Protecting Privacy in Connected Learning

Keith Krueger
CoSN CEO
Serving K-12 technology leaders who through their strategic use of technology, improve teaching and learning.

Core Value
The primary challenge we face in using technology effectively is human, not technical.

Audience
School System Technology and education Leaders

For that reason, CoSN focuses on Leadership and Policy.
Today

Why is Privacy a Growing Concern?
What is the State of Privacy in Education?
How do we Change the Conversation from Privacy to Trust?
Tools/Resources
Question:
Who has been a victim of a privacy breach?
Fordham Law School
FLASH: The Fordham Law Archive of Scholarship and History

Privacy and Cloud Computing in Public Schools

Joel Reidenberg
Fordham University School of Law, JREIDENBERG@law.fordham.edu
64% of education IT Leaders said concerns around privacy and security are more important than it was last year.

CoSN 2016 IT Leadership Survey
What is Different Today?
Education is changing. Tech is changing how we use data

Information needs and tech evolving faster than policy

Lack of understanding about value of data

People have legitimate privacy concerns
Trust is the glue of life. It's the most essential ingredient in effective communication. It's the foundational principle that holds all relationships.

Stephen Covey
THE PRIVACY CONUNDRUM

The most trusted have the least data.
The least trusted have the most data.

Source: www.studentdataprivacy.com
Concerns over privacy could threaten the use of technology in schools.
Why is Privacy so Challenging?

• The more we rely on technology, the more our privacy is threatened.
• New Technology = New Privacy Threats
• Laws Lag Technology
• Your Data is Very Valuable
• Privacy is PERSONAL
DEFINING STUDENT DATA PRIVACY

Privacy ≠ Security!

Legal
What can I do with student data?

Acceptable
What will the community accept?

Ethical
What should I do with student data?

Source: www.studentdataprivacy.com
Privacy: What Are the Threats?

• Security Breaches
• Need to Know
• Commercial Use of Data
• Digital Footprint
Security Breaches

- Intentional, Unauthorized Access to Sensitive or Confidential Data
- Hack of a Data System
- Malware Causes Backdoor Security Hole on a Server
- Stolen or Lost Device (or Storage Device) with Unencrypted HD
- Security breaches represent the most costly privacy breaches, as well as greatest threat to safety.
Need to Know

• Lack of Structured, Role-Based Access to Data
• Applies to Individuals and Organizations
• Some Applications May Not Have Good Role-Based Limiting Capabilities
• While parents generally see the need for schools to have data, they have concerns that data is too accessible by too many people.
Commercial Use of Data

- Includes Data Requested by & Entrusted to Service Providers as well as Metadata
- Personalize the Online Experience
- Product/Service Improvement
- Monetize the Service
- Individuals’ Comfort Varies Widely
- High Priority to Privacy Advocates
Digital Footprint

• Self-Inflicted
• Unintentionally “Over-Sharing”
• Failing to Understand or Apply Social Media Privacy Settings
• Trusting Others to Treat Data About You with Respect
• Digital Content Lives Forever (Whether You Want It to or Not!)
Federal Privacy Laws

- FERPA (Family Education Rights & Privacy Act) – 1974
  US Dept. of Education
- COPPA (Children’s Online Privacy & Protection Act) – 2000
  Federal Trade Commission
- PPRA (Protection of Pupil Rights Amendment) – 1978
  US Dept. of Education
- HIPAA (Health Insurance Portability & Accountability Act) – 1996
  US Dept. of Health & Human Services
3 Privacy Laws Simplified

- **FERPA** – Parents have a right to know what information is in their child’s education record and they have a right to have it corrected.

- **COPPA** – Online service providers can’t ask for personal information of children under 13 without consent of the parent or appropriate others.

- **PPRA** – If you want to survey students and ask them sensitive/confidential questions, parents have a right to opt their student out.
Student Digital Privacy Act

• Proposed by President Obama
• Will Be Based Largely on California’s SOPIPA (Student Online Personal Information Protect Act)
• Primary Focus Will On Collection and Use of Data by Online Service Providers
Laws are not enough.

We need leadership from the education community.
CoSN and DQC led a coalition of national stakeholders in determining a set of fundamental beliefs for using and protecting student data that will guide the work of the education community.
Student Data Principles
10 Beliefs We Share
Data should...

1. Support student learning
2. Foster continuous improvement
3. Inform, engage, and empower
And…

4. Be accessible to parents, students, and educators

5. Inform professional judgment of educators

6. Only be shared for authorized purposes
Everyone with access to student information should have…

7. Clear, publicly available rules
8. Access to only what they need
9. Training
10. Institutions that collect and maintain student information should have...

- Governance
- Transparency
- Security
- Communications
Anyone who has access to students’ personal information should adhere to and build upon these 10 principles.
These beliefs are widely shared by the education community.
Stay updated!

StudentDataPrinciples.Org

#StudentDataPrinciples
Trusted Learning Environment Partners

With support from lead partners...

Additional partners...
Who is Eligible to Earn the Seal?

School systems of all governance structures; public, private, charter and parochial.
5 Practice Areas

- Leadership
- Business
- Data Security
- Classroom
- Professional Development
Meaning of TLE Seal

• Demonstrates adherence to publicly available standards around 5 core privacy practice areas.

• Signifies your commitment to student data privacy.
What Does Each Practice Entail?

- **Leadership**: manage and collaborate on use and governance of student data

- **Business**: establish acquisition vetting processes and contracts to address laws while supporting innovation

- **Data Security**: audit data privacy and security practices and publicly detail these measures
What Does Each Practice Entail?

- **Professional Development**: conduct privacy and security training, available to all stakeholders

- **Classroom**: ensure transparency with parents and students while advancing curricular goals
Why is the TLE Seal Program Important?

21st century classroom and personalized learning

Concerns about data privacy and security
How Does the TLE Seal Work?

- Evidence
- Application
- Assessment
What Does it Take to Earn the TLE Seal?

- Legal Compliance
- TLE Practice Elements
- Ongoing Improvement

Trusted Learning Environment
Seal Recipients

Demonstrating a commitment to ensuring student data privacy and security

Butler County (AL) Schools, Cambridge (MA) Public Schools, Denver (CO) Public Schools, Fulton County (GA) Schools, Lewisville (TX) Independent School District, Miami-Dade (FL) County Public Schools, and Raytown (MO) Quality Schools
Applications Open Fall 2016
TrustedLearning.org
Terms of Contract

• Contract Scope
• Purpose
• Data Collection, Use and Transmission
• Data Security
• Data Retention and Disposal
• Bankruptcy or Acquisition
• Service Levels and Support
• Governing law and jurisdiction
• Modification, Duration, and Termination Provisions
• Liability

Endorsed by The Association of School Business Officials International.
Security Questions to Ask an Online Service Provider

- Data Collection
- Network Operations Center Management and Security
- Data Storage and Data Access
- Data and Metadata Retention
- Development and Change Management Process
- Availability
- Audits and Standards
- Test and Development Environments
- Data Breach, Incident Investigation and Response
Two Page Infographic is available in English & English-Spanish with two versions of each. One is as-is and the other is customizable in a Word template.
Other Privacy Resources

- CoSN’s Protecting Privacy in Connected Learning – [www.cosn.org/privacy](http://www.cosn.org/privacy)
- Data Quality Campaign – [www.dataqualitycampaign.org](http://www.dataqualitycampaign.org)
- [www.ferpasherpa.org/](http://www.ferpasherpa.org/) Developed by The Future of Privacy Forum
- [http://studentprivacypledge.org/](http://studentprivacypledge.org/) - Collaborative effort led by the Software & Information Industry Association and The Future of Privacy Forum
- [www.K12BluePrint.com/privacy](http://www.K12BluePrint.com/privacy) - Sponsored by Intel, Find Making Sense of Student Data Privacy, Data Security: The First Step to Protecting Student Privacy and many more resources
- [StaySafeOnline.org](http://StaySafeOnline.org) – National Cyber Security Alliance
Thank You

Keith Krueger
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www.cosn.org