Handholding or Handsets
School-Children's Tablets and Privacy

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http://www.rogerclarke.com/DV/PTEdP {.html, .ppt}

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- Alternative Scenarios
- Privacy, and Privacy Protection
- Privacy and Young People
- Other Stakeholders' Interests
- Handhelds
- Choices
- Conclusions

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Scenarios

'High Road'

- Discretionary Use
- Excitement-Driven Learning
- Resource-Sharing
- Controls through:
  - Self-Management
  - Peer-Management
  - Teacher Guidance

'Low Road'

- Tight Limitations on:
  - Content Access
  - Content Publishing
- Logging, Monitoring, Moderation, Sanctions
- School Control over Microphone, Camera
- Banning of Students' Non-School Devices

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Privacy

The interest
that individuals have
in sustaining
a 'personal space', free from interference
by other people and organisations
(Morison 1973)

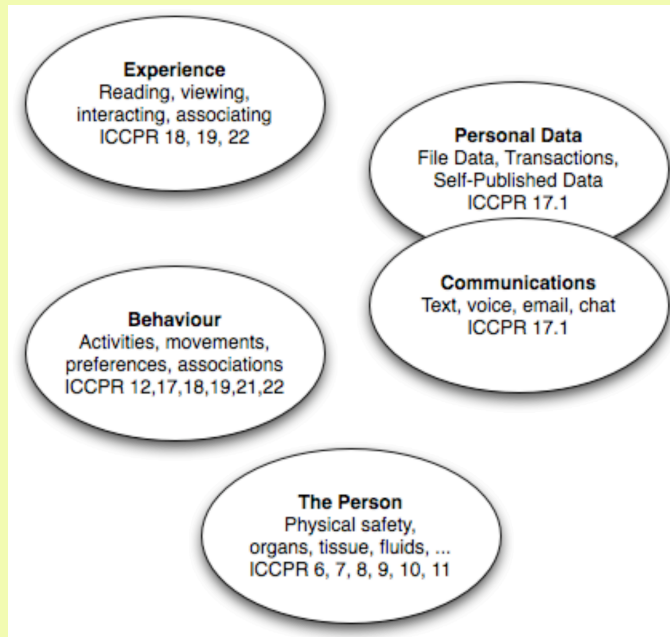http://www.rogerclarke.com/DV/Privacy.html

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Why Privacy ?

- Physical Needs
- Psychological Needs
- Social / Sociological Needs
- Economic Needs
- Political Needs
- Human Dignity, Autonomy

Privacy Protection

- Privacy is one interest among many
- Privacy may conflict with other interests:
  - personal conflict of interests
  - interests of another person
  - interests of a group or community
  - interests of an organisation
  - interests of society as a whole
- Privacy Protection is a process of finding appropriate balances between privacy and multiple competing interests

The Multiple Dimensions of 'Personal Space'

Experience
Reading, viewing, interacting, associating
ICCPR 18, 19, 22

Personal Data
File Data, Transactions, Self-Published Data
ICCPR 17.1

Behaviour
Activities, movements, preferences, associations
ICCPR 12,17,18,19,21,22

Communications
Text, voice, email, chat
ICCPR 17.1

The Person
Physical safety, organs, tissue, fluids, ...
ICCPR 6, 7, 8, 9, 10, 11

http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf

Privacy and Young People

UN Convention on the Rights of the Child:
- right to freedom of expression, incl. freedom to seek, receive and impart information and ideas of all kinds [with limited restrictions] (Art. 13)
- right to freedom of thought, conscience, religion (14)
- right to freedom of association (15)
- no arbitrary or unlawful interference with privacy, family, correspondence (16)
- access to information from a diversity of national and international sources ... re social, spiritual and moral well-being, physical and mental health (17)

http://www.ohchr.org/en/professionalinterest/pages/crc.aspx

Data Privacy and Young People

- 'Privacy Laws' generally apply to all people, without exceptions, including to young people
- But 'Privacy Laws' almost entirely address only 'Data Protection', plus some Communications Privacy
- OECD 1980
  CoE 1985
  EU 1995, 2014?
  FERPA (US) 1974
  SOPIPA (Calif) 2014

http://www2.ed.gov/policy/gen/guid/fpco/ferpa/

https://leginfo.legislature.ca.gov/faces/
billNavClient.xhtml?bill_id=201320140SB1177

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Data Categories of Particular Sensitivity

- Identity, Home-Address(es), Contact-Points
- Profile Data e.g. interests, medical conditions
- Identity Authentication Data
- Location Data – real-time, over time

- Images and meta-data of a compromising nature:
  - of self
  - of others
- Family Data (parents, siblings)
- Social Network Memberships

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Privacy and Young People

- Physical Privacy is dependent on a scatter of laws

- What about Behavioural and Experiential Privacy??
  - Visual Surveillance e.g. CCTV
  - Electronic Surveillance e.g. Communications Interception and Access Data Retention Schemes

- Privacy Laws are seriously deficient, worldwide

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Stakeholders

- Young Person
- Parents

- Community
- Society

- Other Young People
- Teacher
- School

- School System
- State

Direction and Guidance as a Shared Responsibility of Parents and School

- UN Convention on the Rights of the Child Art. 5:
  - States Parties shall respect the responsibilities, rights and duties of parents ... to provide ... appropriate direction and guidance in the exercise by the child of the rights

The Transitional Nature of the 'Child'

- UN Convention on the Rights of the Child Art. 5:
  - States Parties shall respect the responsibilities, rights and duties of parents ... to provide ... appropriate direction and guidance in the exercise by the child of the rights
  - in a manner consistent with the evolving capacities of the child

Managing the Transition

- **Protection** from 'the full richness of human activities, behaviour and attitudes'
- Gradual increase in **Exposure** to 'the full richness'

'The Full Richness of Human Activities, Behaviour and Attitudes'

Information about:
- the human body, violence, anorexia, suicide, 'sex, drugs, and rock and roll', gambling

Speech or Action that:
- intimidates, incites violence, defrauds, vilifies on the basis of race, religion, physical condition, perceived or actual sexual preferences, etc.

Content that is:
- illegal, incl. illegal pornography (e.g. sex, esp. if non-consensual or combined with violence)

Managing the Transition

- **Protection** from 'the full richness of human activities, behaviour and attitudes'
- Gradual increase in **Exposure** to 'the full richness'

- Responsibility for young people's behaviour:
  - Initially high but decreasing Responsibility of **Parents, Teachers and Educational Institutions**
  - Initially low but increasing **Self-Responsibility**

- **Negotiation over Transitions**

Special Challenges

- Children at home prior to commencing school (<5)
- Young people in tertiary education, but under 18
- Independent young people – which is possible in many jurisdictions from c. 15 onwards
- Young people living within an educational institution, which may thereby be in *loco parentis*
- Young people who mature slowly
- People with limited intellectual capacity

Cultural Factors

- Laws within the particular jurisdiction
- National Cultural Perspectives
- Regional Cultural Perspectives
- Community Cultural Perspectives
- Religious Cultural Perspectives, particularly of the child's parents, or within which the young person is brought up

Examples of Conflicts among Interests

- Young Person v. Young Person
  e.g. cyberbullying
- Young Person v. Parents
  re access by the child, access by the parents
- Young Person v. School
  re access by the child, access by the school
- Parents v. School
  re intrusion by the school into the home
- School v. Student
  re anti-social behaviour, risk to themselves
- Young Adult v. School System and v. State
  re personal data retention, use, disclosure

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Computing and Communication Devices

- Desktops
- Laptops
- Smartphones
- Tablets
- (Watches, ...)

Excitement / Portability / Connectivity / Immediacy

Functions of Handhelds

- **Access to Content**
  Web-browsing, downloads, streaming, receiving attached documents
- **Publication of Content**
  Own web-pages, social media postings
- **Communications**
  Voice, synch chat / IM, asynch SMS / email (standards-based, proprietary / captured)
- **Games**
- **Location Detection, Publication**

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Choices re Content Access

Access by Young Persons
- Open
- Filtered ('blacklist')
- Controlled ('whitelist')

Log Retention
- Brief (minutes, an hour)
- For a period, e.g. a term
- Archived

Log Access by Teacher(s), IT support, ... ?
- When circumstances warrant access
- Uncontrolled
- Continual Monitoring

Log Access by Parents
- When circumstances warrant access
- Uncontrolled
- Continual Monitoring

Choices re Content Publication

Access Settings
- Open
- Defaulted, Overridable
- Fixed or Controlled

Content Moderation
- None
- By Young People
- By Teacher(s)
- By IT support
- Auto-Monitored

Access by Teacher(s), IT support, ... ?
- When circumstances warrant access
- Uncontrolled
- Continual Monitoring

Access by Parents
- When circumstances warrant access
- Uncontrolled
- Continual Monitoring

Choices re Communications

Access
- Sender and Recipient Only

- Teacher(s), IT support, ... ?
- Parents
  - When circumstances warrant access
  - Uncontrolled
  - Continual Monitoring

Moderation
- None
- By Young People
- By Teacher(s)
- By IT support
- Auto-Monitored

Retention
- Brief (minutes, an hour)
- For a period, e.g. a term
- Archived

Choices re Games

- No constraints
- Time-of-Day Constraints
- Elapsed-Time Constraints
- Blacklisting / Filtering, e.g.
  - Compulsive networked games
  - 'Bait-and-Switch' games with costs

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Choices re Location Data

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RFID Tags for School-Children (2005)

"Our children are not inventory", [the parents] said.

The response was a threat of disciplinary action if the children continued to refuse to wear the ID card.

[Advocacy groups] jointly sent a letter to the school, expressing alarm at its use of mandatory ID badges that include an RFID device to track students' movements.

The media releases issued by each organisation were quickly and widely distributed, and gave rise to nationwide press coverage.

By the time the [next School Board] meeting was held, the supplier had pulled the plug on the program.

http://www.privacy.org.au/Campaigns/RFIDSutter/
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Surveillance vs. Trust

Demonstrating to [children] from the outset that society distrusts them, and that surveillance of their behaviour is the norm, are perfect ways to breed young people who regard 'the system' as being against them, who are suspicious of authority, and who are alert to ways to get around the system.

http://www.privacy.org.au/Papers/Ltr-ACTEd-070926.pdf
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Choices re Location Data

Publication
- Never
- Default Off, with Per-Use On-Switch
- Default-Off, but School or Parent On-Switch
- Always to School
- Always to Parents

Logging
- Never
- Always
- In some circumstances

Remote Access
  by the School
  by Parents
- Never
- In some circumstances
- At any time

Log Access
  by the School
  by Parents
- Never
- In some circumstances
- At any time

Technical Choices with Policy Impacts

- Hardware / OS that are supported and unsupported
- Ownership – State? School? Individual?
- **Is BYOD required, encouraged, permitted, banned?**
- Lifecycle Strategies and policies, re warranty, repair, replacement, refreshment and migration
- **Configs, esp. security, privacy features, settings**
- **App Software supported, unsupported, banned**
- Software Licensing – bulk, individual
- **Security Strategy and Policy re sensitive data, re internal threats (abuse by teachers, school managers, IT support) and external threats (access by 'hackers')**

Device Control by Teacher, School and/or School System

- None
- Features and Settings:
  - Pre-Set
  - Viewable
  - Changeable
- Camera and Microphone Activation
- Device Disablement

Netethiquette / Cybercitizenship

- Educate young people about:
  - Dysfunctional human behaviour patterns
  - Ways of dealing with problems
  - Ways of protecting against problems
  - Appropriate behaviour patterns
- Encourage peer support processes
- Provide school support processes for students, for teachers, for parents

http://www.rogerclarke.com/II/Netethiquettecases.html

Score-Keeping

- None
- Exceptions only, e.g.
  breaches of usage conditions
- Outline only, e.g.
  active / moderate / infrequent user / contributor
- Summary Data
- Detailed Data

- Retention, Use, Disclosure

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Project Foundations

- Clarity about the Objectives and the Constraints
- Governance Institutions and Processes
  incl. stakeholder representation and consultation
- 'Subsidiarity' – Devolution of Decision-Making
- Balance among the interests of the key stakeholders:
  - Teachers – trained, empowered and resourced
    re participative learning cf. teaching
  - Students – trained and empowered
  - Schools
  - Parents
  - Communities
  - The State
- Balance among stakeholders re application, innovation, control

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APF's Meta-Principles for Privacy Protection

1. Evaluation

2. Consultation
3. Transparency
4. Justification
5. Proportionality

6. Mitigation
7. Controls
8. Audit

http://www.privacy.org.au/Papers/PS-MetaP.html
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Conclusions

- Balance is achievable between 'High Road' Aspirations and 'Low Road' Student Surveillance
- This requires Transparency, Consultation, Agreed Design Principles, and Respect for those Principles
- Interests of Young People, Teachers, Parents, and School Communities all need to be reflected
- Technology changes rapidly
  Technology Economics changes rapidly
  Young People learn technology very quickly
  An unpopular scheme will be circumvented

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FATIH

- The FATIH project has the declared objective of putting a tablet computer in the hands of every student in grades 5 to 12 (roughly ages 11-18).
- The school system is dominated by the 40,000 government schools and 620,000 classrooms.
- During its initial phases in 2012-14, it appears that FATIH has already been implemented in thousands of classrooms (RTI/ERG 2013, pp.3-6).

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