

Privacy and Online Educational Tools

Renee Barrette

Director, Policy

Information & Privacy Commissioner of Ontario

***Ontario Justice Education Network
August 29, 2017***



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

The Three Acts

The IPC oversees compliance with:

- *Freedom of Information and Protection of Privacy Act (**FIPPA**)*
- *Municipal Freedom of Information and Protection of Privacy Act (**MFIPPA**)*
- *Personal Health Information Protection Act (**PHIPA**)*



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Office of the Information and Privacy Commissioner of Ontario (IPC)

What we do:

- Provide an **independent** review of provincial and municipal government and public sector decisions and practices concerning access and privacy
- Oversee **compliance** with provincial and municipal access and privacy legislation
- Conduct **research** and deliver **education** and **guidance** on access and privacy issues



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Privacy

- *MFIPPA* protects the **privacy** of individuals concerning their personal information, provides them with **right to access** that information
- It includes rules for the **collection, use, disclosure** of personal information
- To qualify as **personal information**, it must be reasonable to expect that an individual may be **identified** if the information is disclosed



Examples of Personal Information

- Race, national or ethnic origin, religion, age, sexual orientation or marital or family status
- Education or medical, criminal, employment history
- Identifying number, symbol or other particular assigned to the individual
- Address, phone number, fingerprints, blood type
- Individual's name, where it appears with other information about the individual



Privacy Obligations under *MFIPPA*

Collection, use, disclosure rules

No **collection** unless

- authorized by statute
- used for law enforcement or
- necessary to lawfully authorized activity

It may be necessary to require proof of identity before being permitted to pick up young children

No **use** unless

- use is consistent with the purpose for which the information was collected
- written consent

Cannot use information from student registration forms to send out birthday cards

No **disclosure** unless

- consent
- consistent purpose
- comply with legislation
- law enforcement
- health or safety

Teachers can share information about children they have reasonable grounds to suspect are at risk of harm to Children's Aid Societies or the police



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Privacy Breaches and Complaints

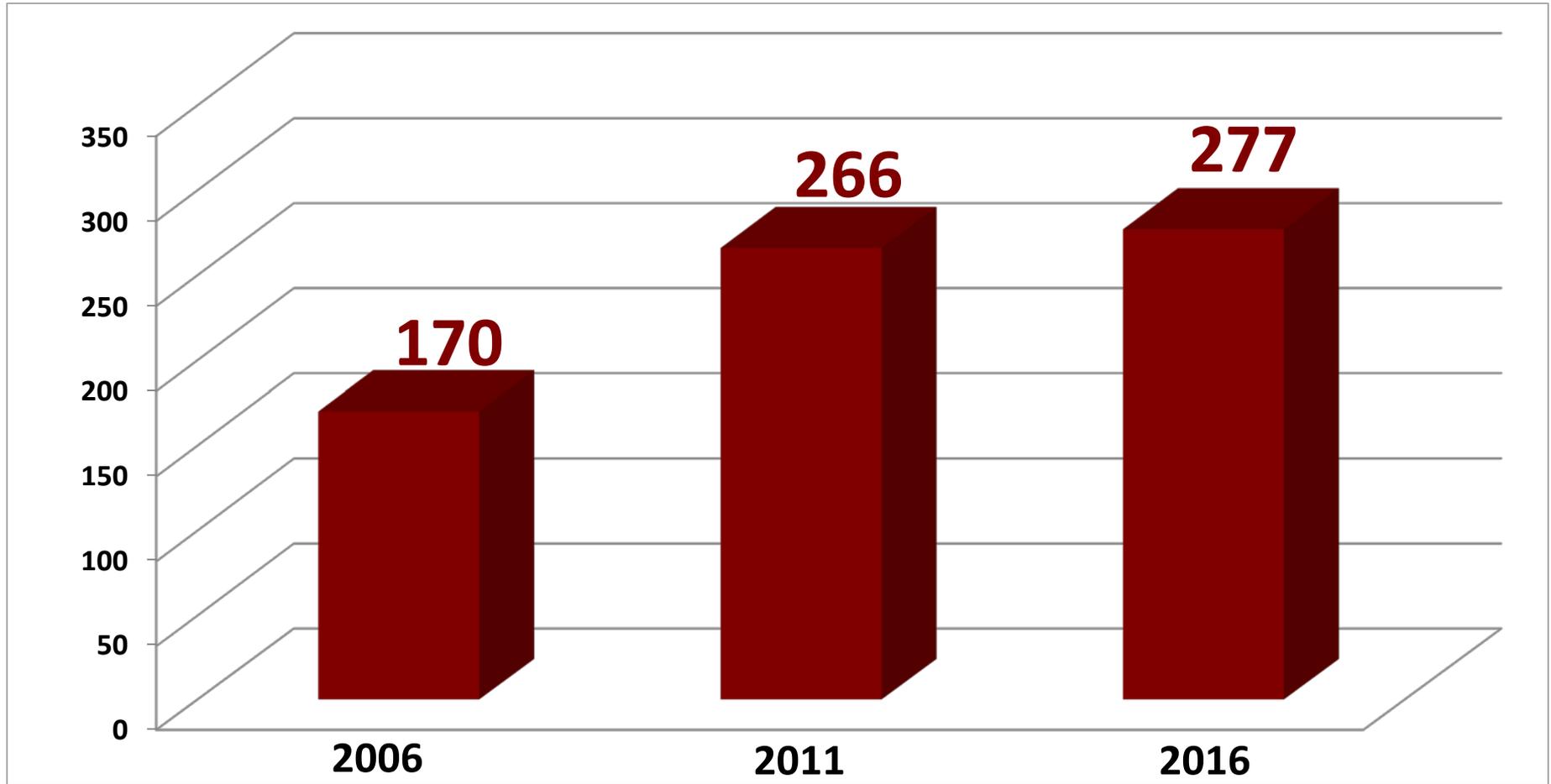
- **Privacy breach:** personal information collected, used or disclosed in ways not consistent with the *Acts*
- Among most common breaches is **unauthorized disclosure** of personal information such as:
 - sending communications to wrong recipient due to human error
 - improper record destruction procedure
 - loss or theft of unsecured assets, such as laptops, digital cameras, portable storage devices (USB sticks)
- IPC may **investigate** privacy complaints, report publicly on them
 - may order government to cease and destroy a collection of personal information
 - may make recommendations to safeguard privacy



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Total Privacy Complaints Opened Per Year

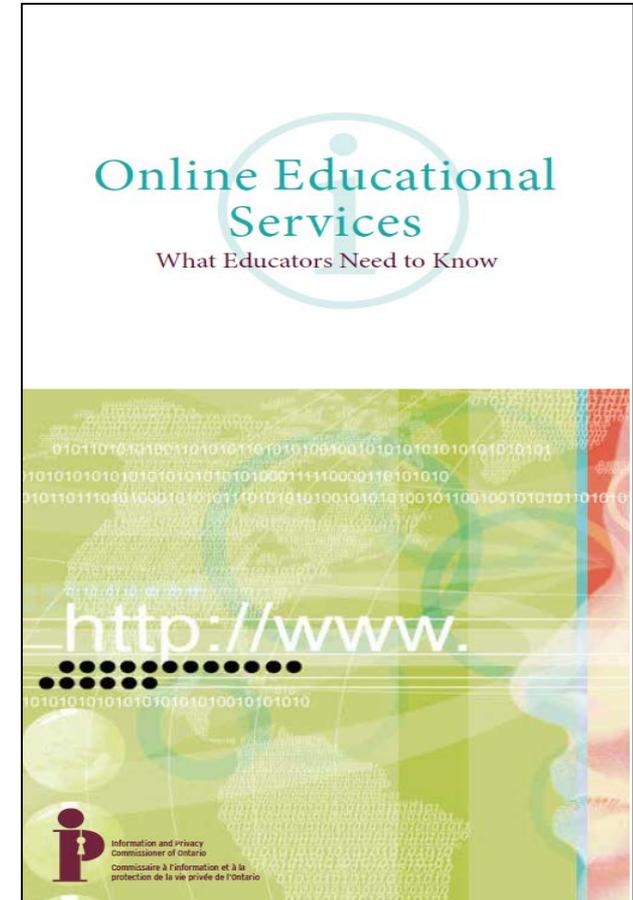


Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Privacy Risks of Online Educational Tools

- Educators use online educational services for learning, communication, evaluation
- While innovative and inexpensive, they could risk privacy of students
- School boards must ensure online services are compliant with privacy laws
- IPC and Ontario Association of School Business Officials (OASBO) created a fact sheet for teachers about privacy risks of online educational services



Outreach to Teachers

ht

Think Before You

CLICK

I accept all terms and conditions

Could the online education tool you are using expose your students and school to privacy risks?

TALK TO YOUR PRINCIPAL

Information and Privacy Commissioner of Ontario
Commissaire à l'information et à la protection de la vie privée de l'Ontario

OASBO
ONTARIO ASSOCIATION OF SCHOOL BUSINESSES OFFICIALS

http://www.

Think Before You

CLICK

I accept all terms and conditions

Could the online education tool you are using expose your students and school to privacy risks?

TALK TO YOUR PRINCIPAL

68.3%

SCHOOL BUSINESS OFFICIALS

www.ipc.on.ca/privacy/data-and-technology-management/oes/



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Privacy Risks of Online Tools

Improper Collection

- Personal information of students, parents
- Online activities, interactions with others

Unauthorized Use

- Performance evaluations, development of learning profiles which may be used for marketing purposes

Unauthorized Disclosure

- Sale of personal information to third parties who use it for marketing purposes



Case Study: InBloom

- Non-profit corporation founded in 2011 and underwritten by grants from Gates Foundation and Carnegie Corporation

Promise:

- To provide schools (and others) with ability to meet educational standards by aggregating students' personal information streams from multiple educational technology sources in the cloud
- To provide educators (and others) with student-level information in order to inform the development and delivery of personalized learning programs



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Case Study: InBloom

Peril:

- Concerns raised about the increased collection, use, and sharing of sensitive student information, lack of transparency, and inability to opt-out
- InBloom subject of lawsuits from parents and teachers, negative media press and public backlash
- All planned partners subsequently withdrew; InBloom permanently closed its doors in April 2014
- Since 2014, hundreds of student data privacy bills have been proposed or enacted across the U.S.



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

2017 GPEN “Sweep”

- GPEN was established in 2010 to foster cross-border cooperation among privacy regulators
- Annual GPEN “Sweep” is a coordinated **review of privacy risks** of websites and mobile applications by privacy enforcement authorities around the world
- 2017 GPEN Sweep Theme: User Control over Personal Information – reviewed free online education services
- Created fictitious accounts and profiles at 27 online educational services currently in use across Ontario
- Goal: to identify potential areas of concern to guide future education and outreach efforts



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

2017 GPEN “Sweep”

Findings were grouped into four categories:

- **Collection of personal information**
when creating accounts, online profiles
- **Indirect collection, secondary use and disclosure**
mobile apps, social login, and browser tracking cookies
- **Privacy policies and terms of service**
lengthy, hard to understand, can be obscure
- **Deletion of personal information**
closing accounts, including when dormant / inactive



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Privacy Risks Identified in “Sweep”

- Privacy policies and terms of service:
 - lengthy documents, may be **challenging to understand**
 - were hard to find after account was created and when using the services
- Online services may collect and disclose students’ personal information through the use of **mobile apps, social login features, and browser tracking cookies**
- Two-thirds of the online services we surveyed did not have an explicit policy on **deleting dormant or inactive accounts**
- **Instructions** on how to delete online accounts and personal information were **unclear or not easy to find**
- Some services had **continued access** to students’ personal information **even when deleted** by the student



Key Recommendations

1. **Consult with the school board, principal and/or administrators** before selecting an online education service
2. **Read the privacy policies and terms of service** to understand what personal information may be collected, used and disclosed about students by the online educational service
3. **Minimize the identifiability of students and the collection of their personal information** by the online educational service, where feasible
4. **Provide timely and ongoing guidance to students on appropriate uses of the online service**



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Next Steps

- The IPC is co-sponsoring a **workshop** on Wednesday November 8, 2017 at an OASBO/ECOO conference for teachers, school officials, and academic researchers.
- **“Privacy Implications in the Networked Classroom”** will seek feedback on current research dealing with:
 - Use of technology in schools
 - Educational software
 - Social media monitoring
- Bring IT, Together (BIT17): www.bringittogether.ca will take place Nov 8-10, 2017 in Niagara Falls.



Next Steps

Decision Tree Analysis Tool

- IPC is working with the Ministry of Education and other education stakeholders (teachers groups, school business officials)
- Goal: Develop software application to help teachers evaluate whether an online educational service adequately protects students' and parents' privacy
- Beta release of Decision Tree tool planned for this fall



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Resources

- [Ontario's Municipal Freedom of Information and Protection of Privacy Act: A Mini Guide](#)
- [Online Privacy: Make Youth Awareness and Education a Priority](#) (2009)
- [A Guide to Ontario Legislation Covering the Release of Students' Personal Information](#) (2011)
- [F.A.Q. – Access and Privacy in the School System: A Resource for Parents, Teachers, and Administrators](#) (2012)
- [Posting Information on Websites: Best Practices for Schools and School Boards](#) (2003)
- [Thinking About Clouds? Privacy, security and compliance considerations for Ontario public sector institutions](#) (2016)
- Ontario Ministry of Education, Ontario Software Acquisition Program Advisory Committee (OSAPAC), [Licensed Digital Learning Resources](#)



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Questions?



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

How to Contact Us

Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400

Toronto, Ontario, Canada

M4W 1A8

Phone: (416) 326-3333 / 1-800-387-0073

TDD/TTY: 416-325-7539

Web: www.ipc.on.ca

E-mail: info@ipc.on.ca

Media: media@ipc.on.ca / 416-326-3965



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario