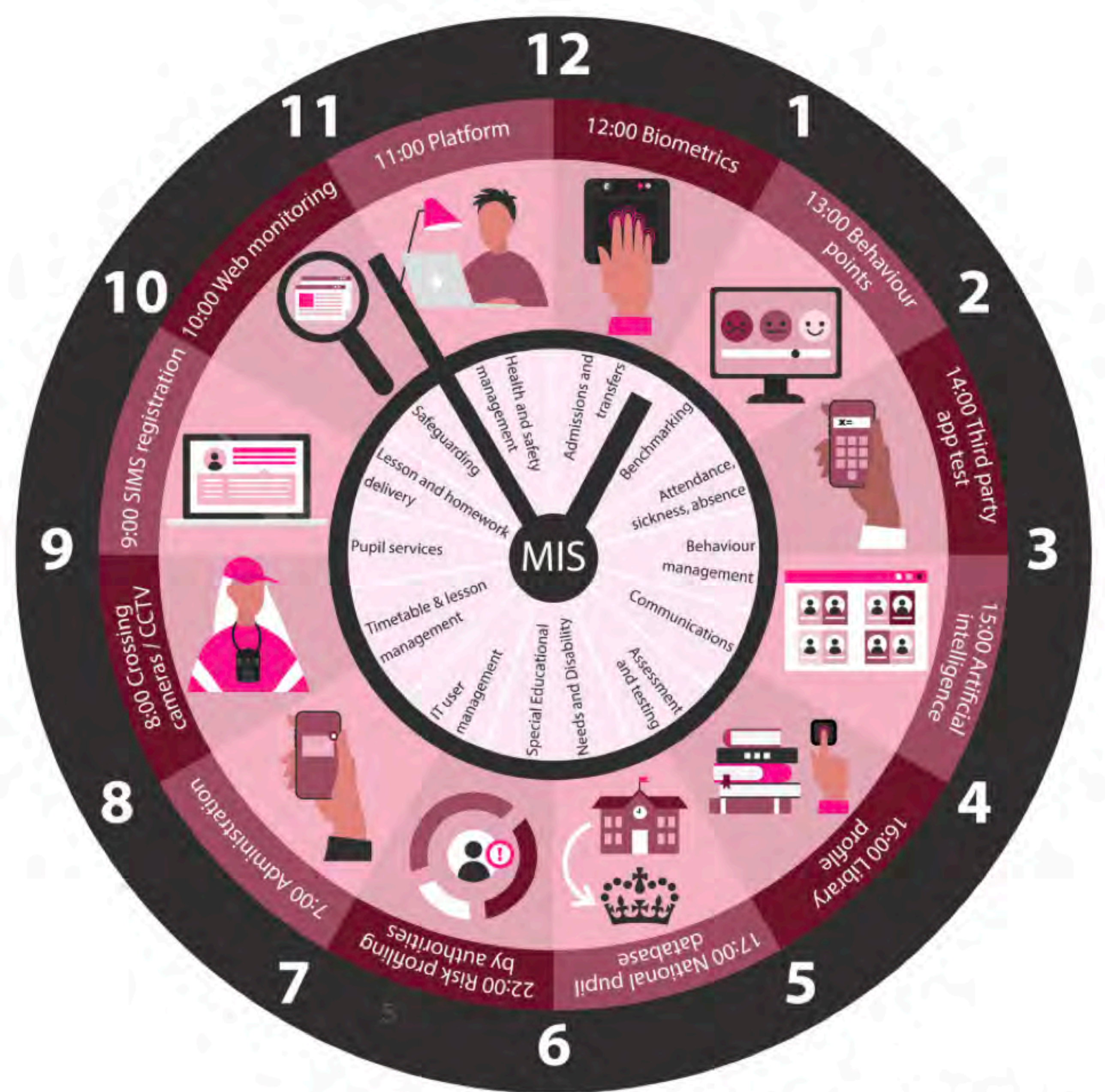
International Working Group on Data
Protection in Telecommunications
Working Paper on e-Learning Platforms
(April 2017)



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 Schulkindspeisungssysteme, die mit biometrischen Identitätssystemen verbunden sind

Cashless catering systems connected to biometric identity systems



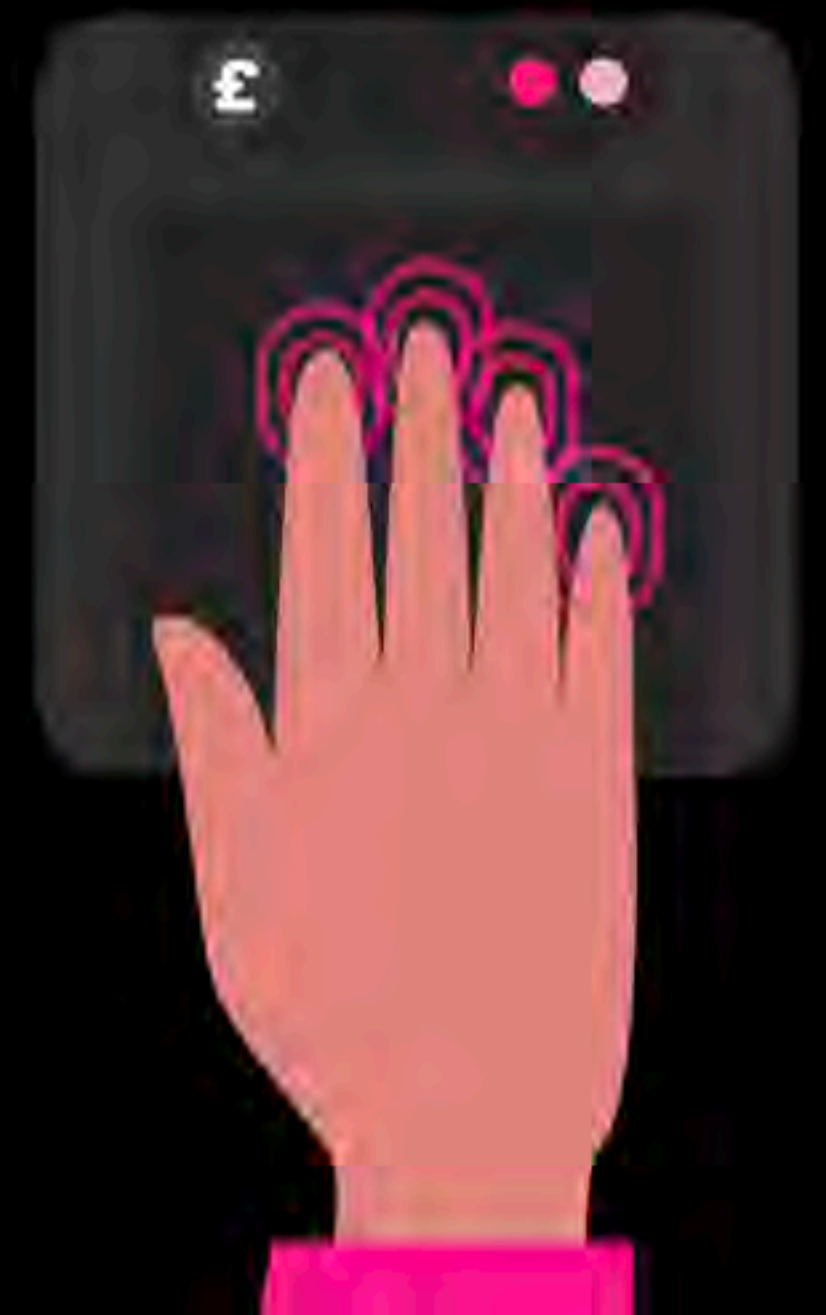
Es ist nicht erforderlich, um Zustimmung zu bitten, um die biometrische daten eines Kindes in der Schule in England / Wales / Schottland / Nordirland zu erfassen.




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



Rearrange pupils

Tiffany Donaghan

No preference Not pinned 62

Positive Negative

Notes (4) ?

Kevin Giffley 58 3A

Patricia Dubling 59 8C

General Refusing Shouting Out Rowdy Out Of Seat General General

Customisable to match school policy

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.



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 across to 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 network.
- 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 communication, 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.



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

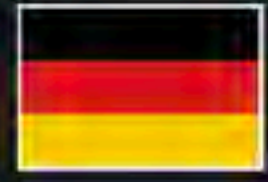
For Adam Jasinski, a technology director for a school district outside of St Louis, Missouri, monitoring student emails used to be a time-consuming job. Jasinski used to do keyword searches of the official school email accounts for the district's 2,600 students,

▲ 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



“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. 36 (1) DSGVO zu konsultieren.

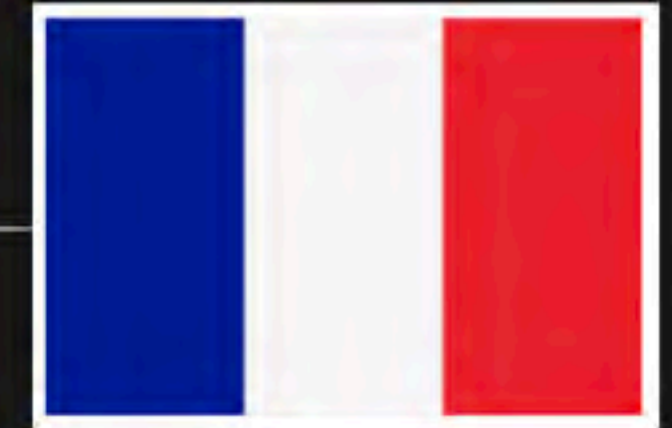


- Authority argued that consent can not be applied since students and their guardians cannot freely decide if they/their children want to be monitored for attendance purposes.
- When examining if the school board can rely on any of the exemptions listed in Art. 9 (2), the supervisory authority found 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

The screenshot shows the CNIL website interface. At the top, there is a navigation bar with the CNIL logo and a button labeled "JE SUIS UN PARTICULIER". Below the navigation bar, there is a breadcrumb trail: "Expérimentation de la reconnaissance faciale dans deux lycées : la CNIL précise sa position". The main heading of the article is "Expérimentation de la reconnaissance faciale dans deux lycées : la CNIL précise sa position", dated "29 octobre 2019". The article text begins with "Réunis en séance plénière le 17 octobre, les membres de la CNIL se sont prononcés sur une expérimentation qui prévoit le recours à la reconnaissance faciale à l'entrée de deux lycées. Ils ont considéré que ce dispositif concernant des élèves, pour la plupart mineurs, dans le seul but de fluidifier et de sécuriser les accès n'apparaît ni nécessaire, ni proportionné pour atteindre ces finalités."

The screenshot shows the iapp Daily Dashboard interface. The main heading of the article is "CNIL bans high schools' facial-recognition programs", dated "Oct 29, 2019". The article text begins with "Réunis en séance plénière le 17 octobre, les membres de la CNIL se sont prononcés sur une expérimentation qui prévoit le recours à la reconnaissance faciale à l'entrée de deux lycées. Ils ont considéré que ce dispositif concernant des élèves, pour la plupart mineurs, dans le seul but de fluidifier et de sécuriser les accès n'apparaît ni nécessaire, ni proportionné pour atteindre ces finalités."

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.




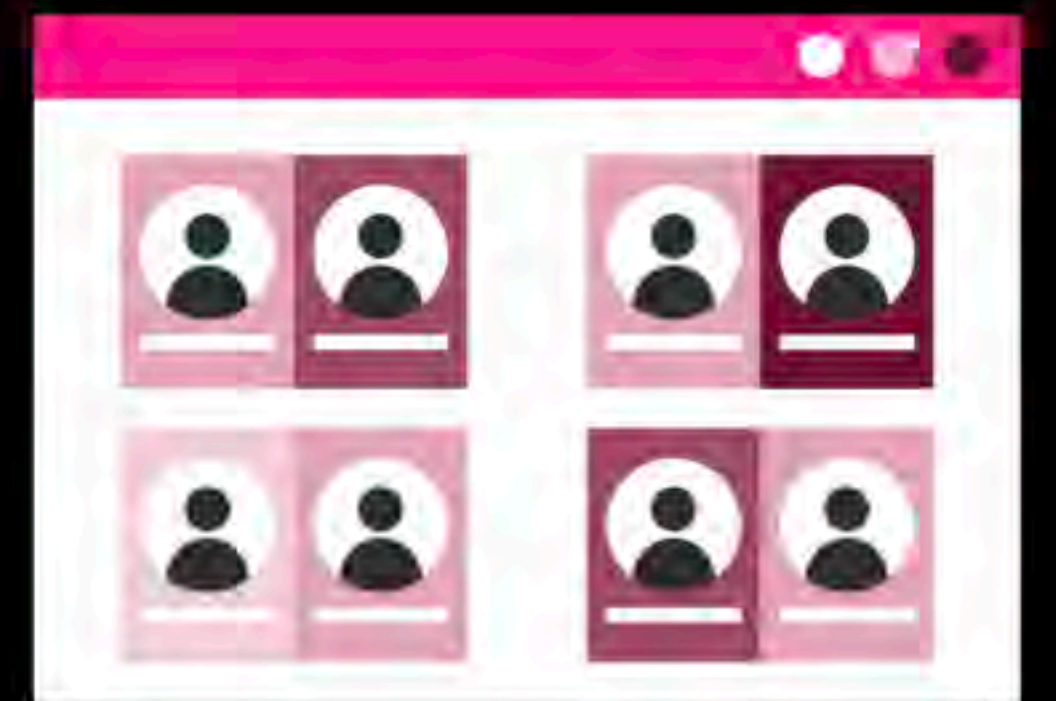
Fine for security vulnerabilities in a mobile messaging app developed for use in an Oslo school. The app allows parents and students to send messages to school staff. Due to insufficient technical and organisational measures to protect information security, unauthorised persons were able to log in as 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.



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.



Der Spion im Schulzimmer

Google rüstet den digitalen Klassenraum aus – und sammelt so die Daten von Minderjährigen. Kann die Schweiz die Totalüberwachung 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

The screenshot shows the EdSurge website header with navigation links for News, Research, HigherEd, Events, Jobs Board, and More. The main article title is "China's NetDragon to Acquire Edmodo for \$137.5 Million" by Betsy Corcoran and Tony Wan, dated April 9, 2018. The background of the article features a blurred image of a laptop screen displaying the Edmodo logo.

The snippet includes a photo of a woman using a tablet. The text below the photo states: "Investors poured in \$517 million across 231 deals in ed-tech sector since 2014, according to Tracxn Technologies, a start-ups tracker. Photo: Mint". The article title is "Slew of buyouts in education technology space signal consolidation" by Prashant K. Nanda, updated on August 18, 2017. The text continues: "A recent wave of consolidation in the education technology business could result in companies with the size and scale required to tap the opportunity in the space in India".



 Die Zukunft

 The future



Was kommt als nächstes? What's next?

South China Morning Post

Start-ups

Brainwave-tracking start-up BrainCo in controversy over tests on Chinese schoolchildren

- Start-up has raised concerns on social media controversy about China's increased use of surveillance technologies

Meng Jing
Zen Soo
Published: 7:00am, 10 Apr, 2019




THE VERGE

The race to control video games using your mind

Your next console probably won't have a brain-based controller, but the one after that might

By Nathan Ingraham | May 6, 2015, 3:34pm EDT



Ben Williamson
@BenPatrickWill

"In the era of neurocapitalism, your brain needs new rights" - excellent article on the work of @Marcellolencia on neuro-rights protections from neurotechnology
[vox.com/platform/amp/2...](https://www.vox.com/platform/amp/2...)



7:57 PM · Sep 14, 2019 · Twitter for Android

Was kommt als nächstes? What's next?



2013

Guardian UK edition

Search Jobs Dating Sign in Search

News Opinion Sport Culture Lifestyle More

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

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

NewScientist

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News Technology Space Physics Health Environment Mind Crosswords Video Tours

Sequencing the genome of every UK child could 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, starting with 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.

BBC NEWS

Carol Danvers News Sport Weather iPlayer Sounds

Home UK World Business Election 2019 Tech Science Health Family & Education

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.”

25



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](#).

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: _____

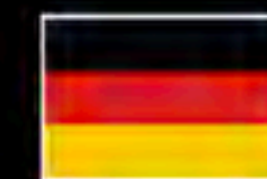
Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Date: _____

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

1



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



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

Schaffung eines digitalen Umfelds in Schulen, das die Rechte achtet

Delivering a rights-respecting digital environment in schools



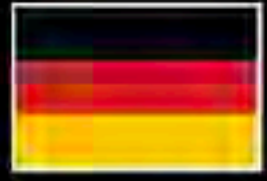
- Reduzierung des Ermittlungsaufwands
- Selbstbestimmung der Kinder
- Die Rolle der Familien
- Die Rolle des Schulpersonals
- Ein Model-Management-Framework
- Beschaffung
- Automatisierte Entscheidungen, Profilerstellung und KI (künstliche Intelligenz)
- Horizontscannen
- Die permanenten Single-Aufzeichnung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



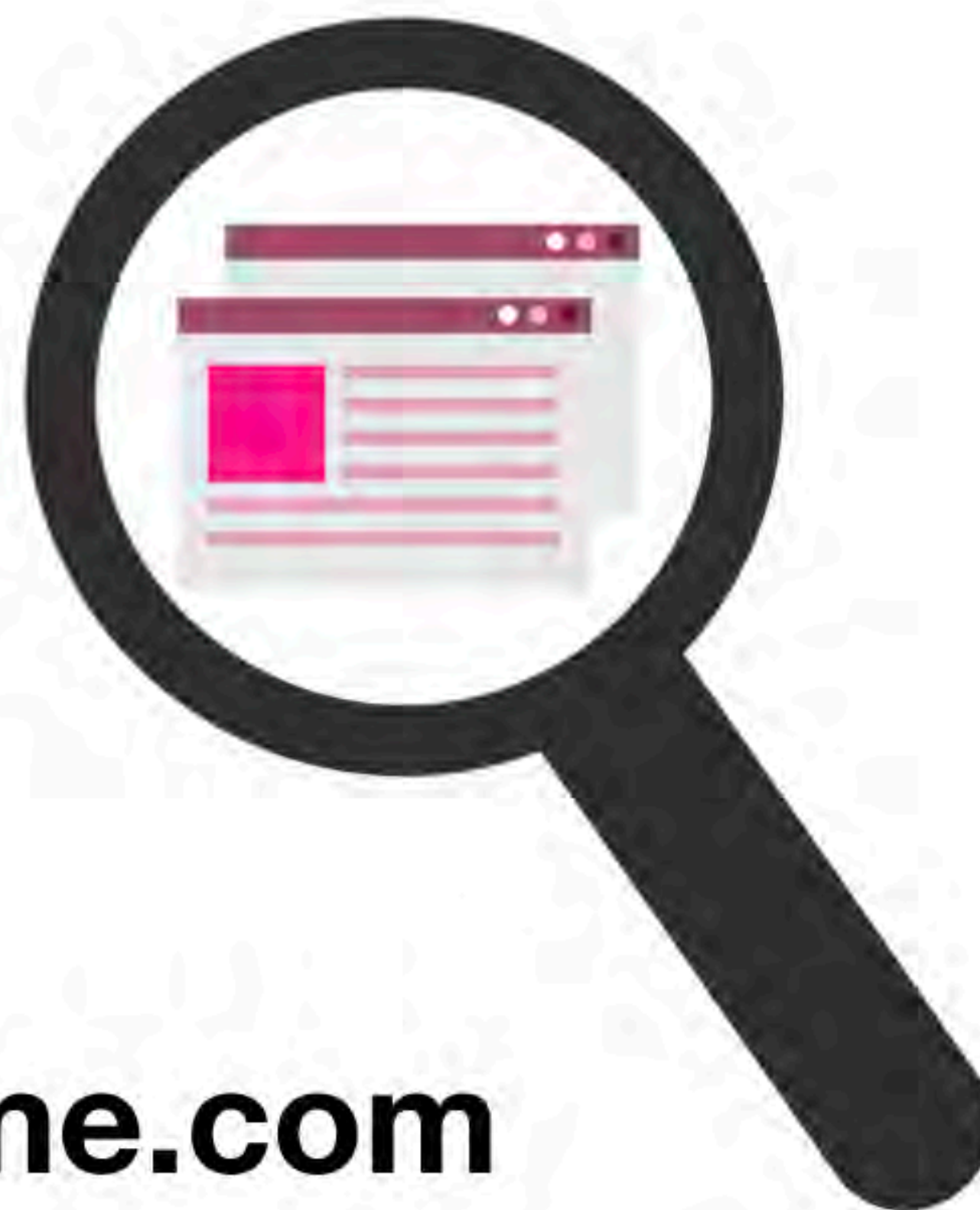
“The eyes of all future generations are upon you. And if you choose to fail us, I say - we will never forgive you.”

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



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