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

30

1989 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?
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

Customisable to match school policy
Fallstudie: 360° Kameras im Klassenzimmer
Case study: 360° Classroom cameras

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

Gaggle Knows Everything About Teens And Kids in School

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 email, chats, and social media. These tools are often used in conjunction with Gaggle, which has been shown to flag innocuous speech on its list.

Take your school surveillance survey here by Lois Beckett in Oakland

For Adam Janisaki, a technology director for a school district outside of St Louis, Missouri, monitoring student emails used to be a time-consuming job. Janisaki 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 development
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
Insufficient technical and organisational measures to ensure information security (Art. 32 GDPR)

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.
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.
Verkäufe, Fusionen, Private Equity und Übernahmen

Sales, mergers, private equity and takeovers

EdSurge

MERGERS AND ACQUISITIONS

China’s NetDragon to Acquire Edmodo for $137.5 Million

By Betsy Corcoran and Tony Wan  Apr 9, 2018

Slew of buyouts in education technology space signal consolidation

Prashant K. Nadvi

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
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

"In the era of neurocapitalism, your brain needs new rights" - excellent article on the work of @MarcelloLenca on neuro-rights protections from neurotechnology

vox.com/platform/amp/2...
Was kommt als nächstes? What’s next?

2013

**The Guardian**

**Education policy**

Genetics outweighs teaching. Gove adviser tells his boss

Dominic Cummings' 350-page paper attacks fear of citizens and waste of billions of pounds, and calls for slimmed-down ministry.

**New Scientist**

Decoding the genome of every UK child could be an ethical minefield

17 November 2019

By Clare Wilson

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

**BBC News**

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

24 January 2019

Plans for the National Health Service to sequence the DNA of every baby born in the UK, start 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.
“Consent and contract terms must be rethought in the context of education.”

defenddigitalme, 2019
Wie sehen US Rechtsgrundlage und Einwilligung aus (Art. 6 DSGVO)?

What about legal basis and consent (Art. 6 GDPR) A U.S. consent model.
Schaffung eines digitalen Umfelds in Schulen, das die Rechte achtet

- 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

Delivering a rights-respecting digital environment in schools

- 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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