

K-12 Privacy Leaders Working Group Meeting Notes

Wednesday, January 25, 2017

11:00-12:00

Topic: Student privacy training

40-45 participants

Jim Siegl (Technology Architect for Fairfax County Public Schools) on Mississippi AG's Google Lawsuit

- Last week, the Mississippi Attorney General filed a complaint against Google for alleged deceptive practices for G Suite for Education.
- The Complaint
 - Alleges that Google violates the Student Privacy Pledge because it is behaviorally advertising to students while students are logged into Google's G Suite whether using G Suite services or general services
 - Alleges that Google is collecting, using, and processing data in order to behaviorally advertise to students
 - Alleges that Google violates the Pledge because it does not clearly describe to users the type of data collected and the extent of its use
- Key points:
 - The Mississippi complaint did not contain information demonstrating that Google's allegedly deceptive practices actually occurred.
 - Google's privacy policies can be confusing:
 - The various Terms of Service and Privacy Policies appear to conflict, but Google's privacy notice clearly shows which policies trump.
 - The complaint alleges that Google's past settlements show that Mississippi's claim is valid, but Jim could find no evidence of this.
 - Jim has taken screenshots from a consumer account & education account to illustrate the difference in what information is collected, and those are available in the group Google Drive.
 - Google has made a change in G Suite for Education in the past year:
 - When user goes outside G Suite's core services., there is a dialogue box stating that the user needs parental permission to continue.
- Group Question: Is this complaint similar to the claims against Google from 3-4 years ago?
 - Answer: This complaint is very similar to EFF's 2015 FTC complaint but there are differences: this complaint highlights that Google's terms are complex (I do not contest this) and that Google is targeting advertising based on the data collected. However, there is no evidence of this in the lawsuit and the testing that the AG's office did doesn't seem a legitimate testing method (and he didn't publish how he did the test.

Update from Reg Leichty on Expectations from the Trump Admin

- Student privacy did not come up at DeVos' nomination hearing, and written statements did not explicitly mention student privacy as a concern (though that doesn't necessarily mean it is not a concern)
- President Trump has issued a federal staffing freeze, which could impact additional staff for PTAC.
- It is likely that the new administration will propose FY18 spending cuts across the board.
- House Education Committee is discussing continuing Chairman Klein's work on a FERPA update, and the House and Senate are still considering working on the Higher Education Act (and including additional privacy protections in HEA).

Student Privacy Training Presentation by Amelia Vance (see slides)

Student Privacy Training Presentation by Steve Smith (CIO for Cambridge Public Schools)

- Cambridge does not currently have a formal training program; instead, they have been focused on creating a culture that 'gets' student data & privacy.
- Cambridge has approached privacy concerns by:
 - Addressing operational issues on how to secure data (emphasizing data going out to clouds)
 - Developing communication tools around privacy
- It took about 3 years of explaining before staff got on board with all the student privacy requirements, such as getting apps approved before use.
- Cambridge's approach has been to embed conversations on privacy in EVERYTHING:
 - Make an effort to bring it up; the more its spoken about, the less hostility there will be towards it;
 - Create positions to constantly reinforce safe practices in the classroom;
 - Send out newsletters and emails;
 - Address questions brought up during board meetings;
 - Use social media to remind parents of the importance or simply the existence of district efforts and concerns around student privacy;
 - Form committees to continue working on the issue.
- Cambridge is currently looking to see what a more formal training program would include.

Comments and Suggestions from other states

- **Houston Intermediate School District** has a compliance course for teachers and administrators who will be dealing with data. This online course outlines how to protect data by telling teachers what they can or cannot share, and providing a review of relevant federal and state laws. The course is 1.5 hours.

- **DC Office of the State Superintendent of Education (OSSE)** has been working on a new training program.
 - New staff must sign non-disclosure agreements to protect confidential information. All OSSE staff – whether they handle sensitive data or not – are trained on privacy every year. The training is generally a 1.5 hour meeting in person with OSSE privacy staff and the General Counsel. OSSE is also implementing small-scale privacy training for bus drivers and similar staff because those staff have access to sensitive student data (like where a student lives and health concerns). OSSE’s next step is to make sure that LEAs are getting the same information and training.
 - OSSE feels that the privacy basics that people need to know are:
 - Developing professional judgment about privacy when the General Counsel or privacy staff aren’t around.
 - Expanding compliance beyond just FERPA requirements.
 - Data minimization by making people ask themselves “do you need to collect or share this information?”
 - OSSE has incentivized participating by:
 - Having an HR policy that requires participation;
 - Tying participation to privileges like teleworking.
- **San Francisco Unified Schools District** has a shared use database to follow student abuse and neglect, and asked whether other districts or states have a similar database and are determining how to deal with the privacy challenges involved. Amelia Vance noted that DQC and Strive released a guide last year about privacy and sharing data with community organizations that could be useful.

Meeting Attendees

Please note: if you did not email me to say you were on the call, please do! Thank you!

1. Albemarle County Public Schools, VA
2. California Department of Education
3. Cambridge Public Schools, MA
4. Colorado Department of Education
5. Council of School Attorneys, National School Boards Association
6. DC Office of the State Superintendent of Education
7. DC Public Schools
8. Hawaii State Department of Education
9. Henrico County Public Schools, VA
10. Houston Intermediate School District, TX
11. Howard County Public Schools, MD
12. Los Angeles Unified School District, CA
13. Louisiana Department of Education
14. Miami-Dade County Public Schools
15. Minnesota Department of Education

16. Nebraska Department of Education
17. North Dakota EduTech
18. Office of State CIO, OR
19. Orange County Department of Education, CA
20. Rhode Island Department of Education
21. San Francisco Unified School District, CA
22. Santa Clara County Office of Education, CA
23. South Carolina Department of Education
24. Texas Education Agency

Next meeting

February 15 (topic: vendor contracts)