EduTalks@Council of Europe – Data Protection and the Right to Privacy in Education and in the Face of AI

Wednesday, 07 June 2023 12:00 – 13:30 CEST

Speakers

Malgorzata Cyndecka is Associate professor at the Faculty of Law at the University of Bergen, Norway, and Associated professor II at the Faculty of Law at the University of Oslo. She is also affiliated with the Centre for the Science of Learning & Technology (SLATE) at the University of Bergen. Her research and teaching activities focus on EU/EEA law, in particular State aid law and data protection law. In 2020 and 2021 Malgorzata was involved in the AVT project that explored using learning analytics in the Norwegian schools and that participated in the first edition of the Norwegian Data Protection Authority's Sandbox for Artificial Intelligence. In 2022 Malgorzata joined the Council of Europe digital citizenship working group on Artificial Intelligence (AI) and education.

Jen Persson is a current contributor to the Council of Europe digital citizenship working group on Artificial Intelligence (AI) and education which published a report in November 2022, Artificial Intelligence and Education: A critical view through the lens of human rights, democracy and the rule of law and she supported the Committee of Convention 108 in the drafting of Council of Europe Guidelines for Data Protection in Education Settings, adopted in 2020.

As founder of the not-for-profit organisation, Defend Digital Me, Jen also campaigns for children's privacy and digital rights in the field of UK education and the wider public sector and has researched the application of AI in areas of biometrics, encryption, safety tech and Edtech with a focus on the education sector. All are available at https://defenddigitalme.org/research/

Lene Karin Wiberg has a Master in Information Technology. Currently working as a Special advisor in digitalization, The Norwegian Association of Local and Regional Authorities (KS).

Wiberg has 13 years of experience at the national level within the field of ICT and digitalization in education, working in different governmental bodies, with both developing national policy and promoting good practice

Elodie Weil is a privacy Counsel in the French Data Protection Authority, the CNIL. She works in the Department of Governmental and Local Authorities affairs at the Legal Directorate of the French Regulator. Her field of expertise relates to the protection of children's data, in particular in the Education area (including the national education system and higher education).

She obtained her PhD in Public International Law at the CY University and worked as a research teacher for 8 years in the field of national and international public law.

Before joining the CNIL she worked for local authorities as data protection officer.

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Abstracts

Jen Persson will focus on some of the most pressing challenges from the education sector in practice aside from teaching and learning. She asks if data protection law is effective in protecting children's rights when it comes to their personal data being used to develop "unfinished" products. Case studies include classroom management tools that falsely claim to use AI, Facial Recognition and cashless payment systems, Mood and Emotion detection and the problem with defining biometrics, and "School safety tech" used to infer risks of terrorism and extremism: subjects one might not associate with education but all current "live" issues in England.

Lene Karin will talk about the AVT project that participated in the first edition of the Norwegian Data Protection Authority's Sandbox for responsible Artificial Intelligence. The AVT project (Activity data for assessment and adaptation) – is a research and development project focused on digital learning analytics in schools. The project explores opportunities and challenges associated with the use of learning analytics and artificial intelligence (AI) to analyze pupil activity data from various digital teaching aids. The AVT project seeks to explore the legal framework, in addition to frameworks for responsibility and ethics, for the use of learning analytics in schools. The General Data Protection Regulation imposes that the data subject must be informed of the fact that personal data is being processed, how the personal data is processed and who the data controller is. This information must be easily accessible and must use clear and plain language. This especially applies to information provided to children. One challenge in the AVT project is the considerable range in ages and level of development in the group that will be using the learning analytics system. The project explored how linguistic, and video can be used to provide information that is simple enough for the youngest pupils, while also meeting the information needs of older pupils and parents.

Eloide Weil will focus on opinions and statements issued by the CNIL and its involvement in matters relating to data protection and privacy in education. In particular, it will discuss the work conducted by the Educnum "Digital Education Department" in awareness raising among all actors concerned about data protection in education, as well as by its CNIL Digital Innovation Laboratory "LINC".

In 2022 the CNIL launched an [EdTech "sandbox"](). The presentation will highlight certain issues raised during the EdTech sandbox experimentation and share specific points of attention related to data processing in the context of education. Finally, the presentation will discuss the future work of the CNIL in particular on AI aspects.