



**Office of the Victorian  
Information Commissioner**

## **Examination into the use of apps and web-based learning tools in Victorian government primary schools**

Examination under section 8C(2)(b) of the *Privacy and  
Data Protection Act 2014* (Vic)





Authorised by the Information Commissioner

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#### **Date of publication**

18 August 2020

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## Foreword

Schools use digital education tools, including apps and web-based learning tools, to improve teaching and learning both inside and outside the classroom. These tools can deliver curriculum in new and innovative ways, facilitate research, and let students engage with their peers – not only in the classroom, but with other students in their school, elsewhere in Australia, or around world.

This examination started before the COVID-19 pandemic changed our work and school lives. The importance of digital learning tools was already clear but has been made even more prominent since.

While apps and web-based learning tools present many valuable opportunities for the Victorian education system, these new technologies can also pose risks to privacy. Government schools are required by the Information Privacy Principles (**IPPs**) in the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**) to maintain the privacy of children when using tools that collect, hold, manage, use, disclose or transfer personal information about those children.

The discussions held between Office of the Victorian Information Commissioner (**OVIC**), schools, and the Department of Education and Training (**DET**) that are outlined in this examination report highlight the importance of good privacy governance and the need for a pragmatic and thorough approach to privacy risk management. The Department has recognised that it has an important role to support schools in assessing the privacy risks of digital tools. I am pleased to say that it is already taking steps to enhance the support it provides.

This examination report provides a snapshot of how digital learning tools are used in the four primary schools we visited and how children’s privacy was considered when those tools were chosen.

I am publishing this report to provide the community, including students, parents, and carers with a better understanding of how digital tools are used in Victorian government schools and the steps that we can all take to ensure that we protect children’s privacy in the State.

This report was only possible through the assistance provided by the Department and the four schools that took part and I am grateful for the time and expertise that they offered. All the school and Departmental personnel we interviewed recognised the importance of privacy in digital learning and showed a genuine desire to protect children’s privacy while delivering a quality education to Victorian students.



Sven Bluemmel  
Information Commissioner

18 August 2020

## Executive summary and conclusions

1. The DET is the Victorian government department responsible for managing Victorian government schools and driving improvements in primary and secondary education.<sup>1</sup>
2. In recent years, schools have widely adopted the use of digital education tools including internet connected software such as apps and web-based learning tools. Whilst apps and web-based learning tools present valuable opportunities for educators and students, these new technologies can also pose risks to privacy. Government schools in Victoria are required to handle the personal information of students in accordance with the IPPs in the PDP Act.
3. On 31 October 2019, the Privacy and Data Protection Deputy Commissioner commenced an examination into the use of apps and web-based learning tools in Victorian government primary schools. The purpose of this examination was to assist OVIC and the Victorian community to obtain a better understanding about the use of apps and web-based learning tools in the classroom. The examination considered how apps and web-based learning tools were being used in schools in Victoria to help identify potential privacy risks.
4. The examination involved OVIC staff meeting with and discussing privacy and data protection issues with DET and four government primary schools. We met with principals or deputy principals and at least two teachers from each school to understand how apps and web-based learning tools were being used from Prep to Year 6. Through the examination we sought to answer four questions.

### *What apps and web-based learning tools are being used in Victorian primary schools?*

5. Schools use a wide range of apps and web-based learning tools, which vary from school to school. Some of these tools are provided by DET, while others are selected by schools. Some tools were used at all or most of the schools we visited. These tools are listed below.

### *How are apps and web-based learning tools selected for use?*

6. Schools are responsible for selecting the digital tools used in the classroom, although some tools are provided by DET. Schools are responsible for conducting Privacy Impact Assessments (PIAs) for software that collects personal information, although DET provides numerous pre-populated PIAs to assist in this process, and assesses the privacy risks for software that it provides to schools.
7. We were satisfied that DET had a sound process for assessing privacy risks in the tools that it procured to provide to schools, but found that schools had difficulty in doing so for the tools the schools selected themselves. Some of the schools we met with were not aware that they were expected to complete PIAs. Some also noted that privacy was not the top priority when selecting software, and other considerations such as cost were a greater priority.
8. We suggest that DET provide additional guidance to schools on completing PIAs, and information about what apps and web-based learning tools may safely be used in the classroom. In practice it appears difficult for schools to assess privacy risks themselves, and that this is something that DET should consider having more direct involvement with.

### *How are parents and carers informed about the use of apps and web-based learning tools?*

9. Schools are responsible for informing parents and carers about the use of apps and web-based learning tools via parent information notices and opt-out forms. We did see examples of schools sending information to parents, such as lists of apps and web-based learning tools

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<sup>1</sup> <https://education.vic.gov.au/about/department/Pages/vision.aspx>

intended to be used in the classroom to be installed on students' devices. However, three out of the four schools we met with were not aware that DET expected them to do so for all apps and web-based learning tools that collected personal information.

10. We suggest that DET consider ways to provide further assistance to schools to inform parents and carers about apps and web-based learning tools in the classroom. We also suggest that DET expand the number of parent information notices and opt-out forms for apps and web-based learning tools that are provided to schools.

*What support is being provided to schools in selecting and using software in the classroom?*

11. DET provides a range of advice, policy, guidance, and training on privacy and managing personal information to schools and their employees. However, staff at the schools we met with were unaware of all the resources available to them, or had difficulty accessing them. Schools also noted that although the advice they received from DET's privacy team was of a high quality, it sometimes took longer than expected to be provided.
12. We suggest that DET review the level of privacy support provided to schools. Increasing the level of support provided to schools would reduce the risk of breaches of the IPPs by schools.

*Response from DET*

13. Following completion of the examination, OVIC sought feedback from DET with respect to the issues outlined in this report. DET outlined steps it has recently taken or is in the process of taking to address matters raised in the report. DET informed OVIC that:
  - a. over the past 12 months DET has continued to revise the PIA template to make it more user-friendly for schools;
  - b. DET have expanded the privacy team and allocated additional resources to assist in responding to increased privacy enquiries; and
  - c. DET intends to review its current support model and investigate ways to streamline its approach and strengthen guidance.

*Conclusions*

14. In light of the issues identified in the examination, we consider that schools are at risk of breaching the IPPs when using apps and web-based learning tools that handle student personal information.
15. Whilst DET have accurate, clear and concise resources that are available to schools with respect to issues of privacy and data protection, some schools had difficulty accessing them.
16. Parents and carers are likely to assume that the privacy implications of apps and web-based learning tools used by their students have been considered before the tools are rolled out. Schools are required to ensure that they handle personal information in accordance with the IPPs. However, schools have numerous other responsibilities and their staff have high workloads. It may not be practical for school personnel to identify and manage the privacy risks of the many apps and web-based learning tools that are used in Victorian schools.
17. The Deputy Commissioner acknowledges that DET is taking steps to address the issues outlined in this report. However, these are complex and are not amenable to simple solutions. Ensuring that the privacy of students is protected is made all the more difficult in light of the COVID-19 pandemic, which has meant that schools rely more on online teaching and digital learning tools. The Deputy Commissioner considers that if greater support is

provided by DET to schools, those schools will more confidently be able to select and use apps and web-based learning tools that support learning, while also protecting privacy.

## Background

18. Victorian government schools use digital education tools widely, including apps and web-based learning tools, to improve teaching and learning both inside and outside the classroom. The use of digital tools can provide students with opportunities for enhanced collaboration, engagement, and learning. These tools can also streamline processes for teachers and allow interactive modes of lesson delivery.
19. Digital learning tools provide schools and teachers with added flexibility in how lessons can be delivered. This was demonstrated in early 2020 when Victorian schools delivered lessons to students remotely because of the coronavirus (COVID-19) pandemic.
20. Whilst apps and web-based learning tools present many valuable opportunities for the Victorian education system, these new technologies can also pose risks to privacy. Schools are required by IPPs in the PDP Act to maintain the privacy of children when using tools that will collect, hold, manage, use, disclose or transfer personal information about those children.

## Privacy issues

21. Children's privacy online is a growing concern for parents in Australia. A survey by the Australian eSafety Commissioner found that 40 percent of parents felt they needed more information about ways to maintain their child's online privacy.<sup>2</sup> The use of apps and web-based learning tools in Victorian primary schools raises a number of privacy considerations. Some of these relate to how information is collected, stored and shared by app and web-based learning tool providers, whilst others relate to whether the privacy protections in countries where the apps and web-based learning tools originate from are satisfactory.
22. Other concerns involve the maturity of young children when using these apps, and the age at which it is appropriate for their introduction into classrooms. As children grow and mature, they become savvier in the way they use and consume technology. Over time children also develop a greater understanding of privacy boundaries which allows them to better navigate privacy issues online.<sup>3</sup> Because younger children do not have the same maturity and comprehension of what privacy means, they are more vulnerable and require more supervision when engaging in online and app-based learning.<sup>4</sup>
23. Apart from the role of children and parents in online privacy discussions, the role of the app and web-based learning tool provider is also significant. One way in which providers engage with privacy issues is through a privacy policy. The privacy policy is a legal document that governs the way that the app or web-based learning tool manages information. The privacy policy tells the user what information is being collected, how it is collected, who it is shared with and how it is stored and protected. Each privacy policy is different for each app and web-based learning tool, therefore it is important that schools carefully examine the privacy policy of apps and web-based learning tools they intend to use to ensure there are adequate privacy protections in place.
24. Another way that privacy is managed in relation to apps and web-based learning tools is through applicable law. In Victoria privacy is governed by the PDP Act which includes a

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<sup>2</sup> This view is supported by a report of the eSafety Commissioner of Australia in *Parenting in the Digital Age*, 2018, p 5.

<sup>3</sup> Stoilova, Livingstone and Nandagiri, *Children's data and privacy online: growing up in a digital age: research findings*, 2019, p 9.

<sup>4</sup> Lips, Eppel, McRae, Starkey, Sylvester, Parore, Barlow, *Understanding children's use and experience with digital technologies: Final research report*, 2017, 17.

framework of protections called the IPPs. Whilst these provide significant protections, many of the apps that are used in the classroom originate overseas, particularly from countries like the United States.

25. Whilst many countries have privacy laws, the privacy protections may not be the same as they are in Victoria. This can affect how safe a child's information is when using apps and web-based learning tools. Where an app or web-based learning tool originates in a different country or state, the information will often be transferred out of Victoria, and in doing so become subject to that country's laws. This can be problematic where the laws of the originating country provide less privacy protection than those in Victoria.

## Obligations of government schools under the PDP Act

26. As the primary information regulator in Victoria, OVIC is responsible for regulating how the Victorian public sector collects, uses and shares information. OVIC's purpose is to ensure that public sector organisations conform with the IPPs.
27. Victorian public schools are public sector organisations under the PDP Act, as they are established for a public purpose under legislation.<sup>5</sup> This means that schools must not do an act, or engage in a practice, that contravenes the IPPs in respect of personal information that they handle.<sup>6</sup> It should be noted that Victorian catholic and independent schools do not fall within the definition of public sector organisations and as such, do not fall under the jurisdiction of OVIC. For this reason, the examination focussed only on government schools.
28. The ten IPPs set out standards that regulate the way that public sector organisations, including public schools, collect and manage personal information. There are a number of IPPs that are relevant to the discussion of information handled by schools for the purpose of apps and web-based learning tools. The relevant IPPs include:
  - a. IPP 1 – Collection regulates the way that public sector organisations collect personal information;
  - b. IPP 2 – Use and Disclosure describes the circumstances under which personal information held by public sector organisations can be used and disclosed. In general, personal information may only be used or disclosed for the purpose it was collected;
  - c. IPP4 – Data Security requires public sector organisations to ensure that personal information they hold is properly protected;
  - d. IPP 5 – Openness ensures transparency from public sector organisations about their privacy practices by requiring their privacy policies to be freely available and clearly communicated; and
  - e. IPP 9 – Transborder Data Flows describes the circumstances in which public sector organisations are permitted to transfer personal information outside of Victoria.

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<sup>5</sup> PDP Act, s 13; *ETRA*, s 2.2.1(1).

<sup>6</sup> PDP Act, s 20.



## Victorian Government school governance framework

29. The *Education and Training Reform Act 2006 (ETRA)* establishes the governance framework for the government school system.
30. The governance framework can be broken down into four main categories:
- Minister for Education;
  - School Councils;
  - DET; and
  - Principals.

### Minister for Education

31. The Minister for Education has the power to establish government schools. The Minister also has authority to set the policy for education and training in Victoria, has the power to establish school councils, and is responsible for holding school councils accountable for their performance.

### School councils

32. School councils share the governance responsibilities with the principal of the school and DET. School councils' functions relate to finance, strategic planning, and community engagement. Their role is limited to the obligations set out in the ETRA<sup>7</sup> and the council is directly accountable to the Minister for Education for how they carry out their role.
33. School councils are not responsible for the day-to-day management of the school or for operational matters that fall within the responsibility of the principal, such as the decisions relating to the implementation of the school's curriculum program.

### DET

34. DET is accountable to the Minister for Education for overseeing the Victorian education system. It is also responsible for the performance and compliance of government schools. Schools are an operational arm of DET, and school principals are managed under DET's delegation. Some of DET's responsibilities include employing school principals and staff, providing advice and establishing guidelines for school operational matters such as curriculum and developing policies, processes, and procedures that schools must follow.

### Principals

35. The principal is responsible for the day-to-day management of the school. A principal's role includes:
- determining the curriculum programs followed by the school;
  - ensuring the school complies with all applicable legislation and DET policies;
  - ensuring the safety and welfare of students and anyone working at the school;
  - selecting and managing permanent teaching staff and allocating duties;

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<sup>7</sup> See section 2.3.5 of the ETRA.

- implementing decisions of school council; and
  - effectively managing resources available to the school.
36. In Victoria, schools have autonomy to make decisions about how they meet the demands of their local learning community. This includes decisions about staffing, finances, facilities, and curriculum. It also means that the schools have the autonomy to decide what apps and web-based learning tools are used in the classroom.

## OVIC examination

37. The purpose of this examination was to examine the practices of DET and Victorian government primary schools to assess whether personal information used in apps and web-based learning tools was maintained in accordance with the IPPs. The examination was also intended to assist OVIC and the wider Victorian community have a better understanding about the use of apps and web-based learning tools in the classroom. The examination considered how apps and web-based learning tools were being used in schools in Victoria to help identify potential privacy issues or concerns.

### Scope of investigation

38. Section 8C(2)(b) of the PDP Act states that one of the Information Commissioner's functions is to examine the practice of an organisation with respect to personal information maintained by that organisation for the purpose of ascertaining whether or not the information is maintained according to the IPPs or any applicable code. As highlighted above, schools are bound by the IPPs.

39. This examination considered the use of apps and web-based learning tools in Government primary schools in Victoria. As described above, many privacy concerns regarding the use of apps and web-based learning tools in schools diminish as the students become older. For this reason, the Privacy and Data Protection Deputy Commissioner determined that this examination should focus on the use of apps and web-based learning tools in primary schools. The Deputy Commissioner understands that privacy concerns and issues surrounding the use of apps and web-based learning tools in the classroom exist at all levels of schooling. This report is not intended to discount or diminish any of those concerns.

40. The examination considered the following issues:

- What apps and web-based learning tools that collect personal information are students using in schools?
- Who authorises the use of the apps and web-based learning tools in schools and how is this done?
- What is the process for choosing the apps and web-based learning tools?
- What is the process for notifying and/or seeking consent from the parents or carers of the students?
- What are the potential privacy issues and how are they being addressed by DET? and
- How can teachers, schools and DET be better supported in selecting and using apps and web-based learning tools?

41. The examination considered both the viewpoints of DET and the views of staff, from a small sample of government primary schools. In consultation with DET, OVIC attended at four government primary schools to meet and discuss the issues for examination.

42. At each school visit OVIC met with the Principal or Deputy Principal of the school and at least two teachers to gain information about the use of apps and web-based learning tools from all aspects of the school. Each meeting took approximately two hours.

43. In determining which schools to attend OVIC considered incidents of past privacy complaints and enquiries about the school, as well as demographics, size, and the uptake of technology in each school, to obtain information from a diverse range of government primary schools.

44. As part of the examination OVIC also met with DET and the DET privacy team to gain an understanding of DET's perspective on the use of apps and web-based learning tools in government primary schools.

### How the examination was conducted

45. The examination comprised both written communication and interviews. Initially OVIC wrote to DET informing them of the intention to conduct an examination into the use of apps and web-based learning tools in schools and invited DET to meet with OVIC to discuss.
46. Following that meeting with DET, OVIC continued to communicate with DET with respect to the examination issues.
47. As described above OVIC also communicated with and attended at four government primary schools to meet and discuss the use of apps and web-based learning tools. OVIC acknowledges that four schools is a small sample of a large and complex government schools system. Therefore, conclusions made within this report may not reflect practices at all Victorian government primary schools.

## What we found: the use of apps and web-based learning tools in Victorian primary schools

48. This section of the report discusses the information obtained from both DET and the schools, and OVIC's observations regarding possible findings in relation to the examination issues.

### What apps and web-based learning tools are used in Victorian primary schools?

#### Key points

49. Schools in Victoria are using a wide range of apps and web-based learning tools. These can be grouped into four main categories:
- a. Educational – for teaching and learning;
  - b. Administrative – for assisting in communicating with parents and carers and recording student attendance;
  - c. Productivity – for assisting with planning, sharing resources and publishing students work; and
  - d. Assessment – to assist schools in assessing students against the curriculum.
50. DET provides schools with apps and web-based learning tools through a central 'DET licence' which assists in supporting government priorities such as meeting educational targets, providing equitable access to apps and web-based learning tools, ensuring that schools are provided with basic 'tools of the trade', and to support evidence-informed improvement and innovation in teaching and learning.
51. Schools informed OVIC that many of the additional apps and web-based learning tools used in the classroom are free.

#### What we found

52. As discussed above, schools in Victoria have autonomy to choose how the curriculum is delivered and have the freedom to choose any app or web-based learning tool that fits the curriculum priorities, the learning needs of the students and the aspirations of the school community.
53. As part of the examination OVIC asked the four schools it met with to provide a list of the apps and web-based learning tools used by each school. All schools provided OVIC with a list of apps and web-based learning tools that were broken down into two main categories; for day-to-day use by all year levels, and for use by specific year levels to meet specific curriculum needs.

54. Below is a list of the apps and web-based learning tools OVIC observed to be used for day-to-day use by all year levels in at least three out of the four schools:

Name	Description	Category
G-Suite for education	G-Suite for Education provides a suite of cloud-based tools for education institutions and home schools. These tools and services include messaging and collaboration apps, such as Gmail, Google Drive, Calendar and Classroom. Teachers use this app for planning and sharing resources and students use the app to publish documents and collaborate.	Productivity /Administrative
Seesaw	Seesaw is a digital portfolio that allows students and teachers to share work completed by students with parents and carers in real time. Seesaw allows parents and carers to get a glimpse into the student's school day and provides parents and carers to support the students learning from home.	Education
Mathletics	<p>Mathletics is a mathematics program that allows students to learn and complete curriculum activities in both an online and offline environment.</p> <p>Mathletics also allows students to play against other students in their classroom or in 'live' mode which allows them to play against anyone using the app at the time.</p> <p>Mathletics allows students to review their progress with assessments and tests that can be set up by teachers.</p>	Education
Compass	Compass is used to record student attendance. It also allows teachers and principals to communicate with parents and carers. It provides access to school news, events, upcoming assignment due dates and general correspondence from the school.	Administrative
Sentral	Sentral is used to record student's attendance. It also allows teachers and principals to communicate with parents and carers by providing them with access to school news, details of school events, provide permission and make payment for school activities and allows parents and carers to communicate directly with teachers.	Administrative
Explain everything	Explain everything is an interactive whiteboard that allows collaborative learning where teachers and students can share thoughts and ideas in real time. It allows students to use video, notation and audio recordings to create presentations and instructions.	Education
Essential Assessment	Essential Assessment is an online assessment program that allows schools to access curriculum-based assessments. It records students' assessments for each year level which allows teachers to understand how each student is meeting the curriculum when planning classes.	Assessment

55. DET informed OVIC that many apps and web-based learning tools that schools are using are now being provided to schools through a central 'DET licence'. The apps and web-based learning tools that DET hold licences for include:

Name	Description	Category
Adobe Creative Cloud	Adobe Creative Cloud is a collection of over 20 desktop and mobile apps and services for areas such as photography, design, video, and web. It includes applications such as Photoshop, InDesign, and Illustrator.	Education
ClickView	ClickView is a platform that provides over 43,000 educational television programmes that are curated and aligned for the Australian curriculum.	Education
Minecraft: Education Edition	Minecraft: Education Edition is an open-world game that promotes creativity, collaboration, and problem solving. It allows students to collaborate on projects with classmates, document work and share in class, and play in a secure environment along with the classroom community.	Gaming
LinkedIn Learning	LinkedIn Learning is an online educational platform that helps students discover and develop business, technology related, and creative skills through expert-led course videos.	Education
Stile	Stile blends interactive science lessons, science news and stories and hands-on investigations to empower students to observe, think, write and argue like real scientists and engineers.	Education
Wolfram Mathematica	Wolfram Mathematica is a cloud based mathematical computation program that assists with the calculation of mathematical equations.	Education
Sibelius	Sibelius is a cloud-based program that allows students to compose their own music and share it with others.	Education
Boardmaker Online	Boardmaker Online is a complete special education platform that supports education, communication, access, and social/emotional needs of students who require further or special assistance with learning.	Education
Comic Life	Comic Life is a program that allows students to create their own Comic to assist them in expressing thoughts and ideas	Education
Office 365	Office 365 is cloud-based subscription to a suite of Office programs such as Word, Excel, and PowerPoint.	Productivity /Administration
G Suite for Education	G Suite for Education provides a suite of cloud-based tools for education institutions and home schools. These tools and services include messaging and collaboration apps, such as Gmail, Google Drive, Calendar, and Classroom. Teachers use this app for planning and sharing resources and students use the app to publish documents and collaborate.	Productivity /Administration

Name	Description	Category
Global2	Global2 is open to Victorian government and Catholic sector schools and is specifically provided for students to learn about blogging and web publishing.	Education
CISCO WebEx Teams	Is a program that allows students and teachers to video conference, hold online meetings, share screens and conduct webinars.	Productivity /Administration

56. DET told OVIC that there are several reasons why it holds licences for these apps and web-based learning tools. These are:

- To assist in supporting government priorities. For example, DET chose to licence LinkedIn Learning, Stile and Wolfram to support maths and science learning in schools;
- To provide equitable access to high quality apps and web-based learning where the unit price is high and might otherwise be unaffordable for some school;
- To make the curriculum more accessible to students with disabilities;
- To ensure that schools are provided with basic ‘tools of the trade’. DET informed OVIC that it can obtain emailing, word processing, and video conferencing facilities at competitive unit prices by bulk purchasing licences for apps and web-based learning tools such as Office 365 and CISCO WebEx Teams; and
- To support evidence-informed improvement and innovation in teaching and learning. DET explained to OVIC that an example of innovative teaching is the use of Minecraft in the classroom.

57. In addition to using the above apps and web-based learning tools, the schools also provided OVIC with a list of apps and web-based learning tools used by specific year levels to meet specific curriculum needs. Interestingly, many of the apps and web-based learning tools listed by the schools were free. A list of these additional apps and web-based learning tools can be found at **Annexure B**.

58. Whilst free apps and web-based learning tools provide further learning support at no additional cost, there have been some concerns raised about privacy issues related to free apps and game-based apps.<sup>8</sup> Generally, free apps and web-based learning tools are related to lower levels of privacy protections and increased use of information to be on-sold or used for targeted marketing. Whilst child users’ information is often given improved protections, where apps are free or game-based it is important to verify that the privacy policies provide sufficient protections.

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<sup>8</sup>See, e.g., Meng, Ding, Chung, Han and Lee, *The Price of Free: Leakage in Personalized Mobile In-App Ads*, p 21, and Rennie, Schmieler, Thomas, Howard, Ma and Yang, *Privacy and app use in Australian primary schools: insights into school-based Internet governance*.



### *Case Study 1 – G Suite for Education*

G Suite for Education (**GSE**) is a family of cloud-based apps that improve collaboration between students and streamline the teaching process for educators.<sup>9</sup> GSE is used by children aged from kindergarten to tertiary level and includes apps like Google Drive, Gmail, Calendar, Vault, Docs, Classroom, Slides and Hangouts but does not include Chrome. For some schools GSE is available free of charge for up to 10,000 users.<sup>10</sup> Where a school does not qualify for free access, discounts may still apply.<sup>11</sup> The price of GSE for ineligible education institutions is not available on the website as an application is required.

Google requires certain information to be provided from schools or departments including, name, email, username and password.<sup>12</sup> In some cases schools also choose to provide secondary emails, addresses and phone numbers.<sup>13</sup> Users may also optionally add information such as profile photos and phone numbers. GSE also collects device information such as hardware model, operating system version, IP address, location information using GPS and IP address and browser information.

There are three documents that provide the framework for how GSE manages information collected from users. They are the Google Privacy Policy, the G Suite for Education Agreement and the G Suite for Education Privacy Notice. Users approve of GSE's privacy framework by accepting the terms and conditions when first using its services.<sup>14</sup> This allows GSE to transfer, process and store data collected from its users to the United States or any other country where Google operates.<sup>15</sup> Transferral of data outside of Victoria relates to IPP 9 and is relevant where either schools or the Department of Education transfer personal information such as emails to Google when engaging their services.

IPP 2.1(b) says that where consent is given personal information may be shared for a different purpose than that for which it was collected. In order for individuals to give informed consent they must be aware of certain things, including the reason why the information is collected, the organisations or individuals the information might be shared with and the consequences of giving or refusing consent.<sup>16</sup> Where schools or the department do not provide sufficient information about how their information is to be used to parents the consent provided may not be considered informed and therefore may not be effective.

Google states that information it collects from users is only used to provide the best possible services.<sup>17</sup> It does not use information collected to create targeted advertising and does not have ads on any GSE apps.<sup>18</sup> Google also protects users data using systems and security standards no less protective than those used to store Google's own information.<sup>19</sup> IPP 4.1 relates to an organisation's responsibility to keep personal information it holds secure from misuse, loss and unauthorised access. While Google does not provide specific detail on how it protects user's data, it is given similar protection to that of Google's own data.

Once the relationship between Google and the customer ends, all customer information is eventually deleted or overwritten after a commercially reasonable period of time.<sup>20</sup> This is relevant to IPP 4.2 which refers to an organisation's responsibility to delete or de-identify personal information after it is no longer needed for any purpose. While Google states that personal data it holds will be deleted, it does not tell us what is considered a commercially reasonable period. Therefore, it is difficult to know whether Google does comply with the IPP 4.2.

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<sup>9</sup> Google for Education, [G Suite for Education](#).

<sup>10</sup> Google for Education, [G Suite Admin Help](#).

<sup>11</sup> Google for Education, [G Suite Admin Help](#).

<sup>12</sup> Google for Education, [G Suite Privacy Notice](#).

<sup>13</sup> Google for Education, [G Suite Privacy Notice](#).

<sup>14</sup> Google for Education, [G Suite for Education Agreement](#), cl 1.1.

<sup>15</sup> Google for Education, [G Suite for Education Agreement](#), cl 1.1.

<sup>16</sup> IPP 1.3 and 1.5, *Information Privacy Principles*.

<sup>17</sup> Google for Education, [G Suite Privacy Notice](#).

<sup>18</sup> Google for Education, [G Suite Privacy Notice](#).

<sup>19</sup> Google for Education, [G Suite for Education Agreement](#), cl 1.1.

<sup>20</sup> Google for Education, [G Suite for Education Agreement](#), cl 12.1.

## Case Study 2 - Kahoot

Kahoot is a game-based learning platform that allows participants to engage in quizzes, surveys and games to test and further their knowledge.<sup>21</sup> It is designed to be played in a group setting where each participant is provided with a PIN to enter the group game from their own electronic device.<sup>22</sup> Kahoot is widely used in both educational and work settings with over 1 billion players.<sup>23</sup> The baseline Kahoot Basic package for teachers is free. The Pro and Premium packages for teachers are UD \$3.00 and \$6.00 per month, respectively.

Like GSE, Kahoot requires the collection of personal information, including email address, school, chosen username and password.<sup>24</sup> Kahoot also collects other information which it does not consider personal. This includes, browser and device information, app usage data, information collected through cookies, demographic information, aggregated information, and IP address<sup>25</sup>

Kahoot manages data through the Terms and Conditions, Privacy Policy and Children's Privacy Policy. By using Kahoot's services users agree to the transfer, processing and storage of their personal information in any country where Kahoot engages service providers.<sup>26</sup> They also understand that privacy protections may differ in countries where that information is stored.<sup>27</sup> Again, IPP 9 is relevant to cross-border transfer of personal information and schools or the Department of Education may not comply with IPP 9 if consent is not provided or the laws of the country where the information is stored is not substantially similar to the IPPs.

As with GSE, IPP 1.3, 1.5 and 2.1(b) are also relevant to this case study. Where consent is not properly informed by giving parents and guardians sufficient information about who their child's information will be shared with, and for what purpose, consent may not be effective. Kahoot does not collect personal information from international child users under the age of 16 other than email, and deidentifies this information so that it cannot be used to contact the child.<sup>28</sup> If Kahoot becomes aware that it has unintentionally collected a child's personal information it will delete it. Whilst Kahoot does not sell personal information, where a user is an adult, their personal information may be shared with third parties for the purpose of providing marketing material, data analysis and customer service.<sup>29</sup> Kahoot keeps personal information it collects for as long as it permitted by law or needed for the purpose for which it was collected.<sup>30</sup> In deciding whether to keep data Kahoot will consider how long the user has used Kahoot's services, any legal requirements that Kahoot is subject to and whether the information may be necessary for an investigation, or legal action.<sup>31</sup> Under IPP 4.2 organisations must delete or de-identify personal information once it is no longer needed, Kahoot does not provide any clear indication that user's personal information will be deleted, which may cause any school or education department to infringe the IPPs.

Kahoot will use reasonable measures to ensure the security of data it holds, however does not guarantee the security of any data it transfers or stores.<sup>32</sup> Further, Kahoot does not take any responsibility for how third parties manage personal information in instances where Kahoot has transferred information to a third party.<sup>33</sup> These parts of Kahoot's Privacy Policy may not align with IPP 4.1, which refers to an organisations responsibility to take reasonable steps to protect personal information from misuse, loss and unauthorised access.

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<sup>21</sup> Kahoot, [Privacy Policy: What is Kahoot?](#).

<sup>22</sup> Kahoot, [Getting Started with Kahoot!](#), pp 1-4.

<sup>23</sup> Kahoot, [website](#).

<sup>24</sup> Kahoot, [Privacy Policy: Personal Information](#).

<sup>25</sup> Kahoot, [Privacy Policy: Other Information, How We Use and Disclose Other Information](#).

<sup>26</sup> Kahoot, [Privacy Policy: Cross-Border Transfer](#).

<sup>27</sup> Kahoot, [Privacy Policy: Cross-Border Transfer](#).

<sup>28</sup> Kahoot, [Privacy Policy: Our Collection of Personal Information from Children](#).

<sup>29</sup> Kahoot, [Privacy Policy: How We Use Personal Information](#).

<sup>30</sup> Kahoot, [Privacy Policy: Retention](#).

<sup>31</sup> Kahoot, [Privacy Policy: Retention](#).

<sup>32</sup> Kahoot, [Privacy Policy: Security](#).

<sup>33</sup> Kahoot, [Privacy Policy: Services](#).

## How are apps and web-based learning tools selected for use?

59. As part of the examination OVIC asked DET and the schools what the process was for selecting apps and web-based learning tools to be used in the classroom.

### Key points

60. DET informed OVIC that schools must complete a Privacy Impact Assessment (**PIA**) for each app or web-based learning tool that the school implements. DET also informed OVIC that it assists schools by providing them with a PIA template and approximately 22 'pre-populated' PIAs to ease the school's workload.
61. However, three of the four schools OVIC met with were not aware it was a requirement to complete a PIA for all apps and web-based learning tools implemented by the school, nor did they know where to locate the template or pre-populated templates. Three of the four schools said that they did not have a full and proper understanding of how to complete a PIA.
62. The schools OVIC met with all agreed that they are focussed on financial considerations than privacy considerations when selecting apps and web-based learning tools for the classroom. As a consequence, schools are often selecting free or 'lite' versions of apps and web-based learning tools. We were not satisfied that they were always considering the privacy or data security implications of doing so.

### What we found

63. DET informed OVIC that the selection and use of any apps or web-based learning tools is a school-based decision. As discussed above, to assist in supporting schools DET supplies licences to some apps and web-based learning tools that schools are welcome to use without charge.
64. DET said that eduSTAR, which is an online software catalogue provided by DET to schools, provides approximately 80 software suggestions to support learning and teaching in schools.
65. DET said that for all the apps and web-based learning tools that DET hold licences for, DET performs a PIA to ensure parents are aware how the apps or web-based learning tools handles personal information. DET then uses the PIA to draft parent information notices and opt-out forms that the school send to parents. DET then advise schools to send the parent information notices to parents prior to using the app or web-based learning tool.
66. DET also informed OVIC that for schools who chose to use apps or web-based learning tools that are not licenced by DET, DET directs the school to perform a PIA prior to the implementation of the product. DET provide schools with a template document to work from. DET said that its privacy team was also available to provide assistance to schools regarding the completion of PIAs.
67. As a further support DET informed OVIC that it has 22 'pre-populated' PIAs for commonly used apps or web-based learning tools that schools can access. DET provided OVIC with samples of the pre-populated PIAs.
68. DET provided OVIC with copies of completed PIAs, parent information notices, and opt-out. The documents provided by DET contain information that is useful, clear, concise, and accurate.
69. When OVIC met with the schools, the school personnel from all four schools told OVIC that the process for selecting apps and web-based learning tools was mainly focussed on curriculum and budgeting requirements of the school, and that the issue of privacy wasn't a

significant factor in determining what apps or web-based learning tool should be used in the classroom.

70. The school personnel from all four schools explained that at the commencement of each school year, teachers and principals meet to discuss the curriculum. As part of these discussions, a decision is made about which apps and web-based learning tools each classroom will be using. Consideration is given mostly to the cost of the app and how it will fit in with teaching in each classroom. School personnel said that some high-level privacy issues were considered (such as what information each student would be inputting into the app or web-based learning tool when setting up a profile), but that teachers and principals were not delving much deeper into privacy considerations. Further, all the schools OVIC met with said that PIAs were not completed with respect to the apps or web-based learning tools used in the classroom.
71. OVIC asked the schools if they were aware of any direction from DET to complete PIAs for all apps and web-based learning tools the school chooses to implement. One of the four schools who OVIC met with said they were aware of this requirement from DET, and said they knew how to complete a PIA if required. Three of the four schools informed OVIC that they had a basic understanding of PIAs and why they were performed, however did not know where to locate the template PIA form or how to complete it.
72. In addition, it was observed by OVIC that approximately 90% of the apps and web-based learning tools the schools said they were implementing were free. When asked by OVIC why this was, all of the schools said that cost is a large consideration when determining whether to implement an app or web-based learning tool, as the school has to either pay for them out of its very limited budget, or request that parents and carers of the students pay for it. Both options are unattractive, so the schools choose to find a 'lite' or free version of the app to use instead of paying the full price.
73. During the meetings potential privacy concerns about using free apps or web-based learning tools were discussed. With the exception of one school, who had recently received a complaint from a parent about this issue, none of the remaining three schools were aware of any specific privacy concerns when using free apps or web-based learning tools, and therefore hadn't considered the potential privacy implications of choosing a free app or web-based learning tool over a paid version.

### **Issues for consideration**

74. OVIC observed that while DET have a PIA template and pre-populated PIA's to assist schools in completing PIAs for all apps and web-based learning tools they use, the schools we spoke with are not utilising these fully. Further, it appeared the schools we met with are not always considering privacy issues when selecting apps and web-based learning tools.
75. By focussing mainly on the financial aspect of an app or web-based learning tool it is possible for schools to overlook important privacy related issues such as how information is collected, stored and shared by app and web-based learning tool providers. In particular, if a school is choosing an app or web-based learning tool based on its cost, and not properly considering the privacy practices of the provider of the tool it may not properly consider risks associated with information being collected to be on-sold or used for targeted marketing.
76. In doing so, the schools may be at risk of breaching IPPs such as:
  - a. IPP 2 – the information the school collected from the student should not be used or disclosed for any other purpose unless an exception applies. If an app was on-selling the personal information to advertising or marketing companies, the school may be in breach of IPP 2 where it discloses information to the app;

- b. IPP 4 – it is the schools’ responsibility to ensure that personal information they hold is properly protected. If the school is unaware of what the app or web-based learning tool may be doing with the personal information because it has not properly read or understood the privacy policy, it may be in breach of IPP 4; and
  - c. IPP 9 – if the app or web-based learning tool originates from a State or Country outside of Victoria (as many apps and web-based learning tools do) and as such is not bound by the same privacy laws and regulations, the school may be in breach of IPP 9 if it transfers the students personal information to that app or web-based learning tool.
77. OVIC is concerned that it may not be feasible for schools to assess these risks themselves for the wide variety of apps and tools that they use. As such, DET may wish to consider providing schools with additional specific information, support, and training on the topic of free apps and web-based learning tools. The guidance that DET provides to schools at present is of high quality but could be better communicated to schools and expanded to cover a wider variety of apps and web-based learning tools.
78. If DET continues to rely on schools to complete PIAs, it may also wish to provide schools with updated training on the importance of completing PIAs and guidance on where and how to locate the template and pre-populated PIAs.
79. In addition, DET may wish to consider creating a website that provides schools with information about apps and web-based learning tools being used in the classroom that includes information about any privacy and data protection issues the product may have. All schools said that a website of that nature would be welcomed and that it would greatly assist teachers and principals in navigating privacy and data security when selecting apps and web-based learning tools in the classroom.

## How are parents and carers informed about the use of apps and web-based learning tools?

### Key points

80. As described above, DET informed OVIC that it directs schools to inform parents and carers about the use of apps and web-based learning tools via parent information notices and opt-out forms.
81. However, all four of the schools OVIC met with informed OVIC that they were not aware of any direction by DET to send parent information notices and opt-out forms for all apps and web-based learning tools and as such rarely did so.
82. The schools informed OVIC that for schools in which each student has his or her own learning device (such as a tablet or laptop), a list of apps and web-based learning tools intended to be used in the classroom is sent to parents and carers with a request to download them onto the device. For schools who have devices that are shared between students, the apps and web-based learning tools are downloaded onto the devices by the school and the parents and carers are not consulted.

### What we found

83. Despite being informed by DET that it directs schools to inform parents and carers about the use of apps and web-based learning tools via parent information notices and opt-out forms, all of the four schools OVIC met with said that this was not done for all apps and web-based learning tools.

84. One school confirmed that it sent a parent information notice and opt-out form for the app 'Compass' as it was an app that would be used by parents and carers regularly. However, for the day-to-day classroom apps and web-based learning tools parents were rarely sent detailed information notices or opt-out forms. Many educational apps collect very limited personal information, for example first name and class, so in some cases a detailed information notice may not be necessary. However, it is OVIC's view that all relevant apps and web-based learning tools do need some form of privacy assessment, if only to confirm that no personal information is collected. And if such an assessment is completed, it would seem prudent to advise parents and carers this has occurred so they can be reassured that the app in question does not collect personal information.
85. Two of the schools informed OVIC that as the iPads and learning devices were provided to students by the school, once the apps and web-based learning tools had been approved by the Principal and teachers of the school, the technical support person was requested to upload all devices with the approved apps and web-based learning tools. For these schools, the parents were not provided with a parent information notice or opt-out form and were only provided such information if the parent specifically requested such information.
86. The two remaining schools were part of the DET 1:1 Bring Your Own Device program, which is a program that requests parents and carers to provide each student with their own device to be used at school and home. The program is designed so that the ratio of student to device is one to one.
87. As each student owned their own device and was responsible for downloading the apps and web-based learning tools onto, both schools informed OVIC that a letter was sent to each parent or carer, enclosing a list of all apps and web-based learning tools that will be used in that school year, with a request that each parent or carer download the app or web-based learning tool onto the device.
88. Both schools provided OVIC with a copy of the lists that are sent to parents and carers of students. Each list contained the name of the app or web-based learning tool, the icon, price, and a short description of the app or web-based learning tool. The schools indicated to OVIC that if parents or carers wish to know more about the apps or web-based learning tools they are downloading onto the students devices they either find the information themselves or get in contact with the school and ask further questions. Both schools informed OVIC, however, that they could only recall a small number of parents and carers contacting the school for further information and most just download the apps and web-based learning tools without question.
89. All the schools recalled sending out a parent information notice and opt-out form for G-Suite regardless of whether they were using the DET licence or their own and regardless of whether the school was a BYOD 1:1 device school. When asked why this was the schools indicated it was because the forms had been prepared and provided by DET to the schools.

### **Issues for consideration**

90. OVIC observed that despite DET directing schools to send parent information notices and opt-out forms for all apps and web-based learning tools, schools are rarely doing so. It appears that there may be a combination of factors that have led to this situation, some of which relate to the school's awareness of DET's direction to do so, the knowledge and awareness at the schools of privacy and data security issues and the time to prepare a parent information notice and opt-out form.
91. It was observed that the four schools that met with OVIC do not appear to be aware of the importance of providing proper notice to parents and carers of students.

92. By not providing parents and carers with the appropriate notice of intention to use apps and web-based learning tools in the classroom, information about those apps and web-based learning tools, and allowing the parents and carers to consent to such use the school may be at risk of breaching IPPs such as:
- a. IPP 1.3 – at the time or before the time the school collects personal information from the student, it must take reasonable steps to make the student aware of things such as the identity of the organisation and how to contact it, the purpose for which the information is being collected and the consequence for the student if all or part of their information is not provided. By not providing the parents and carers this information the school may be in breach of IPP 1.3 where it collects information from students for the purpose of using an app or web-based learning tool;
  - b. IPP 1.5 – the school must take reasonable steps to ensure that all individuals whose personal information has been collected by the school are made aware of all the matters listed in IPP1.3. By not performing the necessary due diligence and providing parents with all relevant information about apps and web-based learning tools being used in the classroom, and assuming that because parents don't contact the school that they are aware of all they need to be, the school may be in breach of IPP 1.5;
  - c. IPP 2 – the information the school collected from the student should not be used or disclosed for any other purpose unless an exception applies. If the school was using an app that was on-selling the personal information to advertising or marketing companies, or providing the personal information to a third party and the parent or carer of the student was not aware, or had not provided consent then the school may be in breach of IPP 2 where it discloses information to the app;
  - d. IPP 5 – schools must take reasonable steps to let a student (and in the case of primary school students, their parents and carers) know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds uses and discloses that information. If schools are not properly informing parents and carers of students how it is using or disclosing the personal information of students, it may be in breach of IPP 5; and
  - e. IPP 9 – if the app or web-based learning tool originates from a State or Country outside of Victoria (as many apps and web-based learning tools do) and as such is not bound by the same privacy laws and regulations, the school may be in breach of IPP 9 if it transfers the students personal information to that app or web-based learning tool.
93. DET may wish to consider providing further assistance to schools with regard to providing information to parents and carers about apps and web-based learning tools in the classroom by expanding the number of parent information notices and opt-out forms for apps and web-based learning tools that are provided to schools.

## What support is being provided to schools in selecting and using software in the classroom?

### Key points

94. DET said that it provides a range of advice, policy, guidance, and training on privacy and managing personal information to schools and their employees.
95. However, all four schools that OVIC met with informed OVIC that guidance material, advice and policy documents were difficult to locate and as such all four schools were not aware of

all the material DET has prepared in relation to the use of apps and web-based learning tools in schools.

96. In addition, all school personnel that OVIC met with said they were not aware of, nor had they completed any e-learning training in relation to privacy despite DET informing OVIC that it provides such training to schools.
97. Personnel from all four schools said to OVIC that they had experienced technical difficulties in accessing information from DET websites which prevented the schools from accessing DET resources.
98. All four schools explained that further specialist technical support and assistance would be beneficial as the school personnel's expertise in privacy and data security was lacking which meant that they relied heavily on technical support and DET to assist them.
99. All four schools also said that they had experienced significant delays in receiving privacy advice or guidance from DET which often resulted in the schools not feeling supported by DET. DET also confirmed that at the time of meeting OVIC it had a backlog of approximately 90 PIAs received from schools requesting review and advice.

### **What we found**

100. As part of the examination OVIC asked DET how it assists schools to adequately understand privacy with respect to selecting and using apps and web-based learning tools in the classroom. OVIC was particularly interested in what training, education and other supports were being provided to schools.
101. DET informed OVIC that all advice, policy, guidance and training material provided by DET to schools is provided via the DET website, emails to the Principal, tech forums and Yammer (which is a social networking platform owned by Microsoft).
102. DET informed OVIC that in addition to the provision of formal policies and guidance material, privacy topics are regularly highlighted on the intranet, in the School Update Newsletter and in other DET forums.
103. DET said that it offers a range of privacy training options for schools and school staff which include:
  - A privacy e-learning module – a 25-minute module which introduces core privacy concepts and includes quizzes;
  - Face-to-face training in schools which are provided on demand or in response to a privacy incident or complaint at a government school; and
  - Cohort training which is training delivered to specific cohorts, such as principals, business managers, senior educational improvement liaison officers, and school nurses. These sessions typically happen as part of a cohort conference or meeting.
104. In addition to the above, the DET privacy team also offers responsive advice and support services to schools.
105. In response to this examination DET provided OVIC with many of the policy and guidance documents as well as examples of the types of training provided to schools. This material was comprehensive, and DET has spent a considerable amount of time and effort in perfecting these documents.



106. In addition to providing policy, guidance and training DET also provide schools with technical support. DET said that there are 1,123 government primary schools in Victoria and DET employ 413 specialist technicians who provide support. DET explained that all schools are allocated a minimum of 4 hours per week and the allocation is increased based on the student enrolments at the school.

107. Most schools (89%) receive DET funded specialist technical support for 12 hours or less per week.

108. When OVIC spoke with the schools about the support provided by DET in respect to selecting and using apps and web-based learning tools, we were told the following:

- None of the four schools had completed or were aware of any privacy e-learning module available to them. All schools explained that they had completed e-learning modules for other areas such as OH&S but none of the schools recalled completing a privacy related module;
- Only one of the four schools recalled receiving formal training from DET with respect to privacy or the use of apps and web-based learning tools in the classroom. That school had received the training in response to a complaint made to DET which had progressed to VCAT;
- The school personnel were not aware of all the policy and guidance material available to them. The schools explained that this was partly to do with interface issues for the websites and online resources provided by DET. The feedback from the school personnel was that any policy or guidance material was hard to obtain and that often an error message would appear when they clicked on a link to a resource on the DET website; and
- The technical support provided by DET was not enough to adequately support the schools with all their tech related issues. All four schools were supplementing the DET provided tech support with additional tech support that is paid for by the school. The school personnel said that even with the additional tech support the tech consultants do not have enough time to assist with queries about apps and web-based learning tools. At present, much of the tech supports' time is being taken up with simple tasks such as password resets, internet, and network issues.

109. When OVIC asked the schools about the assistance offered by the DET privacy team all four schools said that when the assistance is offered it is very useful and they have confidence they will be given the correct information. However, all schools had experienced delays in receiving feedback or assistance from the DET privacy team and as such their confidence in, and reliance on, the team had diminished.

110. One school informed OVIC that it was implementing a new app to assist with recording student attendance and communication with parents. It performed a PIA in November and sent it to the DET privacy team for feedback and guidance on what to include in the parent information notice and opt-out form. The app was due to be implemented at the commencement of the new school year and as such feedback was required by January. Unfortunately, DET was unable to provide feedback until the end of February, approximately two weeks into the new school year and as such the school had to send out the parent information notices and an opt-out form without the assistance of DET. This meant that when DET eventually provided its feedback the school had to re-send updated parent information notices.

111. All four schools informed OVIC that they had experienced delays in receiving feedback from DET and its privacy team and that as a result the schools did not feel well supported by DET.

112. Another school provided OVIC with the example of a parent raising concerns about the use of G-Suite in the classroom. The teacher handling the complaint had received no privacy training and was not comfortable with answering the complex privacy questions posed by the parent. The principal and teacher of the school reached out to DET for guidance. However, due to the delay in receiving guidance from DET the school experienced multiple daily complaints and correspondence from the parent which the school had to assess on its own.
113. When asked by OVIC if the schools felt that DET provided appropriate advice all four schools said that when they received the advice it was thorough and of a high standard. The main concern was that it would often take weeks and in some cases months for advice to be provided in response to privacy queries.

### **Issues for consideration**

114. OVIC observed that despite DET having a significant amount of useful, clear and concise training, policy and guidance material available for schools to access, schools do not appear to be fully utilising it.
115. It appears that schools may not be aware of all the information DET has that could assist them. It also appears that schools are not aware of where or how to locate much of the material DET provided to OVIC.
116. In addition, schools appear to be experiencing delays in receiving guidance and feedback from the DET privacy team which may be impacting their ability to properly consider privacy and data protection issues before selecting and using apps and web-based learning tools.
117. Schools told OVIC that they heavily relied on the assistance of the specialist technical support not only for the day-to-day running of the apps and web-based learning tools, but also as a source of information and guidance with respect to privacy and data protection issues. However, due to the limitations to the time each specialist consultant was allocated to schools, most of the time was being spent trying to fix technical issues and less time was spent providing privacy and data protection information and guidance.
118. OVIC observed that the delays from DET in responding to privacy enquiries and the limited time the technical specialists could spend guiding schools have resulted in the schools feeling under supported and feeling left to make privacy and data protection decision on their own.
119. By doing so the schools may be at risk of breaching IPPS such as:
- a. IPP 2 – the information the school collected from the student should not be used or disclosed for any other purpose unless an exception applies. If the school was using an app that was on-selling the personal information to advertising or marketing companies, or providing the personal information to a third party and the parent or carer of the student was not aware, or had not provided consent then the school may be in breach of IPP 2 where it discloses information to the app;
  - b. IPP 4 - it is the schools' responsibility to ensure that personal information they hold is properly protected. If the school is unaware of what the app or web-based learning tool may be doing with the personal information because it has not properly read or understood the privacy policy, it may be in breach of IPP 4; and
  - c. IPP 9 – if the app or web-based learning tool originates from a State or Country outside of Victoria (as many apps and web-based learning tools do) and as such is not bound by the same privacy laws and regulations, the school may be in breach of IPP 9 if it transfers the students personal information to that app or web-based learning tool.

120. DET may wish to review the resourcing of privacy and data protection support provided to schools. Currently schools are experiencing difficulties in accessing all the privacy and data protection tools and guidance by not being able to access all the information DET has on offer, by experiencing delays in advice and guidance from DET and by not being provided with all the technical support that the schools feel they need to be able to support students, parents and carers in being aware of, and understanding privacy and data protection.
121. It is OVIC's view that by increasing the support DET currently provides schools, DET will assist in mitigating the risks of breaching the IPPs identified in this report.

## Annexure A: Response from DET

*The Department of Education and Training (the Department) understands its responsibility and obligations regarding privacy. The Department provides a range of resources, guidance and support to its 1,600 government schools across Victoria to ensure that those schools have the appropriate tools, information and guidance to deliver education and administer schools, particularly relating to the handling of personal information.*

*This is an important obligation which schools undertake along with many associated responsibilities relating to child safety and information management. The Department and schools understand that handling information appropriately is a key activity which ensures compliance with obligations, promotes good practice and builds trust in the public education system. Schools generally have a good understanding of their privacy obligations and how to obtain and use the Department's resources, as is evidenced by the number of schools accessing privacy training and support and the low level of privacy incidents across the state.*

*The Department is pleased that the Office of the Victorian Information Commissioner (OVIC) has acknowledged the quality of its privacy resources for schools, particularly in the context of using third party applications. Over the past 12 months the Department has revised the privacy impact assessment (PIA) template to make it more user-friendly for schools and developed 20 semi-populated PIAs for the most commonly used platforms. The Department will continue to enhance the support and guidance it provides to schools for PIAs.*

*Privacy resources and guidance are continuously available to schools on official information channels such as the Department's new Policy and Advisory Library (PAL), FUSE and eduStar platforms. PAL was launched in June 2020 as a single portal that brings together all school policy guidance into a "single source of truth", so schools will have no further difficulty locating privacy guidance and resources and understanding their obligations. Privacy awareness has also been regularly promoted through the School Update newsletter for all schools. The Department's Privacy team responds to many direct enquiries from schools who are aware of the available services and seek the team out for further support or guidance.*

*The increased use of a range of digital products and a greater awareness in schools of the requirement for PIAs has resulted in a steady increase in the volume of school PIAs. The COVID-19 pandemic has also generated an increase in demand for privacy resources and support for schools implementing flexible and remote teaching and learning state-wide. The Department has expanded the Privacy team and allocated additional resources to assist in responding to a spike in enquiries received since March.*

*The Department is also co-leading with the Queensland Department of Education, a national initiative called Safer Technology for Schools (ST4S). This initiative provides a comprehensive assessment of the common technologies used in schools against the Victorian Protective Data Security Standards and other jurisdictional based legislation. This assessment provides a risk rating for the use of the technology in the school environment and ways in which the risks can be managed. The lowest rated products will lead to a recommendation that the schools should not use the product. To date, 35 products have been assessed and another 50 are currently being assessed. The technology vendors have largely engaged well with the process due to this being a national initiative and most are willing to improve their products in areas that have been identified as not meeting the standards required.*

*The Department has recently developed a number of mandated information security standards for schools. The introduction of these standards will assist schools in their ability to manage information to meet their privacy obligations. The Department's Information Management and Technology Division is now working with schools to plan the implementation of any standards that are not currently in place.*

## Annexure B: Examples of apps used in schools

Application Name	Pricing	Description
Google Drive	Free	Google Drive is a file storage and synchronisation platform. It allows users to store files such as photos, videos and documents and share with others. Suitable or ages 13+.
Google Classroom	Free	Google Classroom helps students organise their work in Google Drive, complete and return it and communicate directly with teachers and other students. Suitable or ages 13+.
Google Docs	Free	Google Docs is an app that allows users to create, edit and collaborate on documents. Suitable or ages 13+.
Google Sheets	Free	Google Sheets is an app that allows users to create, edit and collaborate with others on spreadsheets. Suitable or ages 13+.
Google Slides	Free	Google Slides is an app that allows users to create, edit and collaborate with others on presentations. Suitable for ages 13+.
Google Earth	Free	Google Earth is a geo-browser app that gives users a 3D representation of Earth based on satellite imagery.
Numbers	Free	Numbers is an app for iPad, iPhone and iPod Touch that allows users to create powerful spreadsheets and graphs using only their fingers. Suitable for ages 13+.
Qrafter	Free	Qrafter is a two-dimensional barcode scanner app for iPhone, iPad and iPod Touch. It allows users to scan and parse the contents of QR Codes. It can also generate QR codes.
Sphero EDU	Free	Sphero Edu is an app that allows users to create, contribute and learn with Sphero robots whilst also laying the foundation for computer science. Suitable for ages 8+.
iMovie	Free for iOS 8+ Already installed on new iPads	iMovie is a video-editing app that allows users to create and edit film. Suitable for ages 8+.
Keynote	Free for iOS 8+	Keynote is a presentation app that allows users to create edit and deliver presentations from iPhone or iPad.
Garage Band	Free for iOS 8+ Already installed on new iPads	Garage Band is an app that allows users to create, edit and record music using a variety of pre-made loops and instrumental effects. Suitable for ages 6+.
Clips	Free	Clips is a multimedia app where students can make videos to share with others. Suitable for ages 4+.
Mathletics	Free	Mathletics is a numeracy app where students can access their Mathletics accounts and participate in maths learning activities. Suitable for K-12.

Application Name	Pricing	Description
Toonastic	Free	Toontastic is a creative learning app where students can draw, animate and narrate their own cartoons and share them with others. Suitable for ages 4+.
Popplet Lite	Free	Popplet is a mind mapping tool allowing students to plan and develop their work and demonstrate their learning. Suitable for ages 6+.
Osnap!	Free	OSnap! is a photography app that is a time-lapse and stop motion animation tool. Suitable for ages 4+.
Calculator++	Free	Calculator++ is a calculator app. Suitable for K-12.
Bee-Bot	Free	Bee-Bot is an app that develops children's skills in directional language and programming movements to navigate the Bee-Bot through a digital garden. Suitable for ages 4+.
Pic-Collage	Free	Pic-Collage is a design app used to make brochures, flyers, invitations and collages. Suitable for ages 12+.
Kahoot!	Free	Kahoot! is a learning-games app where users can engage in quizzes and polls from their device to test their learning. Suitable for K-12.
Seesaw	Free	Seesaw is a digital portfolio app. Seesaw allows children to create collaborate and share their work through the app. It also allows for easy communication between school and home. Suitable for K-12.
Reading Eggs	Free	Reading Eggs is a learn-to-read app that engages children in games, activities and stories that foster reading and phonics skills. Suitable for ages 2-13.
Swift Playgrounds	Free	Swift Playgrounds is a coding app that teaches children to use coding commands to navigate their character through a 3D world. Suitable for ages 8+.
Epic!	Free	Epic! is a digital library app with more than 40,000 children's books. It also has features including curated collections, quizzes and follow-along reading. Suitable for ages 2-12.
Sand Draw	Free	Sand Draw is a creative app which allows users to draw in the sand. Suitable for ages 3+.
Canva	Free	Canva is a design app that allows users to design and collaborate. Suitable for ages 13+.
Stop Motion Studio	Free	Stop Motion Studio is a movie editor app that allows children to make and edit animated movie sequences and provides guidance around how to do it. Suitable for ages 4+.
Plickers	Free	Plickers is an assessment-based app to be used in the classroom. Plickers allows teachers to poll their students quickly to check their understanding. Suitable for K-12.

<b>Application Name</b>	<b>Pricing</b>	<b>Description</b>
Book Creator	Free	Book Creator is an app that allows students to create story books containing photos, videos, text, drawing and audio. Students can also share and collaborate on books together. Suitable for K-12.
Flipgrid	Free	Flipgrid is a social learning app where students and teachers can connect and share content such as text, photographs, videos and messages. Suitable for K-12.
Tutorials for Scratch Lite	Free	Scratch is a programming app where children can create games, stories and animations. Children can also share their work with others. Suitable for ages 8-16.
Hopscotch	Free	Hopscotch is a coding skills app that allows children to learn to code to make a game. Children can also share their games and play them with other children. Suitable for ages 8-14.
Newsela Student	Free	Newsela is an app with thousands of articles categorised into four different reading levels. Capacity for children to take quizzes, practice vocabulary and submit written assignments. Suitable for K-12.
IXL	Free	IXL is a maths and English skills app. There are skills questions tailored to each year level, allowing children to practice maths and English questions appropriate to their skill level. Suitable for K-12.
Studyladder	Free for Basic package	Studyladder is a web-based learning and assessment tool. Suitable for ages 4-12.
Essential Assessment	One-month free trial, then paid subscription.	Essential Assessment is a web-based assessment tool tailored to Australian, Victorian and New South Wales curriculums. Suitable for K-12.
Typing Club	Free	Typing Club is a web-based tool to help children learn to touch type. Suitable for ages 10+.