



Report of the International Working Group on Digital Education – August 2019

41st International Conference of Data Protection and Privacy Commissioners in Tirana



Report on 2018-2019 Activities / 2019-2020 Forward Looking Plan

This report seeks to take stock of the four main actions of the Digital Education working group's **2018–2019** action plan. In addition, a roadmap for the year 2019–2020 is also being put forward to be agreed by our colleagues within the authorities.

In 2019, the Digital Education Working Group (DEWG) expanded to **66 DPA members**: inclusion of the Jersey Regional Data Protection Authority that joined our group work.

1) Background:

Over the year, the DEWG set as main objectives to build upon further exchanges of experiences between data protection authorities on four priority actions:

Action 1 : Adaptation of the Data Protection Competency Framework

Action 2 : Awareness-raising on the direct exercise of digital rights by children themselves

Action 3 : Implementing the Resolution on e-learning platforms

Action 4 : Evolution of the CIRCABC online platform

2) Working Group Activity 2018-2019:

Action 1 : Adaptation of the Data Protection Competency Framework

The objective was to continue taking stock of successful initiatives conducted by individual countries and their different ways to integrate into school curricula the data protection competency framework and the roll-out of the framework's key competencies with resources, lesson plans and practical cases adapted by age-groups so as to identify and list those which work best.

The summary below, based on 14 DPA responses (the questionnaire sent in June 2019 was in 4 parts), outlines the advanced approaches and other methodologies used to introduce modules and resources adapted to the competency framework at national or regional level.

1/ Concrete approaches by DPAs to educational Authorities to encourage taking into consideration of the competency

- Actualization via the adoption of partnership agreements between data protection authorities and Ministries of Education, which include a section dedicated to the implementation of the competency framework (FR, State of MEX, PL, and ML), or advanced projects under discussion (MEX, PHL, and BFO).
- Further initiatives undertaken by the Presidents and Commissioners themselves (CAN, and CAN-ALB) (via sending of letters, speaking in the educational press) are calling on ministers and school district officials to integrate the 9 areas of privacy competences of the framework into regional school programs (42 public school districts, 17 separate (Catholic) and 4 francophone ones – accounting for more than 2,000 schools and 665,000 students).
- Working with a teacher’s organization to send emails promoting the new lesson plans to 55,000 educators and renewed in mid-September (CAN).
- Organization of a replicable regional event targeted at children, schools, and families called ‘the first EDUCNUM Days’ providing permanent workshops, escape games and educational paths over 3 days illustrating on purpose several topics the competency framework such as, *How to protect your privacy and personal data in the digital age ? How to develop a critical attitude towards fake news? How to protect your e-reputation?*; created and hosted by CNIL with its large collective of educational actors, and supported by the Ministry of Education on the occasion of European Heritage Days in Poitiers (France - 20 to 22 September 2019) (FR);
- According to the attribution of regional or federal educational responsibilities, data protection training programs are also intended for educational actors in the public and / or private sector (MEX, PHIL, CZ, and BFO).

2/ Various approaches to integration in school curricula

- Discussions are under way with the Ministry of Education on curriculum reform based on the research report commissioned by the Office of the Privacy Commissioner of Canada entitled *“Where and How Does the Personal Data Competency Framework (PDPC) Framework Fit in Canadian Educational Resources?”* (CAN, CAN-ALB and CAN-ONT).
- Data protection and privacy presentations/lessons are currently being given locally as part of the "personal, social, health and education" lessons in schools and in privacy programs for children aged 11 to 16 (GRA);
- The National Curriculum for 11-14 year old pupils in England, in the subject area of Computing, requires that pupils “understand a range of ways to use technology safely, respectfully, responsibly and securely, including protecting their online identity and privacy, recognise inappropriate content, contact and behavior, and know how to report concerns”, as provided in the statutory guidance from the Department for Education, National Curriculum, computing, (UK);
- A new project was set up with the French Ministry of National Education in 2019 to integrate the key competences of the Data Protection Framework into the training programs of cycle 4 classes and major high schools (12 to 17 years old): the approach adopted this year has consisted of producing by CNIL an indexed glossary of 110 key words and concepts related to the Data Protection Competency to identify the occurrences likely to make the link in all disciplines of the middle and high school class programs and to propose educational fact sheets with downloadable resources, which will be disseminated by the ministry on specialized

educational portals for teachers: e.g. "*Personal data - French – Middle schools and high school*" or "*Genetic data - Sciences - Major high schools*", planned over 2019 to 2020 (FR).

3/ Continuing the adaptation of the Competency Framework and resources by age-group

- The preparation of specific materials currently under revision will consist of nine modules based on the nine fundamental principles contemplated in the Competency Framework as pointed out by the Mexican Data protection authority; the different pedagogical tools and training packs generated by the INAI will be connected with dynamic activities with the interests of the students by age groups, educational material for teachers (translated from the OPC of Canada's ones) and associated with questions to assess the degree of student learning.
- Some authorities pointed out that they used their resources primarily in the context of assisting schools under the data protection supervision of the GDPR, rather than focusing on teaching pupils their privacy rights (UK); while other DPAs have seized the opportunity of liaising with DPOs and school directors to highlight the responsibilities in teaching key competencies in their online behavior to students (PHIL, PL).
- A few other authorities have reminded us that they have prioritized over the recent years substantial financial resources (all the more for small organizations) dedicated to updating educational data protection materials targeted towards middle and high schools, and where possible in several languages, in accordance with their annual training actions plan with school partners (UK, CH, GRA, MEX).

4/ Evaluation on the use of the framework in lessons practices

- For the French cycle 3 (school key stage 2 or a 5th to 7th Grade student aged 9 to 11 year olds), the Ministry of Education produced quantitative indicators of site visits and downloads (+ 15 000) on its EDUSCOL (educational resources) web page dedicated to the competency framework with lessons and practical cases made available (FR) ; Furthermore, 45 junior high schools have joined a national school project treating this year several topics of the competency framework to create pedagogical deliverables (videos, e-books, etc) by children themselves within the 3rd year of the competition « Les Trophées des classes» organised by both the Ministry of Education and CNIL.
- Speaking of quantity, about 2 000 teachers and over 45 000 students from 335 educational institutions from all over the country took part in the 9th edition of "Your data - Your concern" Program initiated by the Polish Personal Data Protection Office's Program in accordance to Personal Data Protection Competency Framework for School Students (PL).
- During the 2018-2019 school year, 7,365 students were made aware of the benefits of the importance of personal data protection, especially when surfing the Internet and more specifically trained in the exercise of their rights through [training activities targeting pupils](#) in various primary schools in 33 municipalities of the State for Mexico (MX).
- Measures of the efficiency of the resources made available by the Gibraltar authority are planned during talks on the outcome of ongoing campaigns having raised awareness to children in middle schools for five consecutive years in partnership with the Department of Education (GRA).

Suggested follow-up actions for 2019–2020:
→ The DEWG continues the exchange of experiences to build on successful and replicable initiatives to integrate educational packs, lesson plans and practical cases by age groups into school curricula and

the roll-out of the framework's key data protection competencies in various subject matters to be tracked over a longer period of time to monitor success and impact.

Action 2 : Awareness-raising on the direct exercise of digital rights by children themselves

- This issue concerning **the exercise of minors' data protection rights** has formed the subject of a preliminary survey conducted by the CNIL in June 2018¹ [within the context of the issue of online educational platforms].
- [2019 survey questionnaire about information mechanisms on the rights of children online](#)
A first overview was provided by 41 DPAs of both the legal framework applicable to capacity of children to direct exercise their digital rights (of access, information, rectification, opposition and cancellation) by themselves or by their parents or legal representatives according to the age and the level of maturity.
- The further research survey that has been conducted in August-September 2019 to some 60 DPAs aims to update these data and focus particularly on the existing information process and good practices put in place by DPAs that contribute to inform in clear and understandable language specifically intended for children and/ or their parents on the exercising of their rights online and complaints mechanisms to be used by children to the data protection authorities.
- A summary of initiatives and best practices developed will be presented and discussed at the 41st International Conference to highlight how the exercise of the rights of children is facilitated by best national tools or mechanisms to access practices set in place; it will be considered whether they could lead to the adoption of common recommendations, or standards and replicable actions among the countries.
- A monitoring activity was conducted at the same time during the year to keep DPA members informed of investigations and public consultations launched at the national levels by the respectively English (ICO) and Irish (DPC) DPAs, and also by other international institutions (OECD, Council of Europe) addressing to relevant actors in relation to their practical applications to have them clarify their obligations of information, awareness, advice and assistance to children and/ or their parents to facilitate the exercise of their rights in the digital environment.

→ A summary report of the 2019 ongoing survey conducted on initiatives and best practices to support and/or provide advice facilitating the exercise of the rights of children online will be **presented to the 41st International Conference** at the working group reporting session. The objective will be to inform and invite DPAs to draw some lessons, recommendations and set priorities for further joint actions in 2019-2020.

Suggested follow-up actions for 2019–2020:

Children's rights online and exercising of their rights

→ The DEWG will build on the results of the 2019 survey, taking into account the results of the study listing best practices on information and access procedures to consider extending these statements in a draft resolution by our authorities as a key mover impacting the *UN Convention on the Rights of the*

¹ See Results of Survey of 40 DPAs in July 2018, made available on the ICDPPC website after the Conference.

Child, calling upon the United Nations policy to supplemented these texts since any part relating to the protection of digital rights is being absent from them.

→ **Continue the exchange of experience on national initiatives focused on the rights of children (relating to reports, consultations, surveys, and/or recommendations of Design thinking).**

→ **See the list of other related proposals on this topic in the Forward Looking Plan (2019-2021) at the end of the report.**

Action 3 : Implementing the Resolution on e-learning platforms

In June of 2019, one year after the adoption of the **Resolution on e-learning platforms**, the CNIL and the Office of the Privacy Commissioner of Canada (OPC) distributed a questionnaire to all DEWG members to collect information about the impact of the promotion of this Resolution with public stakeholders and related industry sectors charged with educational missions and providing e-learning platform services.

Then, by doing so, take stock of the various types of Codes of Practice and/or Guidelines based on or in relation to the present resolution specifically adapted to the local context and laws to help protecting children's data in an appropriate way.

See attached the detailed report prepared by the OPC of Canada which demonstrates initial interactions further to the dissemination of the resolution (based on responses provided by 10 authorities).

Suggested follow-up actions for 2019–2020:

E learning in educational activities:

→ Continue to track the progress of interactions with relevant stakeholders in the field of education and the industry over a longer period of time to monitor success and impact in the adoption of Codes of Practice, lessons learned, and contribute to an understanding of why some initiatives may not have been adopted with a view to helping plan future initiatives by our authorities in this area.

→ Prepare an inventory of Recommendation Guides and Codes of Practice drawn up by the member authorities.

AI and Learning Analytics in the field of education:

→ The work surrounding *learning analytics* is part of a wider reflection on online education platforms in schools. As an emerging issue associated with the stakes inherent in the development of *learning analytics* in the Education sector, it should definitely be explored over the next few years (as demonstrated by the preliminary results of the CNIL survey in July 2018).

→ the DEWG should consider whether this topic is strongly supported by DPAs as a priority in the 2019-2020 Action Plan Program or at a later stage (e.g. in the Forward looking plan), then establish a task force and look into this area to develop where necessary some activities in coordination with the Ethics and Data Protection in AI Working Group.

Action 4 : Evolution of the CIRCABC online platform

For the time being, the DEWG has not pursued any new opportunities to upload new resources and materials on CIRCABC platform

- **39 users** (i.e. only **29 DPAs**) with the status of author-contributor are registered on the platform. A limited rate of 13.5% of views was observed compared to the same period over August 2018, which was 25% lower than the average of *300 views per year*.

The main difficulty is the limited priority to regularly pursuing further uploadings. As a matter of fact, existing obligations to meet national priorities already stretch the capacity of the voluntary members of the working group.

To date, the two coordinators of the CIRCABC platform, CNIL and the CNDP of Luxembourg are acting as the administrators and supervisors of this platform of educational resources. A revised classification has been effective later than planned in the late summer of 2019.

What about the options for the CIRCABC platform ?

- Should the coordinator perform monitoring tasks and download new resources for all the Authorities (as it was mainly the case in the last 2 years) ?
- Or should we explore some timely periods (once or twice a year) to incite to contact members for inciting the use and process of sharing available resources?
 - For instance, there are global annual operations such as the Safer Internet (in February 2020) or the Annual Global Privacy Awards providing a specific category in Education – Awareness (in June-July 2020) that could be explored since they attest the quality and profusion of new resources uploaded on their DPA websites or by some pedagogical partners.
- Contacts with the European Better Internet for Kids (BIK) platform have not been successful since spring 2019:
 - This platform is partly supplied directly by the Safer Internet Centers of the countries and is addressed to the educational community; the conditions of the possibly offer for cooperation with CIRCABC concerned the field of topics "online safety, privacy, media literature, digital parenting"; the approach consisted in asking the coordinator of CIRCABC (the CNIL) to provide a complete description of the resource (subject, theme, age group concerned, source, language, date of publication, type of license, ...) and then have National Authorities referred to and consider whether some resources would first be selected to be pushed on their BIK platform; Indeed, there was an obvious lack of synergy due to the impossibility to directly reuse the uploaded content and description already made on the CIRCABC platform and would also require a pre-selection of resources to be made on behalf of the authorities themselves.

Suggested follow-up actions for 2019–2020:
→ Explore the suggestion of organising a short campaign to mobilize at a fixed period DPAs who would be invited to download their latest and successful pedagogical resources on CIRCABC.

→ In the absence of other prospects for sharing resources on existing public platforms identified, consider a possible transfer of content from CIRCABC to a future platform of the international conference, as definitely presenting the best option in the medium-/long-term for permanent visibility and a public sharing of resources aimed at the educational community.

→ Furthermore, special attention deserves the example of new e-learning platforms [e-OpenSpace](#) that will be made accessible in Autumn 2019, offering specifically data and privacy educational materials, presentations, documents, and ready to use training materials ; this initiative has been developed within the framework of the Erasmus + project entitled «e-OpenSpace - European Innovative Open Platform for Electronic Networking and Sustainable Provision of Adult Centred Education in Privacy and Personal Data Protection» conducted by the transnational consortium led by the Bulgarian, Croatian and Polish Commissions together with University and NGOs partners.

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Forward looking Plan for the DEWG which should consider views of the members (ICDPPC Strategic Plan 2019-2020 expected for the annual Conference):

Mapping data protection issues around children’s rights online including, among others, references to the following initiatives:

- The *UN Convention on the Rights of the Child*: the Committee on the Rights of the Child has decided to develop a General Comment on children’s rights in relation to the digital environment and welcomes the submissions of all interested parties as a contribution to this important work.

- The current revision of the "*2012 OECD Recommendations on Children in a connected world*".

- The current [Strategy for the Rights of the Child \(2016-2021\)](#) of the Council of Europe including the rights of the child in the digital environment as one of the priority areas (implementation until 2021) in connection with the Ad hoc Committee for the Rights of the Child (CAHENF).

- Research projects related to "*Children’s rights perspective on privacy and data protection in the digital age*" ([Ghent University](#); [LSE – ICO](#), etc.).

- The Council of Europe has implemented strategies over cycles to guide its work on children’s rights and Digital Citizenship Education :

The newly adopted [Recommendation CM/Rec\(2018\)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#).

- The ongoing "[Toolkit](#)" to raise awareness of youth to the protection of their privacy and their personal data in the digital environment by the Data Protection Unit and the Children's Rights Division of the Council of Europe.

- The [Digital Citizenship Education Handbook: Being a Child in the Age of Technology](#) published in April 2019 by the Education Policy Division of the Council of Europe, to be supported by a new draft DCE Recommendation planned for adoption over 2019-2020 and other working tools intended to assist its implementation.

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