



Data/Information + Privacy/Security

Jonathan D. Becker, J.D., Ph.D.

Associate Professor



VCU

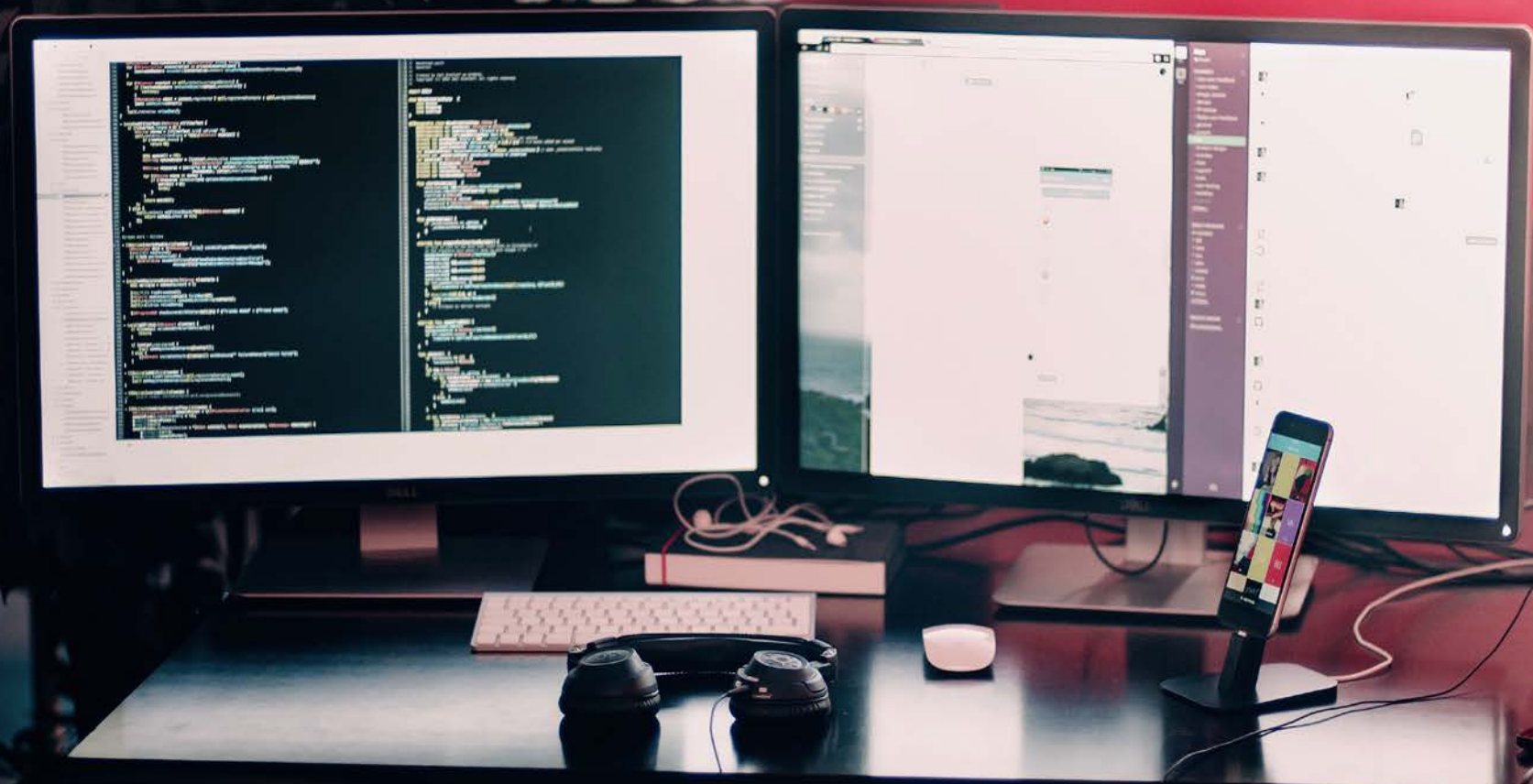
School of Education

Disclaimer

I, Jonathan D. Becker, J.D., Ph.D., am an attorney at law, but by education only. That is, I have a law degree and I am admitted to the Bar of the State of New Jersey (not Virginia!). However, I have never practiced law and I am currently officially “**retired completely from the practice of law**” in every jurisdiction.

Therefore, I cannot, among other things, “render advice on the law or legal assistance.” As a result, all discussions and communications related to this presentation or beyond should be considered academic in nature; I will answer questions and offer opinions (readily), but they should be considered answers and opinions based on my education and understanding of information, and not legal advice.







Gentelida Algal



Welcome,
Anthony Mulayo

Home

Dashboard

Dashboard

Dashboard

Forms

UI Elements

Tables

Data Presentation

Additional Pages

Reports

UI Elements

Data Presentation

UI Elements

Data Presentation

Using Time

Total Users
2500
+10% From last Week

Average Time
1.51 Sec
+0.1% From last Week

Total Items
2,500
+10% From last Week

Total Periods
4,567
+10% From last Week

Total Subscribers
2,315
+10% From last Week

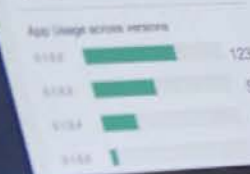
Total Connections
7,325
+10% From last Week

Networks Activities User Signup Converted Sales Profit Made



Link One Link Eight

Daily active users
Sessions



Daily active users
Sessions



Daily active users
Sessions



SCHOOL

SPEED
LIMIT
15

7:30 AM
TO 3:30 PM

OTHER TIMES
SPEED
LIMIT
35







New digital **technologies** massively increase our capacity for **data** collection and **information** management in ways that create incredible affordances for **school safety** and for **student learning**.



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However...



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**Just because you
can, doesn't mean
you should.**

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can, doesn't mean
you should.**

(unless it involves chocolate ice cream)



Code of Virginia

[Table of Contents](#) » [Title 22.1. Education](#) » Chapter 14. Pupils

← Chapter →	🔗 Create a Report 🖨️ Print	Search Chapter	<input type="text" value="keyword"/>	Go
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Article 5. Pupil Records

[Read all >](#)

- [§ 22.1-287](#) Limitations on access to records
- [§ 22.1-287.01](#) Student information; release to federal government agencies
- [§ 22.1-287.02](#) Students' personally identifiable information
- [§ 22.1-287.03](#) Unique student identification numbers
- [§ 22.1-287.04](#) Uniformed services-connected students
- [§ 22.1-287.1](#) Directory information
- [§ 22.1-288](#) Furnishing information to public or private school or institution of higher education or private business or professional school or institution of higher education or military force
- [§ 22.1-288.1](#) Notation in school records of missing children; local law-enforcement cooperation
- [§ 22.1-288.2](#) Receipt, dissemination and maintenance of records of certain law-enforcement information
- [§ 22.1-289](#) Transfer and management of scholastic records; disclosure of information in court notices; penalty
- [§ 22.1-289.01](#) School service providers; school-affiliated entities; student personal information

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§ 22.1-289.01. School service providers; school-affiliated entities; student personal information.

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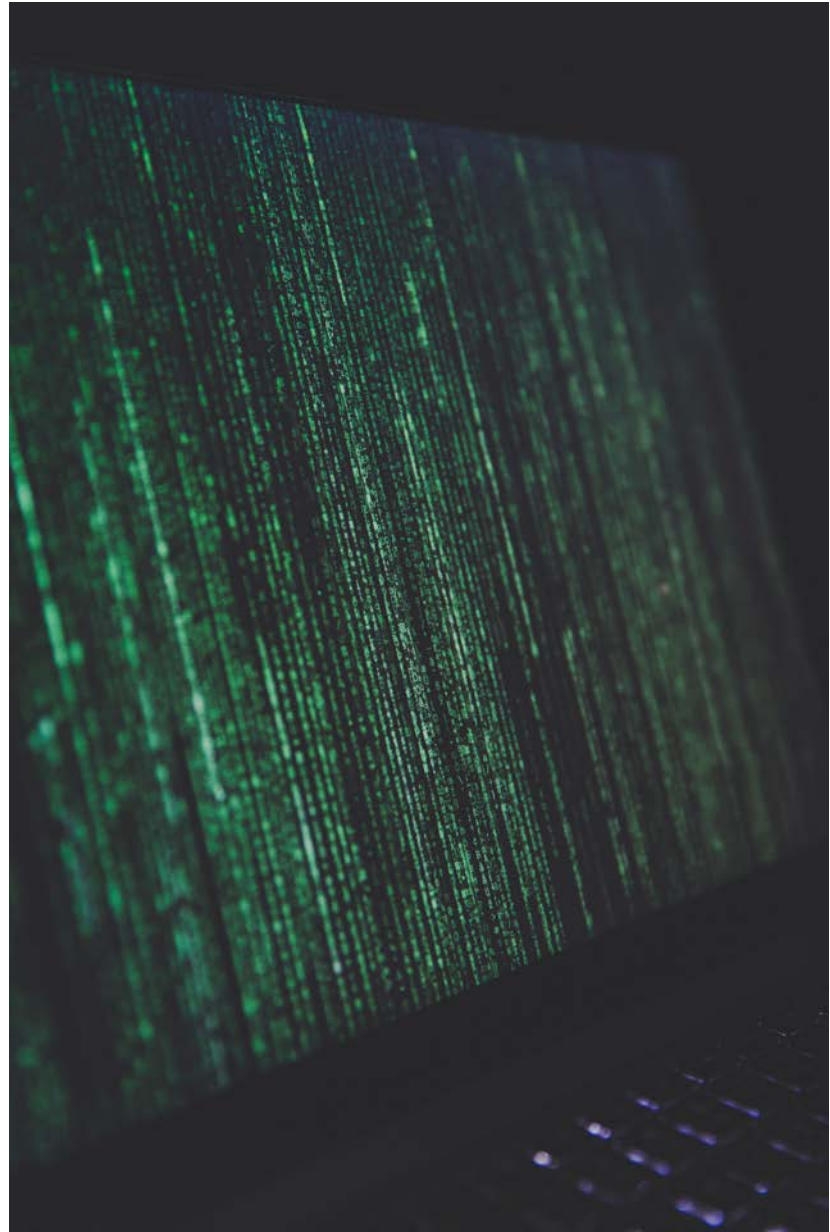
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§ 22.1-287. Limitations on access to records.

DATA

- Collection
- Use
- Sharing





DATA COLLECTION



Administrator Sign In

Username

Password

Sign In

04/16/2018 11:24 AM 11.0.2

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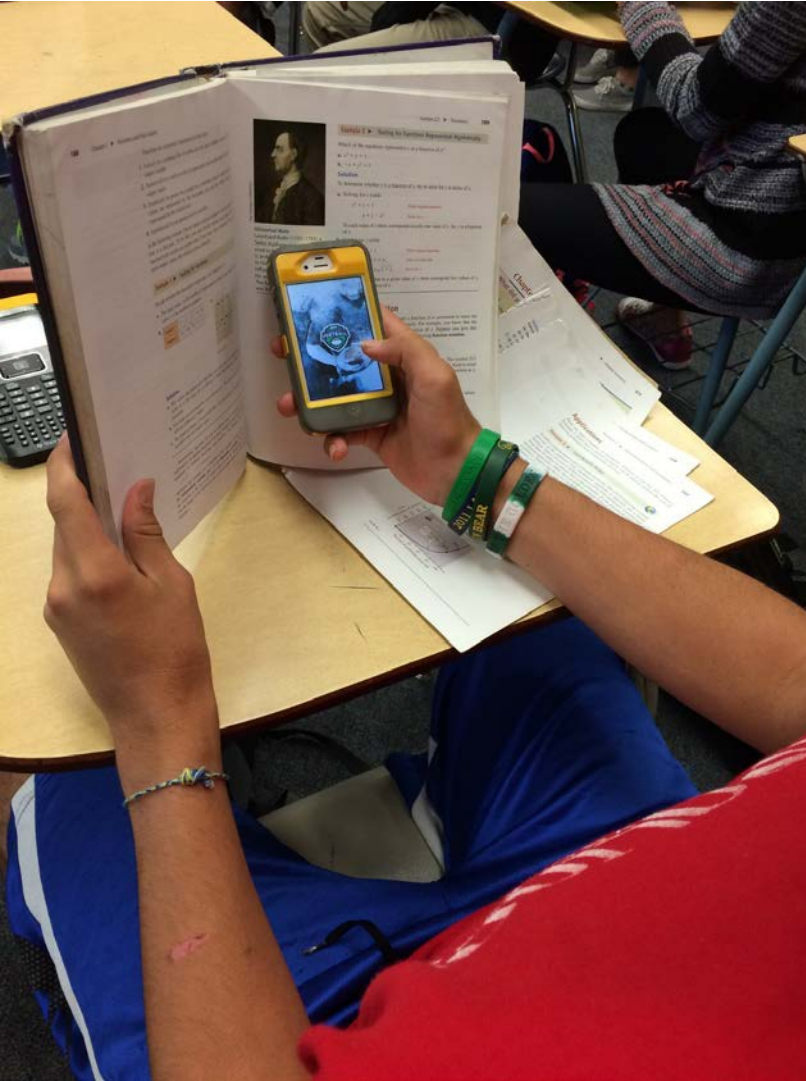
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- **4th Amendment Framework**
 - Right of people to be secure and protected from unreasonable searches.
 - Schools are unique.
 - Therefore, no warrant; only reasonable suspicion.
 - REASONABLENESS TEST
 - Search must be justified at its inception, AND
 - Search must be “reasonably related in scope to the circumstances which justified the interference in the first place.”

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The Intercept_

Photo: iStockphoto/Getty Images



45

FACE RECOGNITION IS NOW BEING USED IN SCHOOLS, BUT IT WON'T STOP MASS SHOOTINGS



Ava Kofman

May 30 2018, 12:36 p.m.

June 20, 2018

EDUCATION WEEK

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How (and Why) Ed-Tech Companies Are Tracking Students' Feelings



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EDUCATION WEEK EVENTS

 **Quality Counts: Follow the Money—School Finance and Funding**

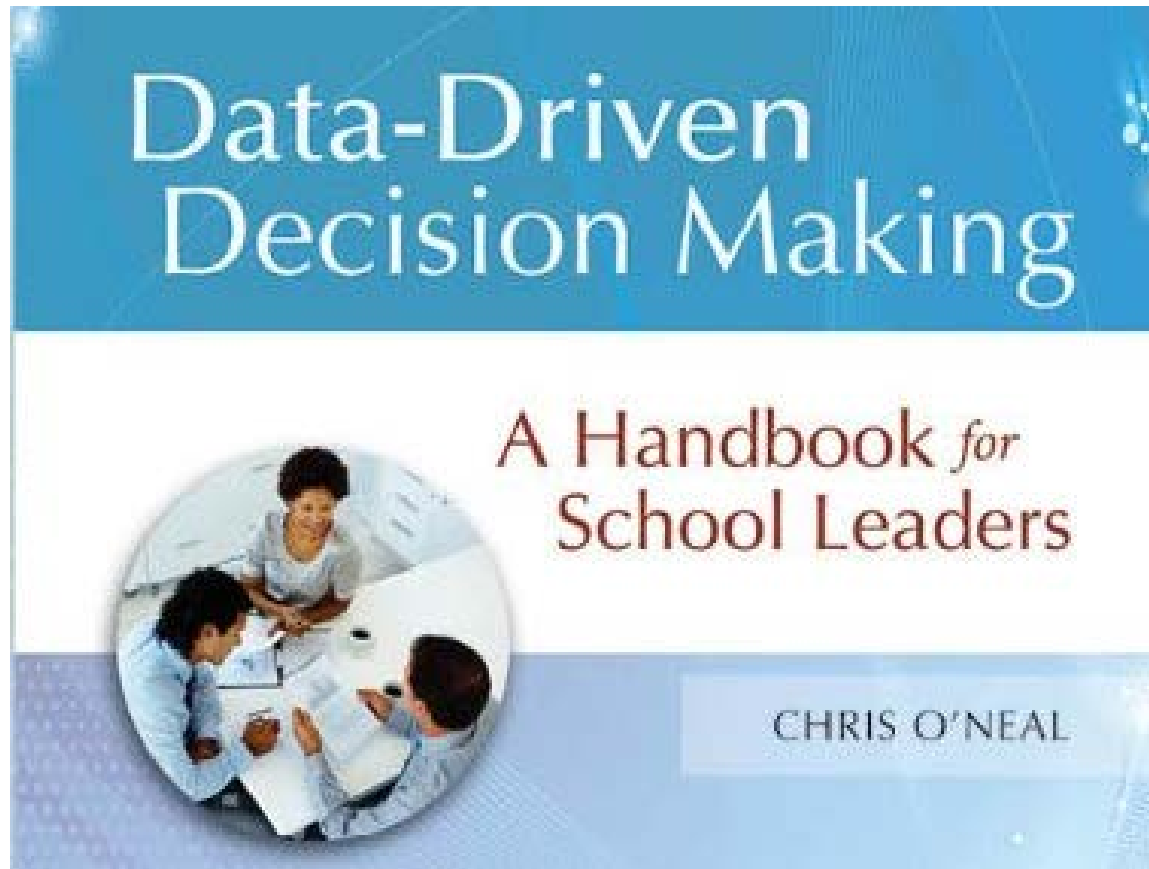
Health

Your Brain Waves May Show Whether You're Paying Attention in Class

by Sara G. Miller, Staff Writer | April 27, 2017 05:40pm ET



A student wearing a portable electroencephalogram (EEG), a device that measures brain activity, during class. [Original Image](#)



DATA USE

Spencer

Home

Classes

Lesson

Bookshelf

Assessment

Poll

Blog

Calendar

Analytics

Toolbox

Help

Student View

Seating Chart

Attendance

Class Board

Flags

Participation

Recognition

Restrict Browser

Mailbox

Class Info

A-Z ↓

Demo Class

Maria Aquino

✓6

✕3

ⓘ

Ashley Collins

✓3

✕1

ⓘ

Jake Davenport

✓5

✕1

ⓘ

Sophia Diaz

✓2

✕0

ⓘ

Dominique Harris

✓3

✕0

ⓘ

Juan Carlos Montoya

✓2

✕2

ⓘ

Andrea Perez

✓5

✕3

ⓘ

Susan Peterson

✓3

✕0

ⓘ

Adam Silverstein

✓5

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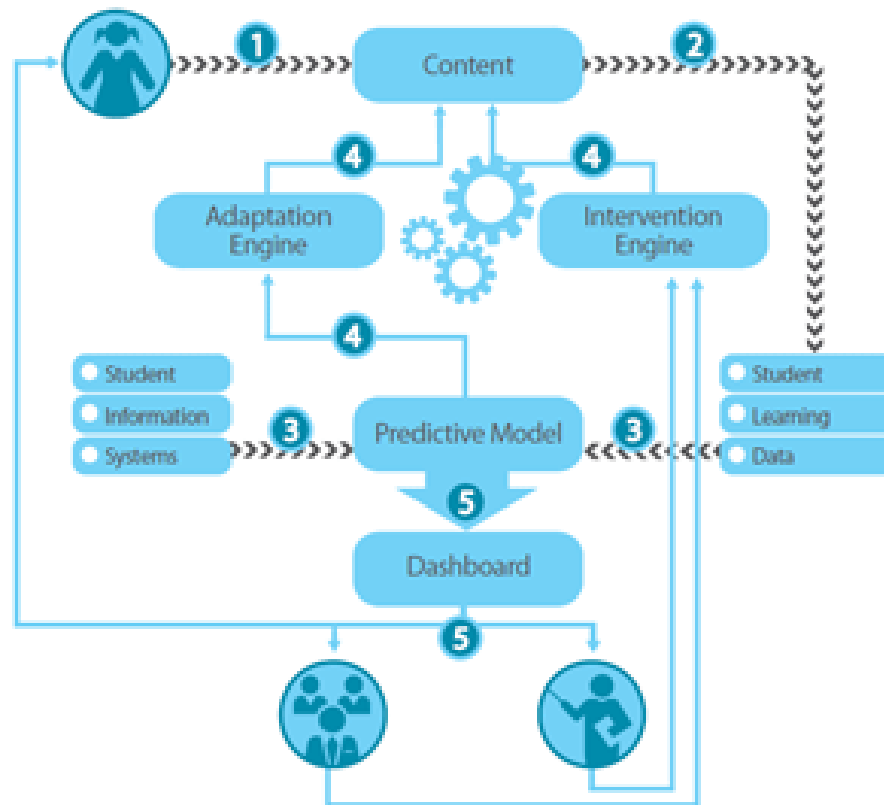
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Learn to Use Otus

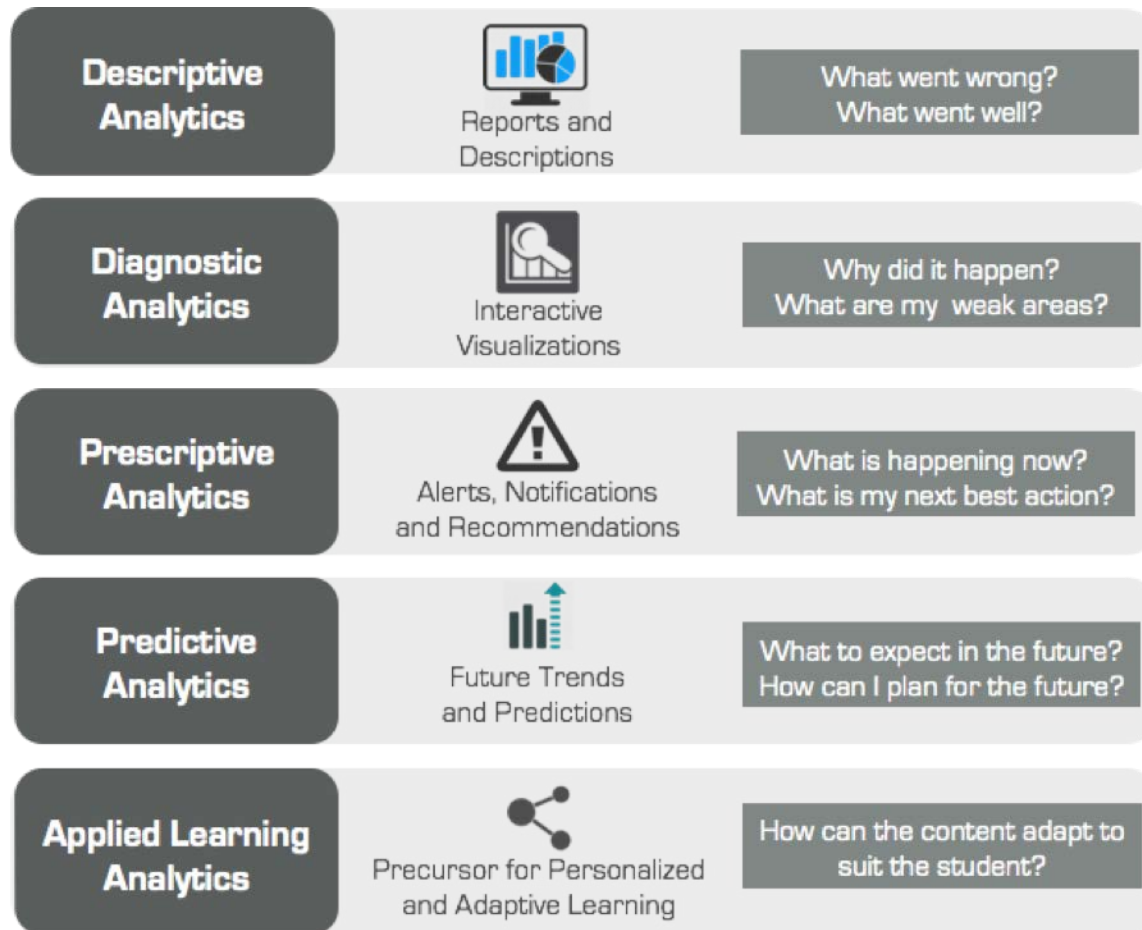
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Adaptive learning



Personalized learning







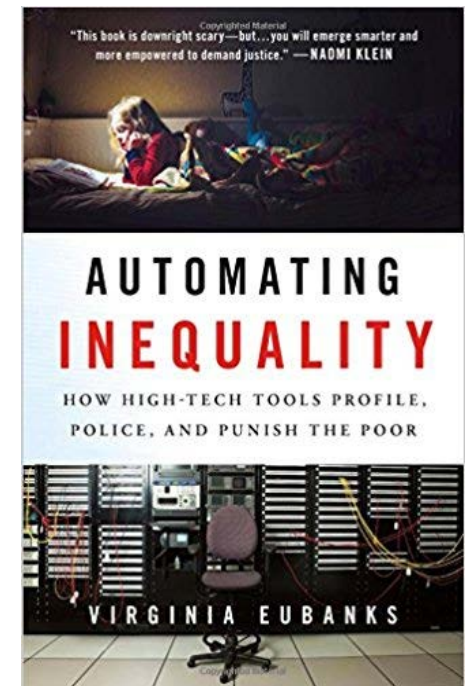
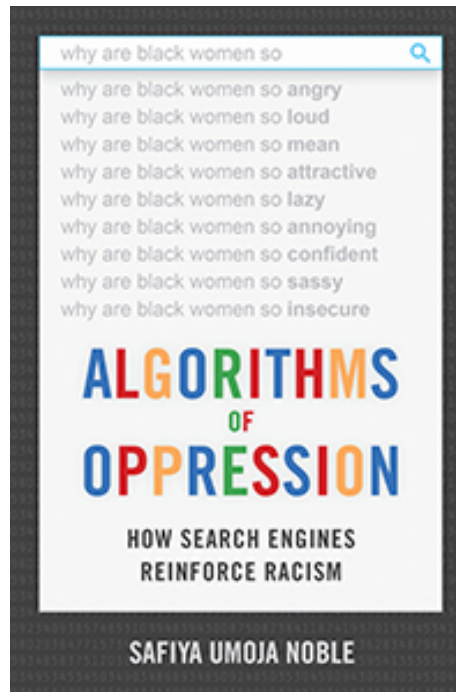
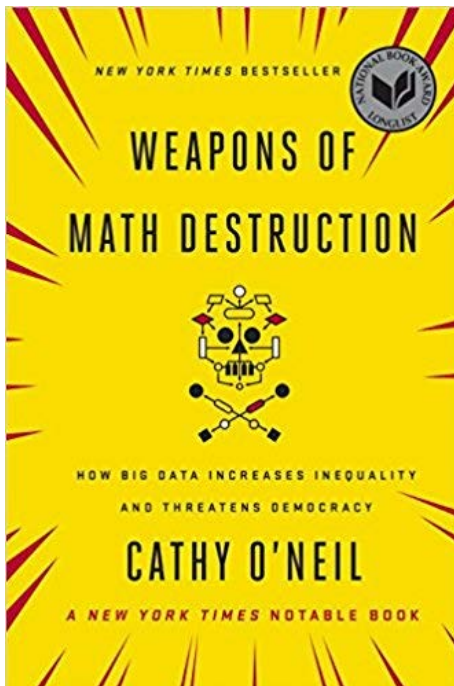
Bernard Parker, left, was rated high risk; Dylan Fugett was rated low risk. (Josh Ritchie for ProPublica)

Machine Bias

There's software used across the country to predict future criminals. And it's biased against blacks.

by Julia Angwin, Jeff Larson, Surya Mattu and Lauren Kirchner, ProPublica

Algorithmic Discrimination



The 14th Amendment

- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the **privileges or immunities** of citizens of the United States; nor shall any State deprive any person of life, liberty or property without **due process of the law**; nor deny to any person within its jurisdiction the **equal protection** of the laws.

Equal Protection Clause

- State action requires strict judicial scrutiny if it:
 - impacts a “*fundamental interest*”, and/or
 - discriminates on the basis of a “*suspect classification*”

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dmlcentral
Digital Media + Learning: The Power of Participation

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Share 28

Tweet

G+

Share

4

Scientists Seek Genetic Data to Personalize Education

Monday, June 18, 2018 [Comment](#)



Ben Williamson

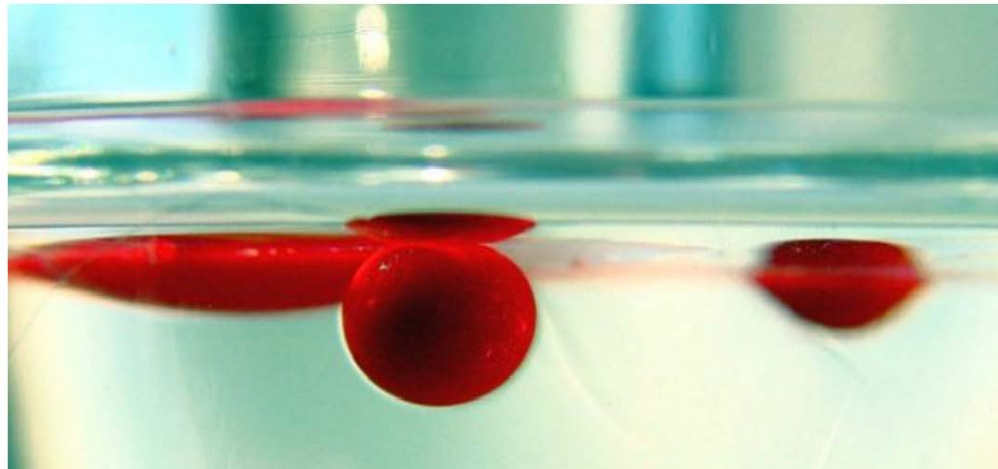
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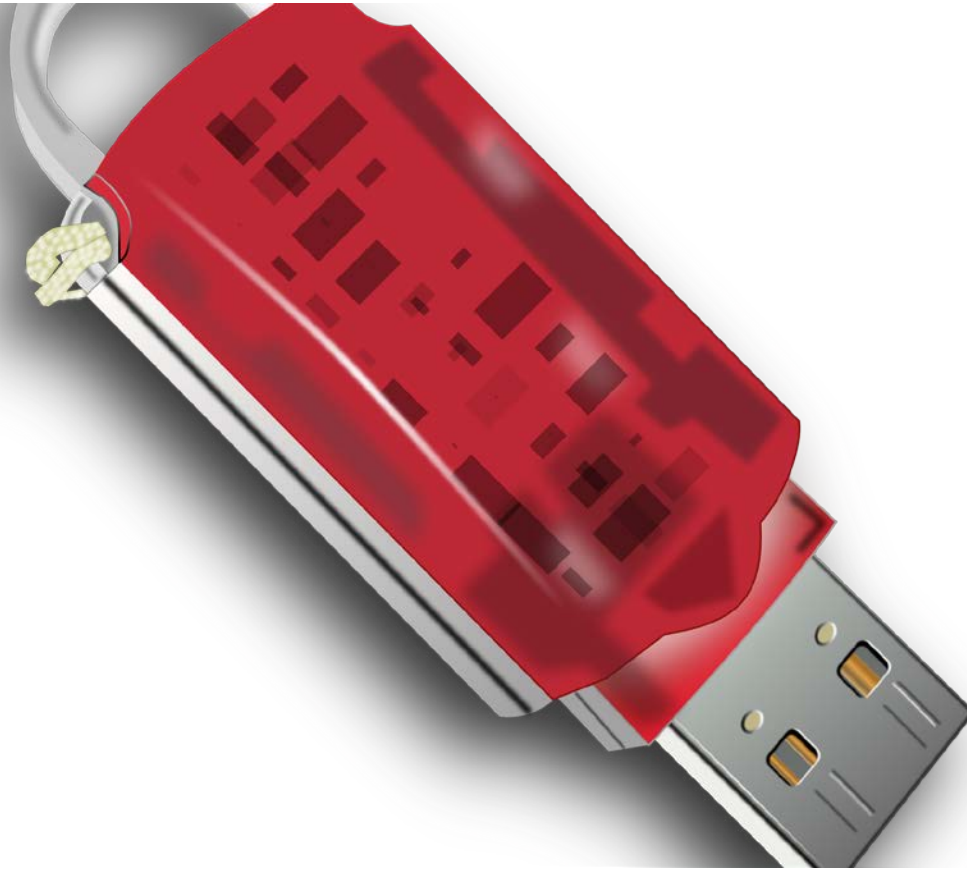
Data

Education

Genetics

New Trends





DATA SHARING

Data Sharing

Intentional



Unintentional



THE EPICENTER OF EDTECH

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§ 22.1-289.01. School service providers; school-affiliated entities; student personal information.

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§ 22.1-287. Limitations on access to records.

School service providers may not...

- Collect, use, share and retain student personal information only for purposes for which they are authorized;
- Maintain a comprehensive security program focused on protecting student data against risks, such as unauthorized access or use, or unintended or inappropriate disclosure;
- Require that vendors with whom student data is shared are obliged to implement the same commitments outlined in the pledge;
- Allow a successor entity to maintain the student personal information, subject to the commitments outlined in the pledge;
- Not collect, maintain, use or share student personal information for non-educational purposes;
- Not sell student personal information;

Pupil Records

- Directory information
- *However, no school shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.*

Unintentional Data Sharing



K-12 Cyber Incident Map



K-12 Cyber Incidents

- Phishing attacks resulting in the disclosure of personal data;
- Other unauthorized disclosures, breaches or hacks resulting in the disclosure of personal data
- Ransomware attacks;
- Denial-of-service attacks; and
- Other cyber incidents resulting in school disruptions and unauthorized disclosures.

Hundreds of Powhatan school employees compromised in data breach

POSTED 5:13 PM, MARCH 20, 2017, BY VERNON FREEMAN JR., UPDATED AT 08:09PM, MARCH 20, 2017

f FACEBOOK

Twitter TWITTER

EMAIL

G+ GOOGLE

P PINTEREST

REDDIT

This is an archived article and the information in the article may be outdated. Please look at the time stamp on the story to see when it was last updated.

POWHATAN COUNTY, Va. – Employees of Powhatan County Public Schools have been notified of a data breach that occurred Monday that has exposed their person information to a scammer.

Superintendent Dr. Eric Jones said the data breach happened when a payroll employee responded to an Email Phishing Scam requesting employees' W-2 forms.

POPULAR



Governor orders Va. National Guard home from U.S.-Mexico border



Person in custody after window broken at Omni Richmond Hotel

Follow

Tracking: EDU

Education Agency Website Security and Privacy Practices



<https://www.edtechstrategies.com/tracking-edu/>

Tracking: EDU

Based on automated and manual reviews conducted over 4 months (between October 2017 and January 2018) of [every state department of education website](#) and a nationwide sample of 159 school district websites, *Tracking: EDU* found that:

- [Most state and local education agency websites do not support secure browsing](#), putting both schools and website visitors at risk;
- [Virtually every state and local education agency has partnered with online advertising companies](#) to deploy sophisticated user tracking and surveillance on their websites, quite extensively in some cases; and
- [Many state and the vast majority of local education agency websites do not disclose the presence and nature of this ad tracking and user surveillance](#), or the mechanisms for how users can opt out of these data collections. Those few that do make such disclosures often do so in misleading ways, including by making demonstrably false statements about their privacy practices.

In sum, this analysis of education agency websites suggest a widespread lack of attention to issues of online security and privacy, and should spur prompt action at the highest levels of education leadership to remediate the many (and sometimes significant) deficiencies and lack of compliance brought to light.

<https://www.edtechstrategies.com/tracking-edu/>



Data breach protocol

Code of Virginia

[Table of Contents](#) » [Title 18.2. Crimes and Offenses Generally](#) » [Chapter 6. Crimes Involving Fraud](#) » § 18.2-186.6. Breach of personal information notification

← Section →

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§ 18.2-186.6. Breach of personal information notification.

A. As used in this section:

"Breach of the security of the system" means the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Good faith acquisition of personal information by an employee or agent of an individual or entity for the purposes of the individual or entity is not a breach of the security of the system, provided that the personal information is not used for a purpose other than a lawful purpose of the individual or entity or subject to further unauthorized disclosure.

"Encrypted" means the transformation of data through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without the use of a confidential process or key, or the securing of the information by another method that renders the data elements unreadable or unusable.

"Entity" includes corporations, business trusts, estates, partnerships, limited partnerships, limited liability partnerships, limited liability companies, associations, organizations, joint ventures, governments.



Protecting Student Privacy

U.S. DEPARTMENT OF EDUCATION

A Service of the Privacy Technical Assistance Center and the
Family Policy Compliance Office

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Data Breach Response Training Kit

LAST UPDATED: JUNE 2017

DOWNLOAD DOCUMENT



Any organization with electronic records is vulnerable to security breaches, and education agencies are no exception. The PTAC Data Breach Scenario is one of a series of exercises intended to assist schools, districts, and other educational organizations with internal data security training.

The *Password* Data Breach interactive exercise is aimed at district management and provides a simulated response to a district-level data breach. Over the course of 1-2 hours, this customizable exercise leads participants through a scenario involving a breach of student information and other personally identifiable information. The exercise focuses on the processes, procedures, and skills needed to respond. The package includes three parts: Facilitator's Guide, PowerPoint Slides, and Exercise Handouts.

FEATURED RESOURCES

[Integrated Data Systems and Student Privacy](#)

This guidance document provides background information on what an Integrated Data System (IDS) is and why educational authorities may choose to participate

Negligence?

William & Mary Business Law Review

Volume 4 | Issue 1

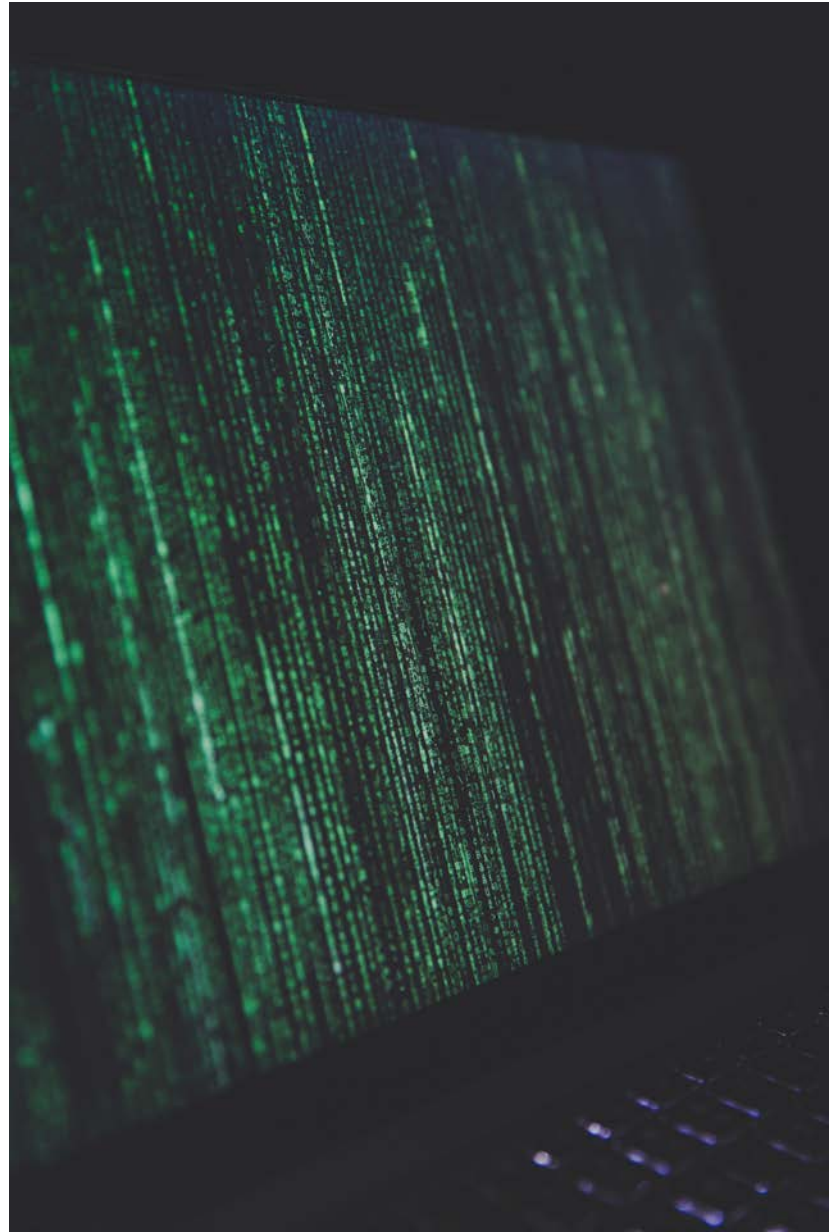
Article 7

Secure My Data or Pay the Price: Consumer Remedy for the Negligent Enablement of Data Breach

John A. Fisher

DATA

- Collection
- Use
- Sharing



RECOMMENDATIONS

- Cybersecurity
- Model good privacy practices
- Training/PD
- Planning/Auditing
- Trust your instincts

**Just because you
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Questions



RESOURCES

<http://bit.ly/VASSPLAW>