



September 8, 2020 – UPDATED – Advisory from the Office of the Information and Privacy Commissioner of Saskatchewan to Teachers, School Boards, Parents and Students

The pandemic initially resulted in classes being suspended and students staying at home. Now that September is here, schools are reopening, but schools are also offering students the option to learn remotely from home. School Divisions and teachers have been planning during August, selecting the online learning platforms and preparing to use those platforms for those students and parents who select online learning. There are many platforms from which a school division can choose and I expect each school division may select a different platform. Each platform comes with its privacy settings and each school division will have to make decisions as to which settings are selected. In analyzing each platform a school division needs to, among other things, apply a privacy lens and ensure they are protecting the privacy of a student.

Zoom, and other video conference platforms, have received a lot of publicity. I expect every platform has over the last six months examined its privacy settings. School divisions and teachers need to think through the privacy risks for students in using video conferencing or virtual meeting platforms.

There are many educational offerings through the web that teachers will be tempted to use to help instruct and fill the day. Again, school divisions and individual teachers need to know the privacy protections afforded their students by *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), which should cause school divisions to monitor closely what products are being used. This issue existed before the pandemic, but because of the current situation, the pressure to have online tools has increased. Teachers should only use the educational tools approved by their school divisions and should carefully review the privacy settings they can control, so as to reduce the risk of privacy breaches.

Before the pandemic, school divisions may have had a list of authorized or approved apps and educational products that the school division considered safe to use. I encourage school divisions to revisit the tools they have approved in the past to double check on privacy protections. Teachers should ensure that they are checking with the division with regard to any guidelines or restrictions on products they might want to use. Teachers need to consider which products are safe for use.

If school divisions have authorized virtual meeting/classroom platforms, they need to consider what information is collected and disclosed by use of the platform. For example, is the teacher seeing an image of the student and are all the students seeing images of the other students. As an individual's image is personal information, displaying the images of students to other students is a disclosure of personal information. School divisions need to determine whether that disclosure is authorized.

To determine whether a disclosure is authorized, a school division needs to review LA FOIP. If the authority is not clear in LA FOIP, the best thing to do is obtain a consent from each student or parent. School divisions may have already obtained a written consent at the beginning of the school year and school divisions should review that consent to determine whether it is a consent that covers the streaming or broadcasting of a student's image. Consent forms should be specific enough that parents or students know what they are consenting to.

I need to distinguish between the teachers seeing an image of each student in the class versus all students seeing the images of one another. The teacher seeing an image of a student is close to what the teacher would see if in a normal classroom. All students seeing the image of one another is a somewhat different issue because when this occurs, the images may be viewed by not only other students, but parents of the students, family members of the students, or caregivers of the students who are in the home. The streaming or broadcasting is potentially much broader than the teacher and other students in the class. Again, consent of a student or a parent can deal with this.

There are many questions for school divisions to consider in an online learning environment. What if a parent or student does not consent to the streaming or broadcasting of the student's image to other students? Has the school division made provisions for students/parents to not consent to the streaming or broadcasting of the student's image? Does the selected platform allow for students/parents opting out of streaming or broadcasting images? What if the student or parent turns off the camera on the home device? What if the student or parent puts masking tape over the lens of the camera? Should or does the school division encourage staff to advise students to turn off the camera and only turn on the microphone when a student is speaking?

The pandemic has given rise to many new privacy issues but, when one reflects, the principles that existed before the pandemic still apply. Does a school division have the authority to collect personal information? How will the school division/teacher use the personal information (student image)? Does the school division/teacher have authority to disclose (stream or broadcast) student personal information? Has the school division/teacher taken steps to safeguard the student's personal information? These were all relevant questions before the pandemic and the questions remain relevant today.

For parents that have chosen distant education or online learning for the time being, the pressure is there to search for and use educational apps. My office has no jurisdiction over what parents do, but I would encourage parents to do some research on educational tools and the impact on their child's privacy and ask questions if needed. One would not want your child's profile, pictures, art work, and essays to show up in unexpected places.

Finally, students, you have some responsibility in this area too. As you work with various educational tools, you can check in to see how well your privacy is protected. Where you have concerns, you should let your parent, your teacher, or your school division know.

I would recommend that school divisions, teachers and students check the privacy policies, terms of use, and privacy settings of every educational app that they are considering using.

If any staff member has questions, I would suggest the staff member call the designated access and privacy officer for the school division.

For an advisory that looks at similar issues from a different point of view, you can check out my advisory on [virtual meetings](#).

If a school division is evaluating a particular platform, it should consider a privacy impact assessment (PIA). If there is no time to do this, the questions they would be asked during such an assessment should be asked by the director, superintendents, or the access and privacy officer. For details regarding a PIA, see [Privacy Impact Assessment: A Guidance Document](#).

For information on back to school plans see [Saskatchewan School Board Association](#) and for detailed information of access and privacy check out [Privacy and Access in Saskatchewan Schools](#).

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