WHAT IF WE TOOK STEWARDING CHILDREN'S DATA SERIOUSLY?

DATA, TECH & BLACK COMMUNITIES

JUNE 2025 REPORT



This report was published in June 2025 by Data Tech & Black Communities (DTBC).

DTBC is a community-based, member-run organisation dedicated to ensuring that data and data-driven technologies enhance Black communities, rather than curtail or surveil them. For more information visit **www.dtbc.org.uk**

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EXECUTIVE SUMMARY

This report explores a critical question that originated in a roundtable discussion comprising Black and Black heritage educators, activists, and technologists:

Does EdTech really improve outcomes for Black/Black heritage children?

Based on research designed and led by individuals who live and work in Birmingham, this research project explored perceptions and
use of EdTech in schools located in some of the city's most under-resourced areas.

The research findings suggest a need for community-led advocacy for greater accountability from organisations that have a role in collecting and handling children’s data.

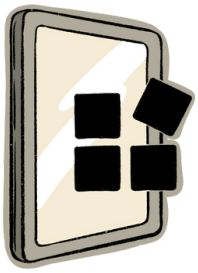


The lockdowns, in response to the 2020 COVID pandemic, and the resulting demand for hybrid learning has led to a significant expansion in the use of educational apps and technologies (EdTech) in UK schools and educational institutions. This has opened up new revenue-generating opportunities for the private companies that create these tools. The industry was valued at £3.8 billion in the UK alone.

Given that a lot of EdTech is data-driven, the explosion in usage and its profit-generating potential incentivise excessive data collection.

Worryingly, the governance around many EdTech applications' data collection and usage practices (especially in relation to personal and sensitive data) is opaque. This limits the ability of children and the responsible adults in their lives to be fully cognizant of how that data is being used or might be used in the future.

This report presents the findings of a **community research project** designed to interrogate how well the adults who are most involved in children's lives – parents/guardians, school staff and community members – understand the EdTech children are required or encouraged to use by their schools.





Marginalised groups are the proverbial 'canary in the coal mine', drawing attention to larger, unacknowledged or unseen issues.

The project was especially focused on the implications of EdTech for **Black/Black heritage students** because any potential negative impact would be especially acute for them.

However, a wide range of children fall within the "impact radius" of EdTech, particularly those from low-income households, those with disabilities and those with other marginalised characteristics. Our research, findings, and recommendations are broadly relevant, addressing the concerns of majority groups as well.

1. Aston,J., Davies, E., Guijon,M., Lauderdale, K., and Popov, D. (2022), The education technology market in England:Research report Department for Education (DFE)

Image: GettyImages

The report highlights the pressing need to shift away from the paternalistic, risk-based posture* currently adopted towards children's data.

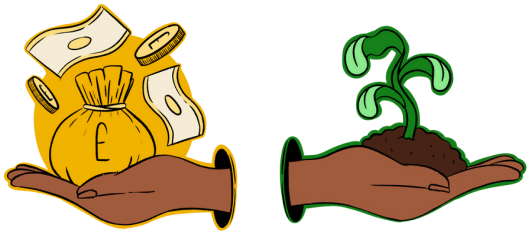
This way of thinking treats children's data primarily as a by-product of commercial and institutional processes and by extension, available to be used with limited debate or pushback when these institutions and corporations deem such use necessary for children's ‘own good’.

The challenge is that what constitutes a "good’ for a child (or children as a whole) when weighed against the potential downsides, is contested ground.

The explosion of data-centric technologies, coupled with a more permissive legislative attitude towards automated decision-making (ADM), means that the use of children's personal data (including data collected in an educational setting) can have long-lasting negative effects on children's life pathways.

That these negative outcomes could befall children as a result of data practices that neither they nor parents/guardians could meaningfully opt out of is especially worrisome.

In this report, we make the case for a focus on care and rights above commercialisation and economic growth when it comes to children's data.



In other words, school leadership teams, local authorities' education teams, Department for Education (DfE) policymakers as well as regulators like the Information Commissioner's Office (ICO) need to adopt more of a stewardship mindset.

The outcome of this shift would be an environment in which children and those with a more direct stake in their futures - their parents and guardians - can make more nuanced decisions about how children's personal data is collected and harvested and which (if any) EdTech providers are allowed to do so.

With this, older children, parents, guardians, school staff and leadership would be better informed and able to apply legal protections to safeguard the long-term interests of children.

What's in this report?
This report provides an overview of the methodology, findings, and analysis, as well as the resulting recommendations from our year-long investigation into the use of EdTech in Birmingham schools.

*This is a reference to an approach that we see increasingly adopted by state legislatures who don't want to stand in the way of powerful tech companies so instead of enshrining our rights in law they take a "risk-based approach" that requires end-users to demonstrate harm first. Read more: https://www.accessnow.org/eu-regulation-ai-risk-based-approach

OUR BACKGROUND

Data, Tech & Black Communities CIC is a small not-for-profit organisation working with diverse communities of Black/Black heritage people and our allies to ensure that data and data-driven technologies (e.g. AI) enhance the lives of Black/Black heritage people, rather than curtail or surveil them.

We hope that our work will help create a world in which data-centric technologies better serve all of society, especially the most marginalised and low-resourced communities. This project stemmed from Black/Black heritage communities' concerns about the **present and future impacts of EdTech** on their children. These concerns were **identified through engagement work in 2021** which explored people's views on data-centric technologies in four areas;

- **health**
- **crime and justice**
- **education**
- **employment and enterprise**

The concerns stemmed from statistics which show that Black/Black heritage children continue to suffer disproportionately poor educational outcomes and high exclusion rates. Given that marginalised groups are more at risk from the negative impacts of disruptive, data-centric digital technologies, there are legitimate concerns that the introduction of these applications and platforms could exacerbate existing issues.

This project was made possible through a grant received from Open Society Foundation. If you would like to get in touch with a member of DTBC to discuss this report, or other work please send an email to **admin@dtbc.org.uk**

UNDERSTAND IMPACT

For this project, we aimed to holistically understand the impact of EdTech on Black/Black heritage children. We wanted to do this in a relevant and useful way for the impacted communities.

In order to meet these aims, set ourselves the following objectives:



Build Community

Build community with people interested in understanding how Edtech is being used in English primary and secondary schools.



Transparency

Shed light on what Edtech applications and platforms are being used, which companies are selling them, and what they say about how they use our children's data.



Research Skills

Help develop community research skills in both quantitative and qualitative data collection and analysis.



Understand Impacts

Understand the extent and impact of digital poverty and exclusion on the EdTech experience of children living in economically deprived areas.

In this report we set out to present findings from our exploration of EdTech which focused on four areas of interest:



The views of those in a position to serve as **data stewards** in a child's life: parents/guardians; teachers and school staff; and community members.



The potential **effect of digital poverty** on children's ability to access EdTech and experience any benefits it may offer.



The equalities implications of EdTech, and the potential effects of policies or actions on marginalised groups of people.



Review of EdTech applications against our five areas of concern:



The potential for unexpected or unanticipated commercial exploitation



Potential for excessive, surveillance and profiling of children from already marginalised groups



Exposure of users to advertising & marketing



The risk of data leakage in the short and medium term



The value for money delivered by EdTech in light of its opportunity cost

METHODOLOGY

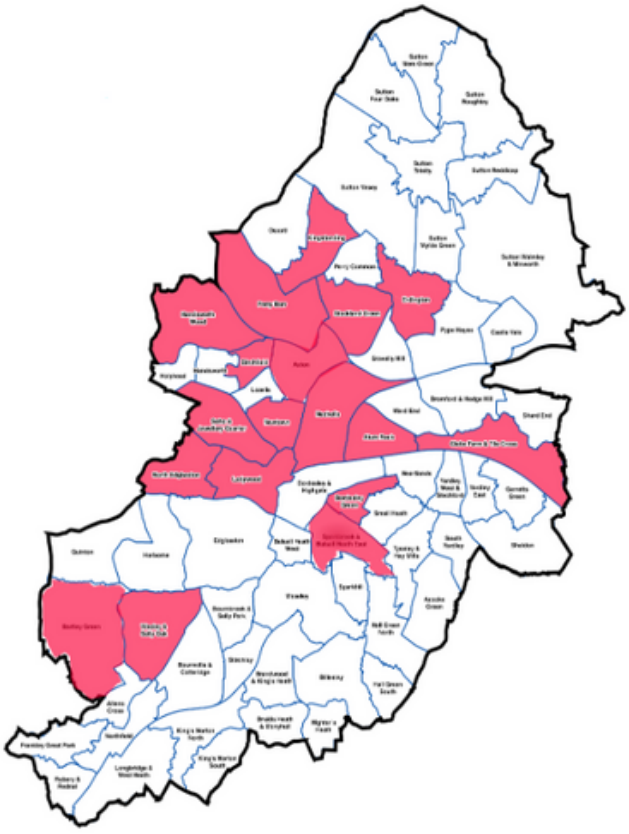
We wanted answers to questions that are pertinent to predominantly low-income households in Black/Black heritage communities. Further, the way we conducted the research was as critical to the project as the answers we got.

It was important to us that the research was anchored in real communities i.e. people rooted in place and connected by shared lived experiences.



GettyImages

For our project, the 'place' was Birmingham City – one of the country's most diverse cities with some of the most socioeconomically deprived wards in England. Birmingham has a strong civil society presence and a strong sense of community.



One of the main ways we sought to root the project within Black/Black heritage communities was by recruiting community researchers who live or work in Birmingham.

The 10 community researchers we recruited were ably supported by a delivery team comprised of:

- two data analysts
- two community organisers
- four project stewards

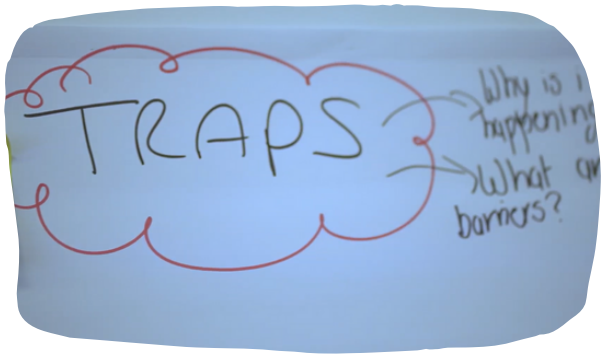
The project kicked off in 2023 with data collection and analysis from December 2023 to July 2024.



The community researchers and analysts focused on 90 schools in some of Birmingham's most deprived wards. They scoured these schools' websites for details of the EdTech applications and platforms that were currently in use or had been used previously. They also reviewed schools' equality impact assessments intending to understand how schools were grappling with the potential equalities implications of EdTech.



Through interviews, a focus group and questionnaires, community researchers gathered insights from 99 individuals. This included parents/guardians, grassroot organisation members and school staff, highlighting their experiences with EdTech.



Additionally, we held two community events reaching 69 predominantly Black/Black heritage adults. These events were a complement to the community organisers' engagement with various Black/Black heritage communities which sought to raise awareness of this work and glean insights to inform the design and management of the project.

In total, this project engaged almost 200 people.

In addition to the insights captured in this report, we shared musings on our interim research findings and experiences during the project on the DTBC blog. These posts were published to seed discussion and encourage feedback.

KEY FINDINGS



Stakeholders' understanding and experience of EdTech applications and platforms in a school setting

01. Understanding of EdTech and its data governance implications cannot be assumed and requires explanation and discussion.

When seeking parents and guardians' consent for their children's use of EdTech within a school setting (or in their homes), some parents explained that their children's schools simply described the applications' functionality and features with **limited explanation of their data governance practices.**

One explanation for this might be an underlying assumption that parents and guardians have sufficient latent contextual awareness to grant informed consent. Our findings suggest that this is not an accurate assumption.

Our investigation found that **many parents/guardians were unfamiliar with terms such as EdTech** and were unclear about these products' use of children's (and their families') data. This was especially prevalent where parents/guardians had limited English.

Once these were explained (and clear examples provided), many were able to discuss, query and come to nuanced conclusions about their children's use of these tools. This understanding is a necessary basis for informed consent, it also allows parents/ guardians to provide useful feedback that schools should consider when developing or refining their EdTech selection protocols.

02. Articulating concerns about EdTech can be difficult

Parents/guardians often struggled to outline their concerns about some of the implications of EdTech use without extended discussions and context setting.

For example, during discussions about the use of biometric data (such as fingerprints) as ID for accessing school resources (e.g libraries), parents/guardians were able to give voice to some of the quiet reservations about the practice. They were also able to think through what assurances they would require to allay those concerns.

The language for articulating these concerns isn't mainstream and isn't accessible to many of us. This impacts many parents' confidence and ability to effectively advocate for their children's interests as it relates to their data.

03. Advocating for children's data rights and applying legal protections can be challenging for parents/guardians

Over half of the parents who responded to our questionnaire did not feel able (or were uncertain about how) to exercise their rights and make use of legislative protections to get the information they needed to assess whether EdTech providers were able to support their children's learning and keep their data safe in the process.

04. Trust in schools and the unsubstantiated “halo effect”

Without the language and knowledge to effectively articulate concerns, parents and guardians often adopted one of two positions: resignation or assumptive trust that the school was providing effective data stewardship.

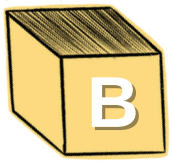
This is especially the case when parents had a positive view of the school’s competence in other areas, hence **the halo effect.** This assumptive trust was also present in interviews with teachers who didn’t have senior management responsibility.

Neither of these stakeholder groups tended to be able to substantiate this trust.

05. Informed consent is tricky when it comes to the use of EdTech in schools

There is often a power imbalance between parents and schools. One implication is that parents who might in any other setting express their discomfort about a process or practice and even opt out, will acquiesce to a school's direction in order to maintain harmonious relations with the school leadership or a class teacher.

Again, this highlights the limits of parental “consent” in these circumstances and why it is essential for real, frictionless alternatives to be made, by default, available to children and parents who choose to opt out.



What we learnt about the apps that we reviewed and the EdTech marketplace

We reviewed 65 EdTech applications and platforms and were unable to rule out concerns about:



Unanticipated commercial exploitation in **52** of these EdTech apps and platforms



Risk of data leakage in the short and medium term in **49** of the EdTech tools



Exposure of users to advertising and marketing in **49** EdTech tools



Excessive surveillance of already marginalised groups of children in **40** EdTech tools



The value for money presented by any of the **65** applications.

With limited or no independently-verified evidence of efficacy, it is really hard to assess the opportunity cost associated with schools' choice to invest time and money in EdTech apps. We could only find two EdTech tools that published evidence (albeit without independent corroboration) in support of their products.



What we learned about how schools address the equalities implications of EdTech applications and platforms

We reviewed the Equalities statements of the 90 schools in our research project. We found no evidence of consideration of the potential equalities implications of requiring children to use EdTech in schools and their homes.

Given the disruptive nature of these data-centric products and the potentially long-term effects of data leaks and the commercial exploitation of children's data on children's lives, this struck us as a significant oversight.



What we learnt about how digital poverty can impact children's (and their families') experience of EdTech

Setting aside the question of EdTech's efficacy in improving children's educational outcomes, the impact of limited access to digital devices and the internet (aka digital poverty) on families' ability to access EdTech in the home was a concern for the stakeholders we engaged with.

Our survey revealed mixed results on whether parents/guardians knew if they had been assessed as needing support with access to digital devices or the internet. While many **(48%)** of respondents indicated they had, a sizeable minority **(43%)** responded they had not.

This suggests differing approaches and procedures across schools regarding needs assessment. The disproportionate levels of household poverty experienced by Black households in the UK mean that digital poverty is a relevant factor of consideration when exploring the broad experience of BBH children in relation to EdTech.

CONCLUSION & RECOMMENDATIONS

Our project findings highlight various obstacles that make it challenging to be an effective steward of a child's data.

- **Parents/guardians** require a lot more advice about their data protection and other legal rights, as well as support on how to leverage them, than is currently available.
- The same is true, to a degree, of **schools' leadership and staff.**
- While many schools need to play a far more active, intentional role in stewarding children's data, a lot more support and guidance are owed them by the **DfE, ICO, local authorities** and other institutional players.

Overall, we need a cultural shift towards a stewardship mindset that prioritises upholding rights and protecting children's long-term interests concerning their data. In fact, in our increasingly automated, data-centric world, this shift is critical.

Below is a summary of our recommendations to help facilitate this shift and to better support the needs of children, parents/guardians and schools.

RECOMMENDATIONS

For parents, guardians and community members

BE CURIOUS AND STAY INFORMED ABOUT EDTECH AND AI

Making nuanced decisions about acceptable uses of children's data requires parents/guardians to remain curious and continually informed about this fast-changing landscape.

Learning about and addressing data governance concerns as part of a wider community will be more beneficial than doing this individually. For example, this is a good topic to discuss within parents' social media groups.

It can be difficult to know where to start and what to challenge. Asking your school's Data Protection Officer (DPO) to provide substantive evidence of how they scrutinise the data governance practices of the EdTech providers they buy from, is a good first step. Parents/guardians might also want to ask the Special Education Needs and Disabilities (SEND) and or Equalities link governors, how the school has assessed the equalities implications of introducing EdTech.

It's also important to think critically about how societal changes in the use of technologies such as AI (and the legislations that are supposed to regulate them) will affect your child's future pathways. Organisations like Defend Digital Me (and DTBC) create resources to help parents and guardians stay informed and assess these implications.

UNDERSTAND YOUR RIGHTS! (DATA PROTECTION AND OTHER RIGHTS IN LAW)



Parents/guardians need to both understand the rights (and protections) they enjoy under the law and how to apply them in service of their child(ren)'s interests.

They also need to know what levers they can pull to require schools and other institutions to properly scrutinise EdTech suppliers if there isn't evidence to suggest this is being done. DTBC has developed a free toolkit (available via our website) to help parents and guardians build these skills.

TAKE COLLECTIVE ACTION



Advocating for the interests of many children, in concert with others, carries greater weight than arguing alone.

The latter is easier to dismiss as a niche or isolated case,[2] especially given the ICO's risk-based approach to regulatory action. The arguments for being part of a community are even more relevant when advocating for children from marginalised groups. Being part of a supportive network where parents share concerns, ask questions, seek advice, and explore ideas and strategies for action is helpful.

We continue to encourage people of Black/Black heritage and allies to join networks like Data Tech & Black Communities to access this kind of support and expand this type of advocacy.

2. In its 2022 action plan, the Information Commissioner's Office described its approach to regulatory action as "risk-based" and explained that, " This involves working with organisations and people that may fail to meet their obligations under the laws we regulate or who may need support or guidance to comply and innovate. Our focus is usually on areas of high risk where non-compliance could do the most harm. The regulator also explained that it aimed "to be responsive to the needs and concerns of the public using our risk-based approach to focus on issues which could cause the most harm"

Recommendations for schools



RECOGNISE AND ADAPT TO YOUR BROADER DATA STEWARDSHIP ROLE

Schools are under enormous resource constraints. The DfE and ICO should help them to effectively steward children's data in a way that makes the best use of limited resources by providing better support and best practice guidance on reviewing and adopting EdTech.

However, this doesn't remove schools' responsibilities as important data stewards of childrens' data. Schools that use EdTech should:

- **conduct due diligence checks** on EdTech suppliers before procurement, during use and throughout the lifetime of any contract until data destruction;
- **ensure children's, parents' and teachers' data is protected** i.e adherence to data protection legislation and cyber/information security;
- **gain informed approval** from parents/guardians & older children;
- **require independent verification** of EdTech providers' marketing claims about the impact of their products;
- **commit public money** only to businesses that uphold children's rights;
- **pledge to avoid tools that automate risk profiling** and any signalling to other systems or sectors, such as police, without school staff oversight and action;
- **provide regular training** to teachers and all school staff interacting with EdTech
- **support children and families in low-income households t**o access digital devices and the internet where EdTech is recommended for home use
- **conduct an equalities impact assessment** on all EdTech applications prior to procurement.

BE TRANSPARENT AND COLLABORATIVE ABOUT DATA PROTECTION, PROCUREMENT AND USE OF EDTECH

EdTech introduces challenges that are common across schools. We would recommend that schools work openly and collaboratively to develop and share ethical policies and practices.

Schools' leadership teams need to be more transparent and collaborative with parents/guardians about their:

- approach to reviewing and selecting EdTech applications and platforms for use within the school and
- oversight and governance around the collection, processing, use, storage and deletion of personal and special category data, including when such data is shared with EdTech companies. These should be easy for all interested stakeholders to find and understand.

FACILITATE INFORMED CONVERSATIONS BETWEEN PARENTS/GUARDIANS AND TEACHING/SCHOOL STAFF

Schools should proactively and consistently communicate with children, parents/guardians and teachers about how the EdTech in use within the school collects personal and sensitive data.

This provides a good basis for discussion with these stakeholders so that they can better gauge their comfort levels with these uses of their data and make more nuanced decisions about them. It also allows them to provide useful feedback about schools' principles, protocols, and practices regarding data governance.

This kind of feedback is critical to schools' efforts to develop EdTech-related policies that enable effective data stewardship. It would also help schools avoid problems like inadvertent coercion because parents/ guardians who wish to opt out of an EdTech product can suggest frictionless alternatives that the school could provide.

Such conversations should be tailored to the needs of the communities they serve, including providing language translation support, where necessary.

Recommendations for Funders



SUPPORT CIVIL SOCIETY TO PARTICIPATE IN THE DEBATES ABOUT DATA-CENTRIC TECHNOLOGIES

Parents/guardians, teachers and interested stakeholders need to work in a collective, coordinated and sustained way if they are to play an active role in scrutinising EdTech.

Funders should support work that allows people from all backgrounds to participate in shaping how EdTech and AI is used. This requires substantial social infrastructure which, by necessity, has to outlive any single programme of work.

This social infrastructure is maintained by activists, community organisers and civil society (often grassroots) organisations – many of which are sorely underfunded or aren't funded for this aspect of their work. Funders should adapt their funding priorities to address this issue.



Recommendations for DfE, ICO, local authorities and other institutional players



MAKE IT EASIER FOR SCHOOLS TO DO THE RIGHT THING

- With urgency, DfE should implement the ICO's recommendations following that latter's 2020 , which uncovered a wide range of concerns about DfE's data governance of children's data.
- DfE must support independent research and evaluation of EdTech.
- DfE and local authorities should provide support for schools to conduct Equalities Impact Assessments (EIAs) for EdTech.
- DfE and local authorities should support schools' efforts to negotiate with EdTech suppliers.

IMPROVE THE ENFORCEMENT AND OVERSIGHT ENVIRONMENT IN AND BEYOND SCHOOLS

- ICO should increase its scrutiny of schools and their use of EdTech. We echo calls from Defend Digital Me for the development of a new Code of Practice designed for data governance in the education sector. This could be similar to the Age Appropriate Design Code (AADC). Appropriate enforcement action for non-compliance should also be instituted.
- The DfE, backed by the ICO should require EdTech providers to state (more) clearly, publicly and transparently the nature of the data they collect from and record about children through their participation in EdTech applications used in school.
- The DfE, backed by the ICO, should advise schools against the routine processing of biometric data in educational settings.

ACKNOWLEDGEMENTS

We are grateful to have received a grant from Open Society Foundations to fund this community research project and to be able to disburse funds to support people to engage with this work.

This research would not have been possible, nor have a grounding purpose without the central role of a delivery team that was either based in Birmingham and/ or had a deep interest in understanding the interplay of EdTech with Black/Black heritage pupils. The intention for this work was to surface answers to questions developed through community engagement; to provide a community informed framework for undertaking research, and to support communities to question and scrutinise the use of EdTech. As such, we acknowledge the important contributions made by our team:

Community Researchers (CRs) provided data collection, analysis and support with project direction. The ten community researchers are:

- Aké Achi
- Sadia Aweis
- Denise Amory-Reid
- Ryan Campbell
- Audrey Deane
- Sabrina Fullerton
- Joe Marson
- Fartun Mohamed
- Alima Rico
- Abi Shervington



Community Organisers provided community and stakeholder engagement, event organisation, project administration, CR support and support with project direction and management. The community organisers were:

- Sahdya Darr
- Kiki Shervington (in addition provided design work for our engagement and events outreach)

Data analysts provided delivery and project management support for data collection and analysis. They supported the work of the CRs and inputted on project direction and scope:

- Feyisara Akin-Bashiru
- Gabriel Olabade (lead data analyst)

Throughout this work and in the development of DTBC, we have been supported by BLAST, a Black-led community organisation that, over decades, has built deep and trusted relationships with Black communities in Birmingham. It aims to open access and dialogue between communities about science and culture. BLAST gave us invaluable insight which shaped our approach to community building and extended our reach, enabling broader engagement than was possible if we'd worked alone.

DTBC stewards provided project direction, management and delivery. The DTBC stewards are:

- Ade Adewunmi
- Anita Shervington
- Dr Mwenza Blell
- Tracey Gyateng



Additionally, the following people provided advice that informed our project scoping, direction, implementation and analysis:

- Jen Persson, (Defend Digital Me) for project direction and expertise in children's rights and use of EdTech;
- Dr Martin Glynn, project support for community researchers with data storytelling for community engagement
- AWO reviewed and provided feedback on the analysis framework we used in assessing the EdTech applications and platforms discovered in the course of delivering this project.
- Adrienne Williams *(The Distributed AI Research Institute)* for international expertise in use of EdTech.

The editing and design of the report was led by Charlotte Bailey; Alima Rico led on illustrations while Florence Okoye led on web design and development. Any errors are the responsibility of the DTBC stewards.

INTRODUCTION

WHO WE ARE AND WHY WE EXIST



Data, Tech and Black Communities (DTBC) is a membership-based community interest company (CIC) working with and for Black and Black heritage communities in the UK to make technology a more positive force in our lives.

All too often there is a veil of mystique that shrouds new technologies, putting their legitimacy beyond question and making their deployment seem inevitable. We want to draw back that veil. To do this, we foster a deeper understanding of the ways that data and data-centric technologies affect us and, where necessary, we support community action to bring about helpful change. We publish newsletters, hold discussions, and engage in collaborative exploration and research on relevant tech and data matters.

OUR APPROACH ISN'T ANTI-TECH; IT'S PRO-EQUITABLE, RESPONSIBLE AND EFFECTIVE TECH.

In early 2021, DTBC held a number of roundtable discussions to explore the ways that data and data-centric technologies were impacting and shaping the lived experience of UK-based Black and Black Heritage people in four spheres of life: education, healthcare, employment and enterprise as well as the crime and justice system.

Exploring and reasoning together on these issues deepens our common understanding of the wider impact of new technologies. It also helps us to see who is setting the terms upon which these technologies are being rolled out and whose interests are being served.

Together, we develop the knowledge and build the solidarity we need to start the work of renegotiating the often unspoken terms and conditions that accompany these data-centric technologies. We don't have to “like it or lump it” as the saying goes. We are not powerless.

ABOUT THIS PROJECT AND OUR APPROACH

All the 2021 roundtables yielded interesting insights, but the education-focused roundtable felt the most pertinent. Not only because of the level of interest from participants but also because the topics discussed appeared to have received only a small amount of scrutiny, and therefore provided the most clear cut opportunities for further investigation.

Hybrid learning in schools became necessary during the 2020/21 COVID-19 lockdowns. The Department for Education (DfE) recommended the use of EdTech to fulfil this obligation.

WHAT IS EDTECH?

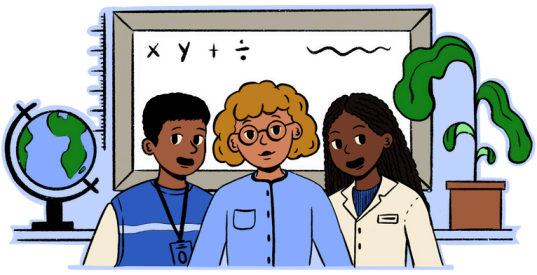
In its broadest sense, education technology (EdTech) refers to technologies used to facilitate the delivery of education.

These might include whiteboards, homework apps, or biometric (e.g. fingerprint) based apps used to manage access to school resources, like the cafetaria or library. For the purpose of this report we define EdTech as digital and data-centric technologies designed to support various educational activities.



The table below sets out five categories of educational activities for which we have observed EdTech being used.

RELEVANT EDUCATIONAL ACTIVITIES	HOW EDTECH APPLICATIONS AND PLATFORMS CLAIM TO SUPPORT EDUCATIONAL ACTIVITIES
Direct Teaching Support	Increasingly, EdTech applications are being deployed with a view to directly support teaching efforts and extend the learning experience into the home environment. There is a category of applications and platforms that claim to support this.



Examples include**: Doodle Learning** (which promises to provide personalised learning by helping children to complete Maths and English assignments), **Lexia Core 5** (a reading app), and **Quizlet** Plus (a customisable quiz-creation tool).

Support for Teaching-related Administration

This form of EdTech includes tools that support teachers in lesson-planning, homework setting, and marking.



An example of this is Google suite for education.

Surveillance for progress monitoring purposes

Teachers are required **to track children's progress** over time, so they seek to track, capture evidence of and report children's engagement, performance and behaviour while learning.



Teachers are also assessed on their ability to "add value" to a child's learning through demonstrable progress in raising children's attainment levels. To meet this need, a number of EdTech platforms and apps have emerged with the offer of supporting teachers and educators **to collect relevant metrics, and to incentivise certain behaviours,** with the aim of boosting attainment and progress.

Examples include Capture Education and Class Dojo applications.

Surveillance for Facilitating a 'Conducive' Learning Environment

Children's social development is a consideration within the school curriculum. Growing awareness of the mental health crisis facing children means more schools are attempting to support pupils' wellbeing in this regard.



Even before this crisis was acknowledged, behaviour management was a key component of classroom management.

Unsurprisingly, apps that collect data and claim to identify children that may need additional support have emerged to meet this demand. Examples include Gaggle and Gnosis IQ.

School and classroom administration

Administrative duties, such as staff management; general home-school communications/engagement and statutory responsibilities including reporting to DfE, Ofsted etc. are necessary school functions.



During the COVID lockdown, many schools adopted a more hybrid approach to delivering classes. This made it necessary to have a school-wide digital environment for conducting the administrative tasks associated with teaching and school management. Platforms such as Google Classroom and Microsoft Education became more widely adopted.

WHY SHOULD WE INVESTIGATE THE USE OF EDTECH?

RISK OF NEGATIVE IMPACT ON FUTURE PATHWAYS

The potential for education data to be repurposed in ways that can impact children's experience within the education system, as well as their life chances beyond it, is an area of concern.

Education data is any personal data (excluding health-related data) that forms part of an educational record. This is quite a broad definition and it includes most information about current and past pupils that is processed by or on behalf of a school.

The education data collected by EdTech companies via their products (or directly from schools' Management Information Systems (MIS) includes names, gender, age, and sometimes special category (or sensitive personal) data such as ethnicity and biometric data.

All of this education data, once generated, has the potential to become part of the existing public data ecosystem and consequently, more widely accessible.

The following case studies illustrate how children's data has changed from being a resource to support children's learning, to a resource available for private sector organisations to generate revenue.

CASE STUDY: THE NATIONAL PUPILS DATABASE

In 2012, then-Secretary of State for Education, Michael Gove, **opened the door to more organisations accessing the National Pupil Database (NPD),** which contains the education data of individuals aged between 2 and 21 who are in state funded education and higher education. This represented a repurposing of an extensive education dataset for which access was originally only to be granted for "research into educational achievement".

In expanding access and use of the database, Gove expressed the hope that doing so might "help stimulate the market for innovative tools and services which present anonymised versions of the data."



CASE STUDY:
THE LEARNERS' RECORD SERVICE

In 2020, a large scale data breach allowed gambling companies to gain indirect access (via a data brokerage company) to personal data of another one of the DfE's large curated datasets – the Learner Record Service (LRS)[3]. The DfE discovered it had to revoke the access of 2,600 inappropriate organisations that it had previously granted access to.

In light of this data breach, the regulator for information rights – the Information Commissioner's Office (ICO) – did not fine DfE, but instead issued a formal reprimand. The directors of Trustopia, the offending data brokerage company, avoided any regulatory action by simply dissolving their operation. That such a serious breach of the law resulted in inconsequential or non-existent penalties is an example of what a culture of low data protection enforcement looks like in practice.

The gambling companies used the data to verify the age of potential customers. Access to the learners' record, and indeed many other high-quality curated datasets consisting of sensitive and personal data about young people, is commercially useful to businesses, as this demographic tend not to have as extensive digital footprints as older adults. It doesn't take a huge leap of imagination to see the commercial benefits that could accrue to EdTech companies that might choose to operate a "data brokerage" side business.

In the USA, where the take up and use of EdTech is more advanced than in the UK, numerous stories have emerged regarding the commodification of education data; racial biases being embedded and thus systematised. There have also been reported instances of young people being directly targeted with advertisements.

3. The Learner Records Service contains personal details and qualification achievements of individual children over 14 years old.

CASE STUDY: POWERSCHOOL

In May 2024, a US lawsuit was filed against the large EdTech company, PowerSchool for its **alleged sale of student data** without consent.

The lawsuit highlights the risks of the scale and granularity of Powershool's maximalist data collection practice, including the risk of identity-resolution data brokers re-identifying the students (from anonymised data) and then reselling that data to interested parties. According to those bringing the suit, Powerschool, which was acquired by private equity firm Bain Capital for $5.6 billion, states that it 'may' collect "student behavior data" and information about children's "physical and mental disabilities."

Regardless of the merits of the lawsuit, the fact that Powerschool was acquired for billions of dollars highlights the fact that, as with Trustopia, there is a recognition of the commercial value in harvesting and exploiting this type of data.



Beside data breach risks, once education data is collected it can be used to develop a profile of a child for use within an education setting and even, potentially, being repurposed for other uses - either legally or illegally.

Organisations that collect and use personal or special category data can change the terms of use of that data (as demonstrated by DfE in 2012).

Limited transparency about how data collected about Black and Black heritage children might be reused, coupled with a low-enforcement (data protection) culture, introduce the possibility that this data could be used to adversely affect children's future pathways.

RISK OF DISPROPORTIONATE HARM TO ALREADY MARGINALISED CHILDREN



There is a long history of disproportionately negative educational and school experiences for Black and Black heritage pupils in the UK.

For decades, Black and Black heritage (BBH) students have had some of the highest[4] permanent exclusion rates, in England (Ethnicity Facts and Figures, 2024). Similarly, BBH children generally suffer lower than average educational attainment in GCSEs. This pattern is repeated across other performance measures.

The historical (and contemporary) assumptions and practices behind these statistics shape expectations and outcomes for BBH children and are captured in educational data and curated datasets.

If these datasets are used in the development of EdTech, there is a danger that existing inequalities are exacerbated and further systematised.

The 2020 A-level exam fiasco — which disproportionately impacted poorer children and left home-schooled students with no grades, gave us a glimpse into a world in which data-centric, model-based decision-making can further lock in pre-existing socio-economic inequalities.

One of the real life consequences was that university places were lost or deferred – future pathways negatively impacted. The only sliver of a silver lining in the awful situation was that because a quasi-government body made the bad policy decision that enabled it, those affected could demand transparency and some degree of accountability.

There were levers that advocates could pull to seek redress. If EdTech companies incorporate this type of decision-making into their products, its workings and impact will be mostly hidden because private companies are not subject to the same level of scrutiny.

4. Gypsy/Roma and Irish travellers suffer lower GCSE scores Ethnicity Facts and Figures, 2024.

LACK OF EVIDENCE-BASED EDUCATIONAL BENEFITS

While there are many claims from the EdTech industry and its supporters about how EdTech can improve children's learning, lighten teachers' workloads or increase their effectiveness, very few easy-to-understand, publicly available independent evaluations that validate these claims exist.

We were also concerned with the lack of robust evidence to support the purported benefits that EdTech delivers to teachers, children, parents/guardians and other stakeholders.

IMPACT OF DIGITAL POVERTY AND EXCLUSION

Concerns were raised by stakeholders regarding familial access to IT and the internet at home. Digital Poverty Alliance defines digital poverty as "the inability to interact with the online world fully, when, where, and how an individual needs to[5]."

Even if concerns about these applications' efficacy and data protection compliance are unfounded, concerns about the effect that economic marginalisation could have on children's ability to benefit from them remain.

This latter concern is grounded in the understanding that Black people are disproportionately economically deprived. According to the government's 2024 Ethnicity Facts and Figures dataset, Black households are the third lowest income group and with digital poverty related to income poverty.

5. Dr Kira Allmann, UK Digital Poverty Evidence Review 2022, for the Digital Poverty Alliance Community Accessed at: https://digitalpovertyalliance.org/wp-content/uploads/2022/06/UK-Digital-Poverty-Evidence-Review-2022-v1.0-compressed.pdf

WHY ADOPT A COMMUNITY-LED APPROACH TO RESEARCH?



"All flourishing is mutual"
- Robin Wall Kimmerer

A community-led approach was adopted for this research in order for the work to have a meaningful, long-term impact on the community it seeks to support.

A lot of attention is paid to data gathering and analysis, but **research begins with deciding what questions need to be answered**, and depends on a particular framing of a topic or issue. This is not a neutral task, because it's informed by the experience and priorities of whoever is setting the agenda.

DTBC's work always seeks to **facilitate collective awareness,** exploration and action. This investigation required active, **direct involvement from members of BBH communities.** This seemed the most effective way to ensure that the project was asking questions that people from these communities actually wanted answers to. Direct involvement in relevant research also **imbues communities with a sense of ownership over the findings and any follow-up action that needs to be undertaken.**

When research serves those whose experiences and insights are structurally ignored, the insights we glean facilitate **better conversations, more nuanced negotiations and constructive action.** This often benefits all of society. This is the so-called curb-cut effect.

While our particular interest in EdTech's impact on BBH children informed our project scope and methodology, **our findings and analyses are transferable to children of all ethnicities based in a wide-range of education settings.** Our methodology and recommendations can be applied by, and built upon, by groups seeking to centre the needs, interests, and concerns of other marginalised groups.

As more of us seek to understand, question, challenge, and demand accountability around the use of data-centric technologies, we all benefit.

METHODOLOGY

The methodology we adopted for this project was informed by the project scope, shape of the team, and the time available. The data collection and analysis period took place between December 2023- July 2024. In this section, we share some of the details of that approach and our rationale.

THE DECISION TO FOCUS ON EDTECH IN BIRMINGHAM

The concerns and priorities that emerged from the 2021 education roundtable discussion provided us with a high-level project scope. It was important to us that we adopted a holistic view of the ways in which Black and Black heritage (BBH) children might be impacted by EdTech. To that end, we sought feedback from our network as well as stakeholders based in Birmingham.

We gleaned deeper insights into what parents, guardians, teachers, activists, academics, researchers, and members of grassroot organisations thought about EdTech. We also undertook a review of relevant news articles, academic papers, and reports, which informed our approach to delivering this project.

Our priority was to understand the attitudes and decision-making processes of BBH children's caregivers - those responsible for protecting children's personal information and with the power to make decisions around children's use of EdTech. Consequently, our research was focused on the people most in contact with a child: parents and guardians; teachers and school staff; and community groups.

Community researchers sought these stakeholders' opinions via interviews, questionnaires and focus groups. For stakeholders with institutional power (schools and local authorities) we focused on secondary sources, on their public statements, and published data.







IDENTIFYING THE LOCATIONS AND SCHOOLS FOR RESEARCH

We sought out datasets and literature that were relevant to our research objectives. For example, when deciding to locate the project in Birmingham, it was important that we focused on areas where Black and Black heritage (BBH) children would be. We also prioritised under-resourced areas because people living in these places were more likely to have some experience of digital poverty.

We collated data from the 2021 Census, Indices of Multiple Deprivation (IMD) and School Census datasets to develop our understanding of Birmingham's demographics. Not only is it England's second largest city, with an ethnically diverse population – 5.5%[6] of its population identify as Black or as being of Black heritage (mixed White and Black African/ Black Caribbean), it also has significant pockets of deprivation. Given the evidence that digital poverty is associated with other measures of economic deprivation,[7] [8] insights from these datasets were used to inform our school selection process.

As of the 2022/23 school year, Birmingham had 383 open/active state schools[9] – 293 primary and 90 secondary – with a total pupil population of 198,446 of which 33,355 were Black or of Black heritage. Cross-referencing relevant data from the 2020 IMD datasets and the School Census dataset, the data analysts were able to identify wards with the highest concentrations of BBH people and identify schools with sizable proportions of BBH children (although in both cases these children were often an ethnic minority within these schools).

We focused on the 30 (out of Birmingham's 68) wards with the highest incidence of BBH people. Almost 70% of Birmingham's total BBH population and approximately 67% of BBH pupils live and attend one of the 207 schools in these wards. We selected 90 schools – 66 primary and 24 secondary – within our focus area. These schools ranked most highly for :

1. proportion of BBH pupils,
2. level of deprivation based on the Indices of Multiple Deprivation (IMD) published in 2019.

6. 2021 Census profile for Birmingham

7. Page 8 of Barrantas, R (2008) Digital poverty: An analytical framework, "These characteristics combine to create a picture of digital poverty as dependent on the generalized poverty of the household in which the individual lives. When viewed this way, digital poverty would simply be another dimension of economic poverty"

8. WPI Economics for Trussell Trust and Good Things Foundation (2024) Exploring the relationship between deep poverty and digital exclusion in the UK

9. The number of schools in Birmingham can differ depending on the data source used. We used data from the school census.

UNDERSTANDING THE VIEWS OF STAKEHOLDERS

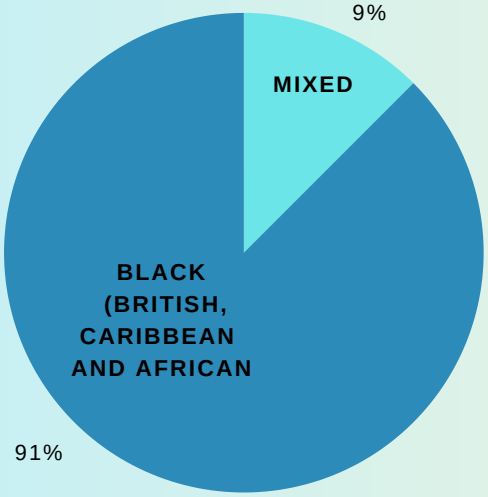
We directly canvassed the opinions of parents/ guardians; teaching and school staff; and wider BBH community members.

The Community Researchers (CRs) conducted 28 interviews, one focus group and collected 67 completed questionnaires. In total, we directly solicited the views of 99 people. During this project we held two community events, the first to explain and engage BBH communities with the project (see blog post) and the second to share our preliminary findings. We reached 69 BBH adults through these events. This excludes discussions and community sessions held by community organisers to engage interested stakeholders. In total, we directly solicited the views of 99 people; 73% were Black, 9% mixed, with the 80% majority being women and 15% men.

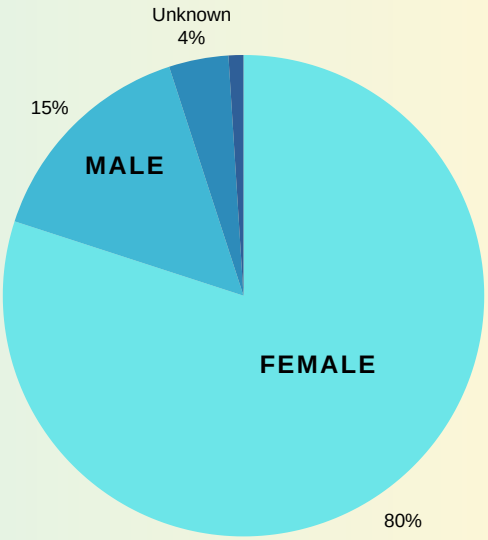
PEOPLE WHO PARTICIPATED IN INTERVIEWS AND A FOCUS GROUP

We conducted face to face and virtual interviews with parents/guardians (n=15), school staff (n=9) and community stakeholders (n=8)

ETHNICITY OF THE 32 PEOPLE WHO PARTICIPATED IN THE RESEARCH



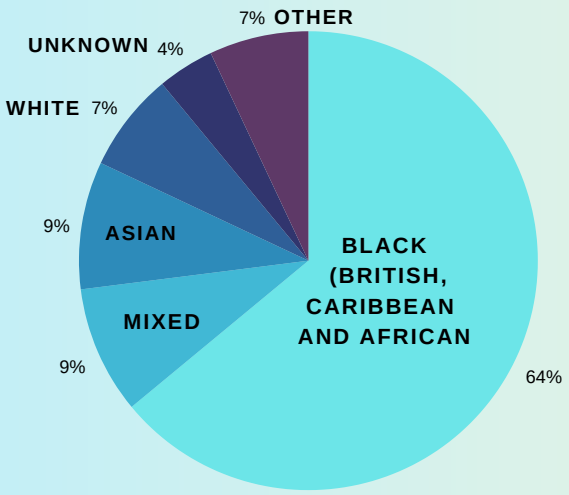
GENDERS OF THE 99 PEOPLE WHO PARTICIPATED IN THE RESEARCH



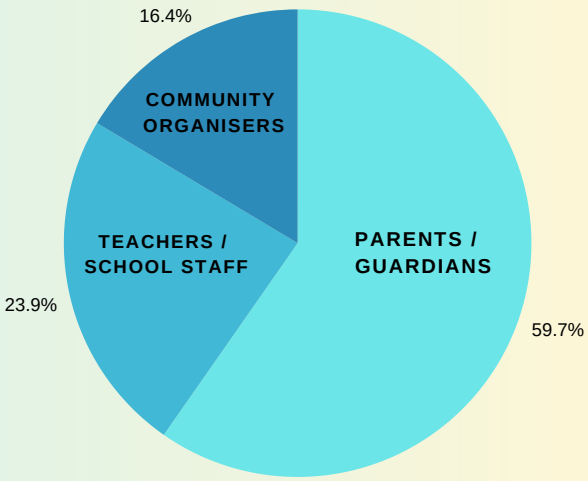
QUESTIONNAIRE RESPONSES

Via Google forms and paper-based questionnaires, we surveyed parents/guardians (n=40); school staff (n=16) in one primary school; and community stakeholders (n=11)

ETHNICITY OF THE 67 PEOPLE WHO RESPONDED TO QUESTIONNAIRES



PERCENTAGE OF THE 67 PEOPLE WHO RESPONDED TO QUESTIONNAIRES



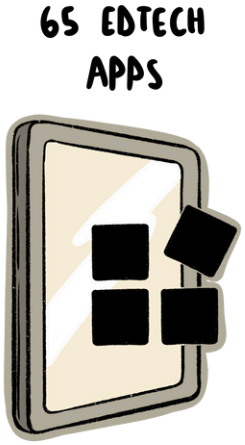


COLLATING INFORMATION ABOUT EDTECH APPLICATIONS AND PLATFORMS USED IN BIRMINGHAM SCHOOLS

The CRs and the data analysis team searched the websites of 90 schools for mention of EdTech applications and platforms. This had to be completed manually because schools do not publish this information in a standardised way or consistently declare it in their privacy notices. **Sixty-five unique EdTech applications were identified.**



The data analysts also reviewed Birmingham City Council's multi-year dataset for centrally procured EdTech platforms used in maintained schools. The curated list was then enriched with provider details and product privacy notices.



COLLATING INFORMATION ABOUT SCHOOLS' EQUALITY CONSIDERATIONS IN RELATION TO EDTECH

Lastly, the CRs looked up the schools' equalities objectives policies – both maintained and academy trust schools have a statutory requirement to publish this content. They reviewed these policies for reference to EdTech applications and platforms. They also reviewed schools' summary assessments on their performance against their equalities objectives.





FRAMEWORK FOR DATA ANALYSIS

Privacy notices are the main way that organisations and public sector bodies that handle personal data fulfil the Data Protection Act obligation to inform people of how their personal data is used.

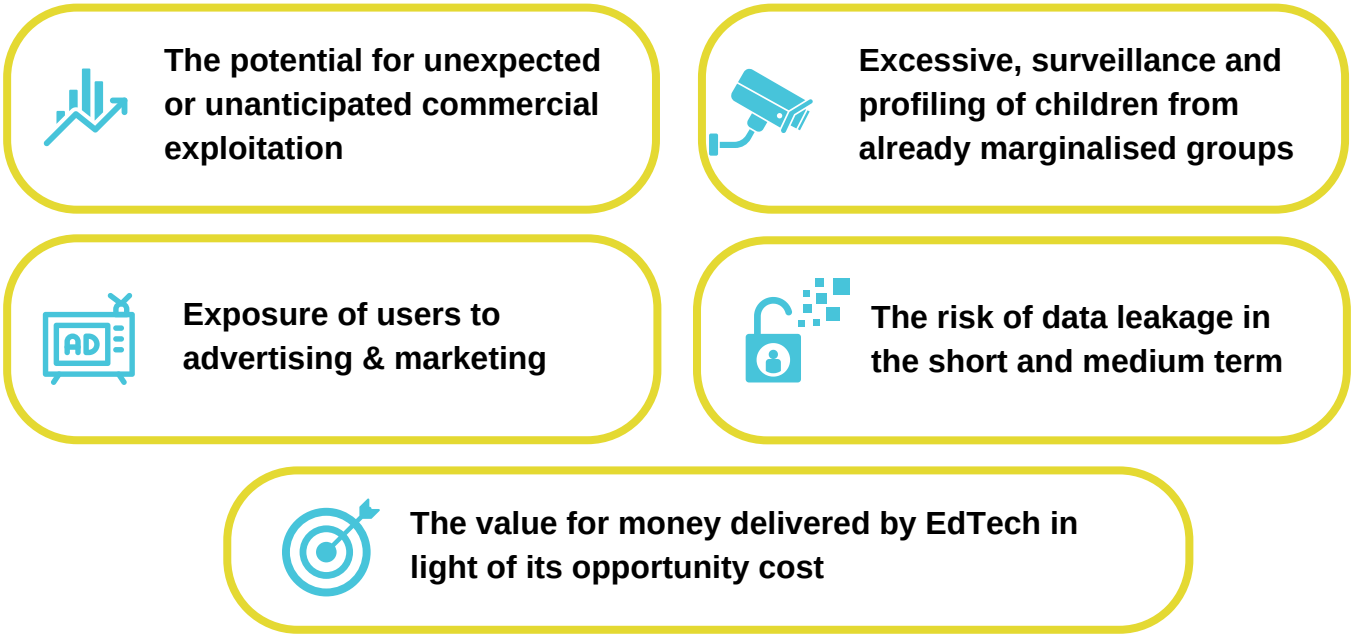
If a parent/guardian were to search for information about the EdTech their child may use, the privacy notice would likely be both the most accessible and informative.

Therefore, we reviewed the privacy notices of the EdTech applications that we discovered, as our primary basis for assessing how these applications and platforms use children's data. Each tool was assessed using the framework described in this section. We are hoping to publish the assessments for each tool reviewed in the near future.

The following is what we sought to understand from each EdTech application:

- the personal data these applications and platforms collect;
- what the stated uses of the personal data were; and
- the potential impact of these data collection practices across five areas (which reflected our concerns):

FIVE AREAS OF CONCERN
The basis of our framework for assessing the EdTech applications



HOW WE ASSESSED THE EDTECH APPLICATIONS THAT WE DISCOVERED

Our framework for assessing the EdTech applications was based on the five areas of concern enumerated above. We landed upon these five areas following a literature review. Organisations like the **Digital Futures Commission** and **Defend Digital Me** played a key role in highlighting data governance issues in the UK Edtech industry as well as GDPR compliance concerns.

Following an assessment of each of the EdTech applications we encountered, we classified them as either presenting cause for concern or not, in each of the five framework categories. The aggregate assessments are presented as a graph in the next chapter.



We deemed applications and platforms as presenting cause for concern if we found specific issues or whenever there was too little information provided for us to be able to rule out our concerns.

At the more granular level of our assessments, we classified the risk/concern associated with applications that fell into this latter group as “unsure”.

Only applications that were definitive about their low risk data governance approach (in relation to our framework criteria) were deemed as presenting no cause for concern.





THE POTENTIAL FOR UNEXPECTED OR UNANTICIPATED COMMERCIAL EXPLOITATION

Our position is that without transparent and explicit explanation, it's difficult to grasp quite how tech companies commercially exploit data for financial gain.

We wanted to explore:

- where commercial exploitation was taking place, and whether this was being explained to staff and parents
- if an application's terms of service allowed for the possibility of such exploitation, at present or in the future.

Most parents and guardians understand EdTech providers' commercial interest as comprising the delivery of services in exchange for monetary compensation. Consequently, they might expect that education data will be used to support delivery of this core service.

In our evaluation of products' potential for commercial exploitation of education data, we focused on understanding data collection and handling practices that could enable uses beyond such core services.

EDTECH SUPPLIERS AND LEGAL RESPONSIBILITIES AGAINST UNDUE COMMERCIAL EXPLOITATION

A critical factor for consideration when examining the kind of potential commercial exploitation we've highlighted, is this:

Does the EdTech supplier have the legal basis, under GDPR and the Data Protection Act, to lawfully utilise childrens' data in the ways they do?

In particular, we explored whether the EdTech supplier stated that they were a **(joint) data controller** i.e. they have control about the purpose and means of personal/sensitive data processing, so can decide what personal/ sensitive data is collected and how it can be used; or a **data processor** i.e. they process personal/sensitive data on behalf of another organisation (in this case, the school) and do not have overall responsibility/control over the data.

With great(er) power comes great(er) responsibility.

The ICO notes that controllers are:

> *"responsible for complying with the UK GDPR – you must be able to demonstrate compliance with the data protection principles, and take appropriate technical and organisational measures to ensure your processing is carried out in line with the UK GDPR. If you are a processor, you have more limited compliance responsibilities."*

These reduced compliance responsibilities might be one of the reasons that so many EdTech suppliers self-designate as "data processors" on the basis that their work is covered under schools' "public task" legal basis.

However, the ICO made clear that this can't be assumed as a matter of course:

> *"Where you act as a controller and process information for your own purposes beyond the instructions of a school, the "public task" lawful basis (set out in Article 6(1)(e) UK GDPR) is unlikely to be an appropriate lawful basis for edtech providers."*

More specifically to EdTech providers, data controllers that are deemed "Information Society Services" (ISSs) are required to adhere to the Age Appropriate Design Code (also known as the Children's Code).

This code refers to 15 standards that online services need to follow that ensure they are complying with their obligations under data protection law to protect children's data online.

While there was initially some confusion about whether or not the code applied to EdTech providers, the ICO clarified that this was indeed the case:

> *"The code also applies to edtech services provided to children through a school, where the edtech provider influences the nature and purpose of the processing of children's personal information. Though schools themselves do not constitute ISS, an edtech service used within a school environment may still meet the criteria for an ISS (and you may be required to comply with the code)."*

That's why, when assessing the potential for unforeseen commercial exploitation of education data by EdTech suppliers, we considered eight questions.

ASSESSING THE POTENTIAL COMMERCIAL EXPLOITATION OF EDUCATION DATA BY EDTECH SUPPLIERS

1 Is the personal data being collected **reasonable, given the core purpose** of the application/platform?

2 Is the retention policy explicit about the **length of time** that the education data will be held for? Does that time frame seem reasonable when compared with those of other EdTech companies?

i.e. Does the organisation hold on to the data for a long time or after a child leaves school?

3 Are there **contradictions** in the EdTech supplier's **designation as a data processor?**

i.e. does the nature of its processing and behaviours suggest it is more like a data controller?

4 Does an EdTech supplier's description of its **data handling** align with the **data controller role**, without voluntarily adhering to the **Age Appropriate Design Code (AADC)?**

In considering the latter point, we drew on the ICO's guidance on EdTech suppliers and the children's code.

5 Does the supplier offer "additional services" beyond its core service for which it collects personal and or sensitive data?

If so, under what lawful basis does it collect this data and is that basis reasonable?

6 Is the EdTech supplier's **privacy statement** unclear?*

7 Does the supplier offer services that could enable or facilitate **end-user profiling?**

We were especially concerned about the impact this could have on children that are already marginalised e.g. children of colour, children with disabilities and children from socioeconomically disadvantaged backgrounds.

8 Does the supplier mention that they **reserve the right to repurpose** personal data they've collected?

If the answer to any of these questions was **yes**, then we deemed the application as presenting a **high risk** for unexpected commercial exploitation of education data. If this wasn't the case we deemed them as **low risk** for this area of concern. If there was too little information or the available information was unclear, we gave them the classification of **"unsure".**

**For example:*

a. *Does the privacy notice clearly state what personal data it collects and how the organisation handles it?*
b. *Is the privacy notice clear about how data subjects can exercise their rights (especially when the supplier's behaviour is that of a data controller, regardless of their preferred designation)?*
c. *Is all relevant information located in one place, and can it be found without needing to follow multiple links to other documents?*
d. *Do suppliers provide differentiated privacy statements for each of their EdTech applications rather than using a single one for multiple products?*

THE RISK OF DATA LEAKAGE IN THE SHORT AND MEDIUM TERM



We assume data breaches can happen at any time, which is why the GDPR principles of data minimisation and limiting data storage duration are crucial.

When it came to assessing the short- and medium-term risk of data leakage, we had three criteria:

- Does the application collect a lot of personal data and or sensitive data?
- Does the privacy notice include a specific time period during which the data will be retained and if so, how long for?
- Has the organisation reported itself to the ICO because of a data breach?

If any of these criteria were met, we deemed the application as having the potential to present a short- or medium-term risk of data leakage.

EXPOSURE OF USERS TO ADVERTISING & MARKETING



In assessing the risk of children being exposed to direct and indirect advertising, we reviewed privacy notices for statements regarding the placement of third-party advertising cookies which support the showing of adverts on those sites.

We also reviewed the privacy notices for statements regarding any direct surfacing of adverts within the application or platform.

If either criteria was met then we deemed the application as presenting a risk of exposing children to direct and or indirect advertising.

EXCESSIVE, SURVEILLANCE AND PROFILING OF CHILDREN FROM ALREADY MARGINALISED GROUPS



In England, some children are already disproportionately at risk of exclusion in schools. Disproportionate surveillance is often a hallmark of these children's experience of their educational environment.

They are more likely to:

- be Black and Black Heritage children
- be of Gypsy/ Roma and travellers of Irish heritage
- have Special Educational Needs (SEN) or disabilities
- come from low-income families and or experience multiple forms of deprivation

The introduction of digitisation and data-centric technologies in school settings has also increased the potential for greater surveillance.

The likelihood that the products of this surveillance will have a longer lifespan, reach more people, and have a greater impact, is also greater. All of which increase the risk of BBH (and other marginalised) children being profiled in education settings and beyond.

GDPR defines profiling thus:

> **"***...any form of automated processing of personal data consisting of the use of personal data to evaluate certain aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour location or movements."*

The more personal data collected, the greater the potential for profiling, both now and in the future.

This is why we focused on the collection of sensitive personal data that could facilitate further surveillance of children in marginalised groups.

We reviewed privacy notices for mentions of sensitive personal data being collected or data from which more sensitive information about children could be inferred.

We considered such applications as presenting a risk of facilitating excessive surveillance of children with protected characteristics.

THE VALUE FOR MONEY DELIVERED BY EDTECH IN LIGHT OF ITS OPPORTUNITY COST

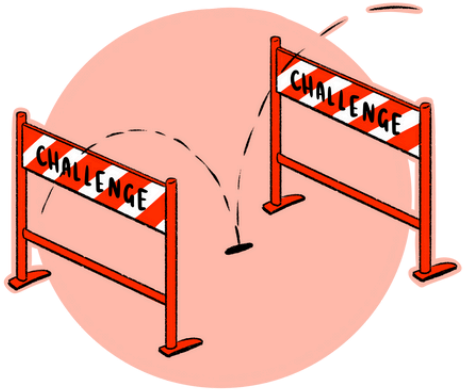
Lastly, we were concerned about the opportunity cost, the loss of better options when schools decide to use EdTech to support educational activities rather than invest in more conventional, better studied interventions with a stronger evidentiary basis.

We examined the applications' websites for statements about their efficacy along with supporting evidence. We were particularly interested in references to independently verified evidence.

We also reviewed the privacy notices for any statements about performance analysis based on user data.



CHALLENGES WE ENCOUNTERED AND LIMITS TO OUR METHODOLOGY



There were limits to the data we were able to collect, nor could we explore all the areas of interest that we had hoped to cover in our initial project scope.

Primary and secondary school children were the main subjects of this investigation and it would have been ideal to canvass their opinion on EdTech. Unfortunately, putting in place the necessary safeguards to do this wasn't feasible given the available time and resources, so we immediately ruled out direct engagement with children. Below is a list of other limitations to the methodology we used in this study.

Use of school websites to identify all EdTech services that process personal data.

In DfE guidance on managing data protection in schools, the department suggests that in most scenarios in which personal data is collected within a school, the school is in the data controller role. Schools should, in their role as a data controllers, inform data subjects about all the organisations they have commissioned as data processors or they are joint data controllers with, via a Record of processing activity (ROPA). However, it does not seem to be routine practice for this information to be published on schools' websites.

Our manual review of school websites was the principal way we gathered information about EdTech applications and platforms used in schools (we also collected some tools when mentioned in interviews and surveys).

The only way to ensure that the list of EdTech applications and platforms that we curated is definitive would be to seek confirmation from each of the ninety schools we reviewed. However, we did not have the capacity to do this during the course of the project.

Use of privacy notices to assess processing of personal data by EdTech suppliers.

Our assessment focused on the privacy notices of the applications and platforms we discovered, however this assessment did not include a review of any of the EdTech providers' processing in practice. In other words, our review is only an assessment of what providers *say* they do, not what they *actually* do.

Limited capacity to assess each EdTech supplier against AADC .

While adherence to the AADC is a factor of consideration in our assessment framework, we did not assess the applications and platforms against each of the 15 standards within the code.

Limited time and capacity to engage teaching unions.

While we did successfully contact some teaching unions, we simply did not have the bandwidth to sufficiently explore unions' attitudes to uses of EdTech that result in teachers' data being collected and processed or that might be used as part of a performance assessment exercise.



Prostock-studio



Gettyimages

Limited capacity to assess school governance over personal data collected by EdTech suppliers.

Data collection and processing happens in context i.e. data controllers or in some cases, joint data controllers set the context in which data is processed.

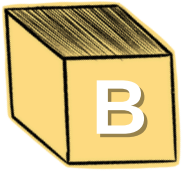
However, we did not have the capacity to engage all the senior leadership teams (SLTs) of the ninety schools included in our investigation to understand their data governance practices and quality assessments with EdTech suppliers.

FINDINGS

In this section we present the key themes and findings which emerged from:



Engagement with 'data stewards' and other stakeholders in a child's life
i.e. parents/guardians; school staff and representatives from community grassroot organisations (99 people in total)



Analysis of the EdTech apps
(65 unique apps in total)



Review of schools' assessment of the equalities implications of EdTech



The potential effect of digital poverty and EdTech



Engagement with 'data stewards' and other stakeholders in a child's life

Understanding stakeholders' thinking and experience of EdTech applications and platforms in a school setting.

The analyst team and community researchers surfaced **five key themes** which were found across this element of the project:

01. **Understanding of EdTech and its data governance implications** cannot be assumed and requires explanation and discussion.

02. **Articulating concerns** about EdTech can be difficult

03. **Navigating and advocating** for children's data protection can be challenging

04. **Trust in schools** and the unsubstantiated "halo effect"

05. **Informed consent** is tricky when it comes to the use of EdTech in schools

01. **Understanding of EdTech and its data governance implications** cannot be assumed and requires explanation and discussion.

During our outreach events, which were well attended by parents, guardians, and community members, we found that many were unfamiliar with EdTech.

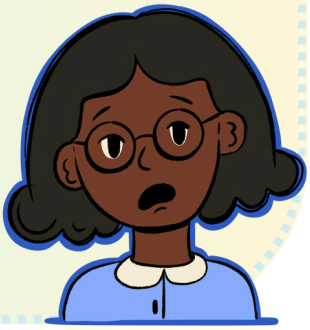
Meaningful conversations were only possible after we explained the term, cited examples of how they are used in schools, and discussed their use in the context of data governance.

Once the term and examples were explained, some parents and community organisers quickly connected the excessive collection of personal, sensitive, and biometric data to historically immoderate surveillance of Black communities.

For example, when provided with the example of biometric data being collected in secondary schools in the UK for use as ID for students to access lunch, the quote below expressed a sentiment that was common among respondents:

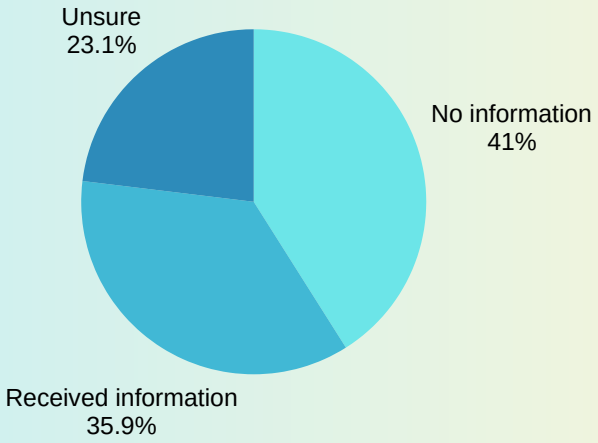
“Before… fingerprints would only be taken if you were a criminal. And now… I don’t even know how people have freely given up their information like that … Forever. People used to be very reluctant to give them… if you did get arrested or had a caution… your fingerprints might be stored in a physical file…, but this is digital so it’s going to be on there forever. Giving up our security and our privacy..”

– PARENT



Despite these concerns, of the 39 parents who responded, only about half (n=21) were aware that EdTech was being used in their children’s schools, and only 36% of parents (n=14) said they had received information from the children’s schools about the use of EdTech.

PARENTS THAT RECEIVED INFORMATION ABOUT EDTECH USE IN THEIR CHILD’S SCHOOL E.G PURPOSE AND DATA PROTECTION

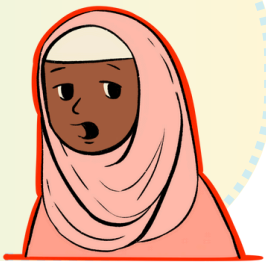


For parents with English as a second language, understanding their children's engagement with EdTech was even more challenging. From interviews and the focus group, we found that many of these parents were unaware of EdTech products or that their children were engaging with them. They often rely on their children or other relatives to interpret written communication from the school.

This creates a barrier to effective engagement with the school and limits their ability to advocate for effective stewardship of their children’s data.

“I remember my son bringing home a letter and trying to explain something to me about this, but I didn’t understand much. I just believed him because what else can I do? There are many parents like me but still they don’t write letters in Somali for us to understand”

– PARENT

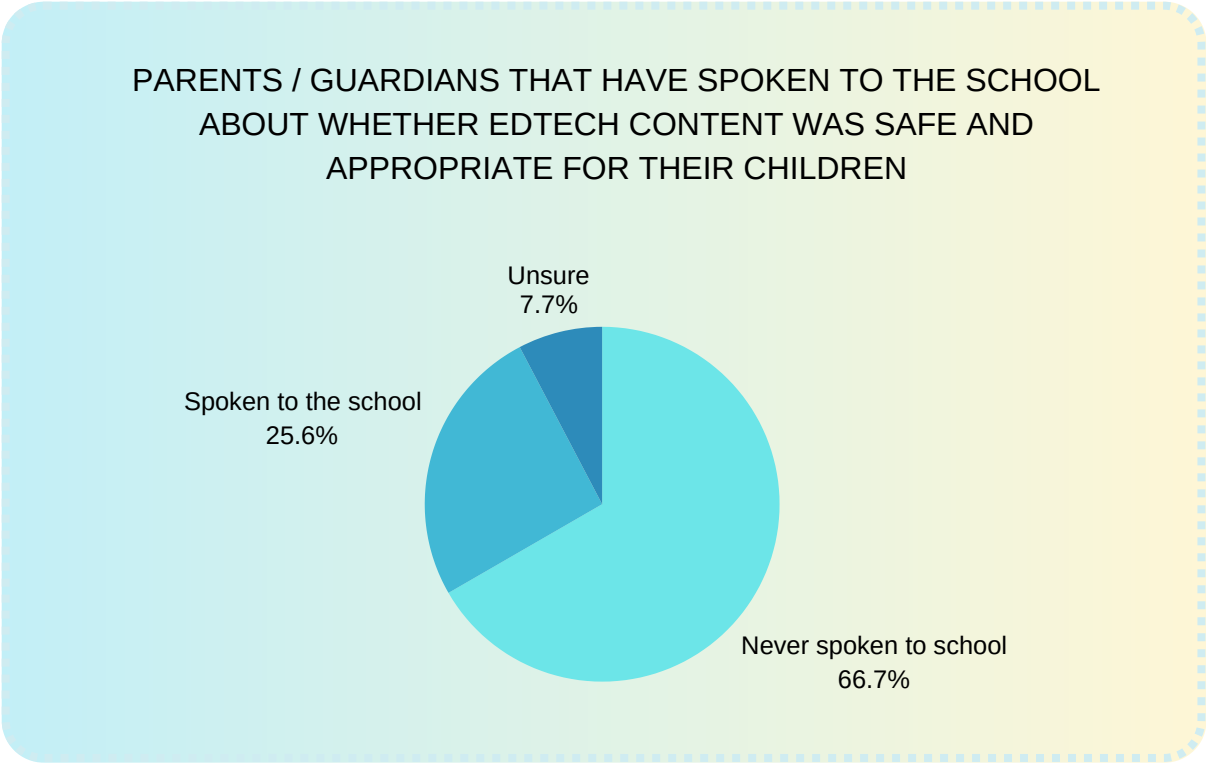


02. **Articulating concerns** about EdTech can be difficult

Our analysis of responses from parents, guardians and community members in interviews, questionnaires and focus groups highlighted how important they considered the protection of their children’s education data to be.

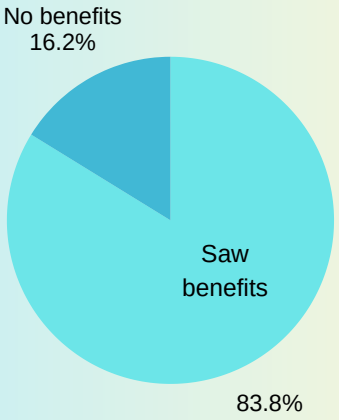
Even those with a generally positive perception of EdTech had questions and sometimes concerns about the collection and use of their children’s data.

Despite this, we found through questionnaires that many parents/guardians and others with a stake in children's lives, found it difficult to interrogate and articulate their concerns in relation to EdTech use in their children’s school.



Most parents/guardians (26 out of 39) had never spoken to the school about whether EdTech content was safe and appropriate for their children.

PARENTS / GUARDIANS THAT IDENTIFY SOME POSITIVE BENEFITS OF THEIR CHILDREN USING EDTECH

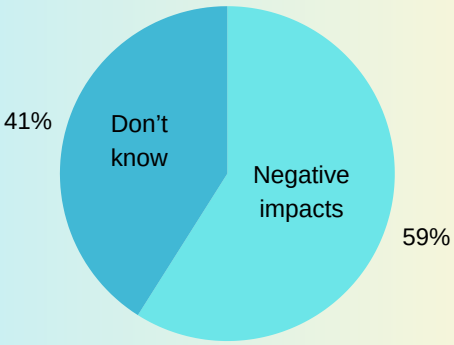


Overall, most parents/guardians could identify some positive benefits of their children using EdTech.

Given a multiple choice questionnaire, 31 out of 37 saw a positive benefit, 6 didn't know and 3 didn’t respond to the question.

21 considered EdTech to have increased the ability of children to work independently; 18 observed their children had an improvement in learner progress and increased digital skills development. Twenty-one parent/guardians felt it helped them to have a clearer understanding of homework expectations.

NEGATIVE IMPACTS THAT PARENTS / GUARDIANS OBSERVED FROM THE USE OF EDTECH



But when asked if there were any negative impacts observed from the use of EdTech, the most common response from parents who completed the questionnaire was that they didn’t know (n=16, 41%).

This was followed by concerns about increased inequality between children from low-income families compared to high-income families (n=13, 33%).

Through interviews, more concerns were raised around about how the data would be used and where it could end up.



“[Children’s data could] go into the wrong hands. They could be targeted for anything, like molestation, drugs … something that could take them on the wrong path.”

– COMMUNITY ORGANISER

CASE STUDY: PAEDOPHILE RAN TEACHING WEBSITE

During one of the interviews a teaching assistant made reference to a 2010 investigation about a convicted paedophile who owned a popular teaching and parenting resource website.

The investigation followed concerns that the website had areas of interactivity with children, with an active blog and pictures of children being published. The site was later blocked from schools in parts of England.

While the DTBC analyst team considers the risk of children’s information falling into the hands of paedophiles as extremely small, the reference to this story speaks to very real concerns about who has access to children’s data and whether existing governance practice can keep it safe.

Overall, the difficulty in articulating concerns is expected, as there has been low media coverage of the growing collection and use of children's data, aside from examples like gambling companies and facial recognition.

Stories about the potential harms often get little attention, as the victims and harms are hard to identify, especially when the damage occurs in private companies and takes years to surface—such as when data is accessed by future employers or educational institutions after the child leaves school.

From our research, we found that there are other reasons for the challenge to articulate harms:

- Being unfamiliar with how digital and data-centric technologies work;
- Social barriers such as language gaps;
- Structural barriers - capacity and time of parents/guardians to provide unpaid labour to engage in the questioning of EdTech when it has been introduced by trusted entities i.e schools (more on this to come); and overwhelmed or under-equipped school staff, from Data Protection Officers (DPOs) to teachers;
- lack of training and support to engage parents/guardians; teachers and school staff; community members to critically engage with EdTech.

These barriers make it difficult to assess the challenges and harms of EdTech, as well as its marketed benefits.

“It's not specific tools but rather the digitalisation of schooling and my general thoughts and feelings around my child being 'watched’ "

– PARENT



03. **Navigating and advocating** for children’s data protection can be challenging

We asked participants whether they felt able to exercise their rights and make use of legislative protections of this country to get the information they needed to determine whether EdTech tools were supporting their children to learn.

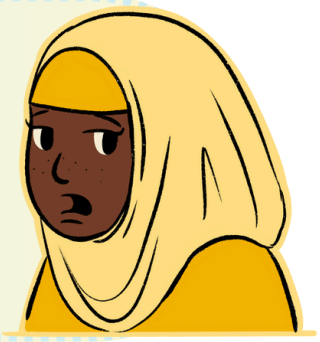
PARENTS/GUARDIANS

Out of the 40 parents that responded to our questionnaire, almost half of them (n=17) reported that they knew laws and policies to protect children’s data use, with half of these parents (n=9) able to recall law and policies like GDPR and Data Protection Act.

Most of the parents (n=26) did not feel able, or were uncertain about how, to exercise those rights.

“First generation we were the tester kids and never really got taught our rights and stuff. I guess it’s just seen as a privilege that we’re allowed to be here and shouldn’t question too much, but that’s not right to be honest. I’m an adult now; I should learn these things innit?”

– PARENT





“This conversation has brought a lot of things into question for me. I think it would serve all parents well to get up to date on this stuff and tech data legal rights in general. If we don’t fully know our rights and who the Edtech companies are then we are not really in a position to use whatever legal rights we do have.”

– PARENT

COMMUNITY ORGANISERS AND ORGANISATIONS

There was low awareness of existing legal protections amongst community organisers.

Of the 11 respondents that came from community organisers and organisations, over half (n=6) did not know, or were unsure of, which laws and policies were in place to protect children’s data, with just one person responding ‘yes’ to whether they felt able to use the rights and legal obligations available in this country to check whether new and existing Edtech tools are supporting Black/ Black heritage children to have equal opportunities to benefit from EdTech.

Despite this low awareness of existing legal protections, two respondents disclosed that they had worked with parents/guardians to raise questions or concerns about the use of Edtech, and how the use of personal information about children had been used. Both raised a concern about how the data collected would be used.



TEACHERS

Out of the 16 teachers and school staff members that responded to the questionnaire, half of them (n=8) stated that they were required to use EdTech, and of those only 3 members of staff were certain that they had received any training about EdTech and the role it plays in inequality and data protection risks.

04. **Trust in schools** and the unsubstantiated “halo effect”

“....My experience is that I always believe the school is a safe place for my child or our children. So, since he went to school, we don't have a problem with this. So, I pray that he will never have a problem with his personal data, But that does not mean I don't need more information….”

– PARENT



In the absence of the latent knowledge and language to effectively articulate concerns, parents and guardians often adopted one of two positions: resignation or assumptive trust.

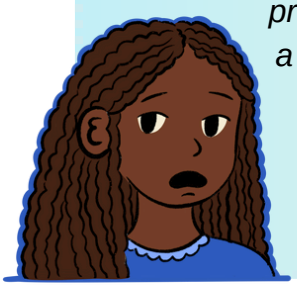
Assumptive trust stems from the "halo effect"—a cognitive bias where a positive impression of certain traits leads to favourable perceptions of others.

More specifically, parents who have had a generally positive experience of the school leadership’s performance in other areas of their child’s school experience may assume that the school’s competence extends to EdTech and data protection as well. Based on the findings we set out in this section and the rest of the report, we believe this is unlikely.

Most school leadership teams aren’t data protection experts and many don’t publish any information on their EdTech selection or validation processes.

Trusting, without substantive evidence, that a robust vetting and selection process is in place and is working as it should, is a tendency that isn’t limited to parents. Nine parents who responded to questionnaires mentioned concerns around specific EdTech tools with regards to the collection and use of childrens’ data, whilst only one teacher responded in the questionnaire that they had the same concern. The majority of the school staff who were not in senior leadership positions adopted similar positions of trusting the data protection processes in place.

In fact, they were even more confident that this was the case. This is concerning because, as per DfE's guidance, all school staff are responsible for ensuring good data protection practice. Their willingness to assume that the practices that facilitate effective data governance and data protection are in place, even if they were uncertain of what these were, limits their ability to adhere to the government’s guidance here.



“I would like to hope that [EdTech apps are] checked before they're approved. But from our training, we're told that there is a rigorous process that each app goes through to make sure that it is the right fit for a basis. But there aren't any tools that have just been abandoned. And I would think that comes off the back of the checks being thorough enough to make sure that the tools are worth their while.”

– TEACHER

05. **Informed consent** is tricky when it comes to the use of EdTech in schools

“At this school, I don’t know what data has been shared [about] my daughter. I know that as parents we are quite cautious of these things. The passwords were given by the school and we logged on using them. Makes you wonder what information the school has shared to set them up. [Named EdTech application] is the main one for homework and the user name is her name [which] is her personal data. At my son's secondary school they collect fingerprints in the canteen for dinner, once I knew this started [I started] sending him with [his own] lunch.”

– PARENT



Sometimes, the context in which parents/guardians’ consent is being sought makes it challenging for such consent to be meaningfully considered ‘informed’.

Consent is often granted within the context of a power imbalance between parents and schools, which can lead parents to go along with a school's decisions in order to maintain harmonious relations, even if they are uncomfortable or would prefer to opt out.

CASE STUDY: SWEDISH DATA PROTECTION AUTHORITY

This power dynamic was recognised by the Swedish Data Protection Authority (DPA) when they fined a school for piloting facial recognition technology.

The school’s legal basis for collecting this sensitive data was informed consent.

However, the Swedish DPA ruled that informed consent was not a valid legal basis due to the power imbalance between the data subject and the data controller.

We also considered the power imbalance when analysing parents’ responses to questions about their interaction with their children's schools on the topic of EdTech. Of the 39 parents who responded to our questionnaire, just under half (n=18) were unsure or unaware of the EdTech tools being used in their children’s schools, and most of the parents either didn’t know or were unsure if the EdTech tools collected personal or sensitive data (n=24).

Despite this, the vast majority of parents (n=32) gave their consent to their children's use of EdTech apps in school.

Two parents reported they had refused consent, but unfortunately didn’t provide their reasons for doing so. However, one parent who hadn’t withheld consent disclosed that they had given consent despite reservations, stating:

“I wasn't very happy about how much my child would be using a screen and whilst I didn't withhold consent, I did discuss ways that effective studying could still be achieved outside of this.”

– PARENT



EXPLAINER

Consent, Data Protection law and human rights for EdTech and wider children's personal data

DATA PROTECTION

Whether a parent or child provides 'consent' in a tick-box exercise to use a tool, the school may decide to proceed with its use.

That's why the adoption of EdTech in educational settings can feel like something that's being done *to* children and families rather than *with* them via an informed process, or democratic, collective community decision-making.

The use of 'consent' can often be unhelpful, as it's not the basis of data protection law most often used when schools process data. The more common bases of a 'public task' and 'legitimate interests' are used instead.

When it comes to data protection law, 'consent' has a specific meaning. It cannot be deemed 'meaningfully' informed if schools do not tell families what products are and how they work before adopting them. Consent cannot be 'freely given' if it cannot be refused, or if doing so accepts a negative impact on a pupil.

Consequently, it is often impossible for schools to obtain lawfully valid consent, as children and legal guardians simply cannot understand what they are consenting to.[10]
(Council of Europe, 2019 pp13-17).

Data protection law is about how data can be lawfully processed, and often means overriding the human right to privacy and expectations of confidentiality. Data protection law sets out the requirements and the safeguards they must have in place to do so lawfully. It requires data processors and controllers to take actions to avoid harms to universal human rights, like discrimination, under Article 14 of the European Convention on Human Rights.

HUMAN RIGHTS

Educational settings should be places that uphold all human rights, and respect the aims and principles in all that they do. This includes data processing. The Universal Declaration of Human Rights sets out the right to education in Article 26, and joins parents rights into the rights of the child – parents have the prior right to choose the education that shall be given to their children.[11]

BALANCING RIGHTS AND DATA PROTECTION

It is yet to be tested in law, as far as we know, how this interplay affects the balance of decision-making in how schools inform parents and children about the use of EdTech.

However, since 'consent' is almost never valid, and therefore rarely asked for data processing purposes, it means that parental or child choices more rarely override school's decisions.

10. Persson, J. (2019) Children's Data Protection in Education Systems: Challenges and Possible Remedies. Council of Europe. https://rm.coe.int/t-pd-2019-06final-eng-report-children/1680a01b47

11. Article 26(3) of the UNDHR https://www.un.org/en/about-us/universal-declaration-of-human-rights



The exception, where a 'consent' process *i*s used, is for the processing of biometric data which is underpinned in UK Law by the **Protection of Freedoms Act 2012.** This says about the processing of a child's biometric data, that the most protective choice is the one that must be upheld. i.e if either the child or either one of a child's parents objects to the processing of biometric data of a pupil, then it must not be processed, even if the other party does not object.

Neither the child's view nor the parent's view is more important. Simply, the one that is the most protective must be upheld, which is the decision to refuse permission to process a child's biometric data.

A school cannot process biometric data without active permission from a child and / or parent. Children have further children's rights set out in various international agreements, such as the UN Convention on the Rights of the Child.

International agreements, such as the UN Convention on the Rights of the Child.

Adopted by the **UN Committee on the Rights of the Child** in February 2013, the UNCRC General Comment No. 16[12] addresses in particular, the state obligations regarding the impact of businesses on children's rights. It is one of the few recent pieces of international law available on business and children's rights.It includes guidance on the measures of implementation that are required to prevent and remedy violations of child rights by business actors, and ensure business enterprises carry out their responsibilities in the realisation of the rights of the child and encourage business to positively contribute to the realisation of these rights.

The UNCRC General Comment No. 25 (2021)[13]about the Rights of the Child in the Digital Environment is most applicable, but needs some adaptation to the imbalanced and non-consent based world of EdTech and school environments.

12. General comment no. 16 (2013) on State obligations regarding the impact of the business sector on children's rights https://digitallibrary.un.org/record/778525?ln=en&v=pdf

13. General comment No. 25 (2021) on children's rights in relation to the digital environment https://docstore.ohchr.org/SelfServices/FilesHandler.ashxenc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEG%2BcAAx34gC78FwvnmZXGFUl9nJBDpKR1dfKekJxW2w9nNryRsgArkTJgKelqeZwK9WXzMkZRZd37nLN1bFc2t

Council of Europe Guidelines on Data Protection for Educational Settings[14] published in 2020 are all applicable to UK schools as a member state. These are all guided by the principles of the UNCRC throughout:

- the best interests of the child (article 3(1)) ;
- the right to non-discrimination (article 2);
- the right of the child to be heard (article 12)
- and the right to life, survival and development (article 6).

Other UNCRC rights are functionally more specific, such as:

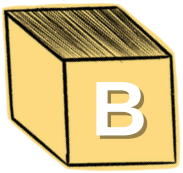
- the right to play (Article 31),
- right to education (Article 28),
- protection from economic exploitation (Article 32),
- and sufficient standard of living (Article 27).

All are relevant and need to be respected in law under the UNCRC rights of the child in Scotland and Wales. These children's rights interplay with data protection law and what everyone needs to do in educational settings.



Rido Images

14. Council of Europe Guidelines on Data Protection for Educational Settings (2020) https://rm.coe.int/prems-001721-gbr-2051-convention-108-txt-a5-web-web-9-/1680a9c562



Analysis of the EdTech Apps

What we learnt about the apps that we reviewed and the EdTech marketplace

WIDE RANGE OF EDTECH SUPPLIERS

There is a lot of diversity in the EdTech marketplace. Our research discovered that while some apps are provided by very big suppliers that enjoy a significant degree of name recognition, most of the suppliers are relatively small.

One study found the majority of EdTech organisations within Europe (just over 60%) could be classified as 'Micro' Enterprises, with 10 or less employees.

We consider the prevalence of these smaller suppliers something of a mixed blessing; on the one hand it might afford schools more leverage when negotiating terms with EdTech application suppliers. On the other hand, dealing with a large number of small EdTech suppliers increases the administrative overhead of already under-resourced, over-stretched state schools.

The Digital Futures Commission investigated the data governance practices of the popular EdTech application and platform, ClassDojo, and Google Classroom. In its report[15], they noted:

> ***"... schools lack the budget, capacity and technical/legal skills required to exercise their responsibilities".***



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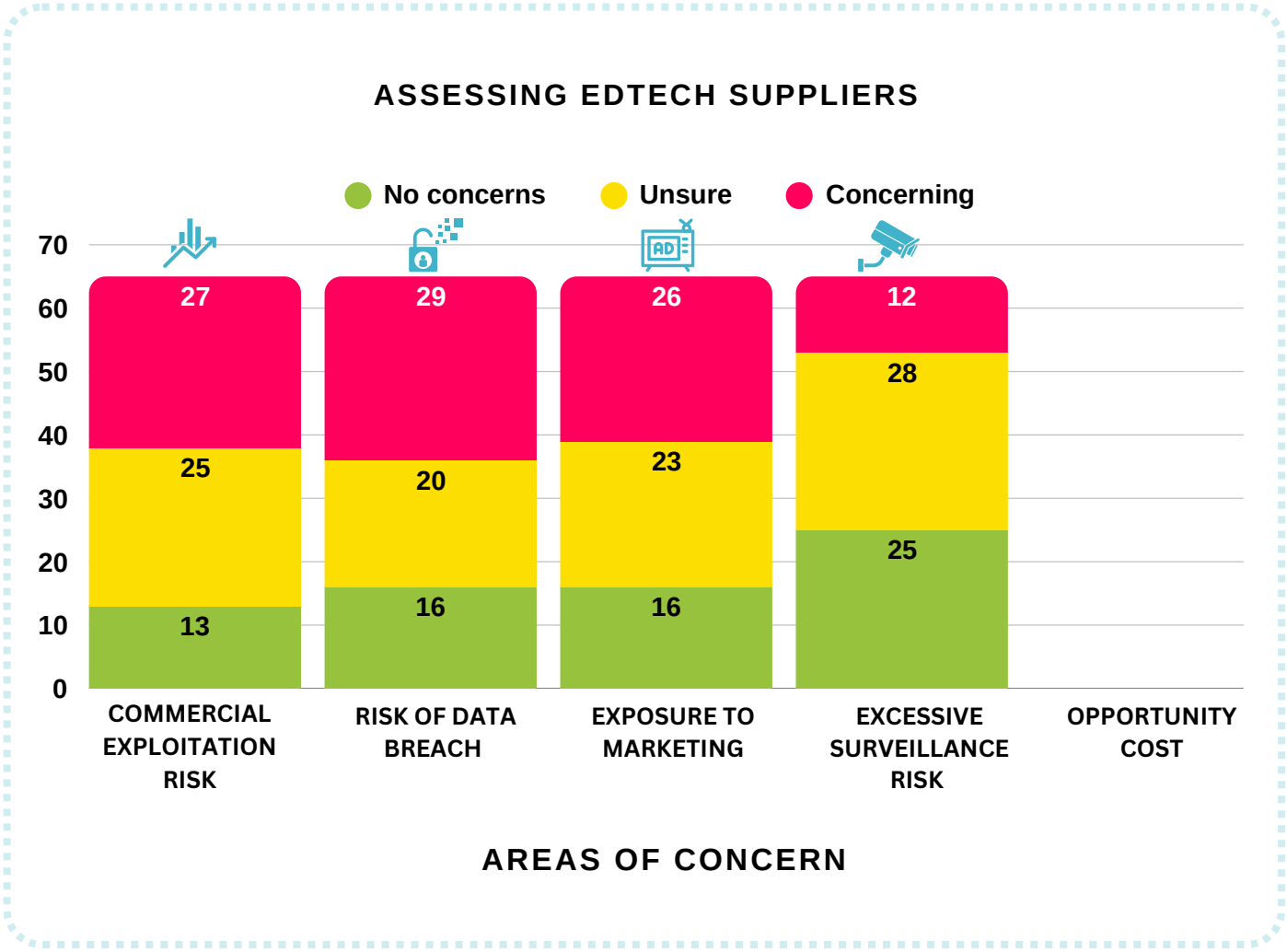
15. Hooper, L., Livingstone, S., and Pothong, K. (2022) Problems with data governance in UK schools: the cases of Google Classroom and ClassDojo, Digital Futures Commission, 5Rights Foundation, London, UK

ASSESSING EDTECH SUPPLIERS AGAINST OUR FIVE CONCERNS

Privacy notices should clarify a company's data collection and handling processes, but their levels of transparency varied widely.

In some cases, the information provided was so limited as to make it practically impossible to properly assess them against our concerns framework. We viewed this lack of clarity as being just as problematic as when a privacy notice clearly presents a concern because it was impossible to tell whether the opaqueness was deliberate, or due to inattention. Either way, we considered this concerning.

Below is a high-level summary of our assessments of these privacy notices using the five concerns framework outlined in the methodology section and presented below:



THE POTENTIAL FOR UNEXPECTED OR UNANTICIPATED COMMERCIAL EXPLOITATION

Many applications collect personal data beyond what is strictly necessary for their core functionality. This increases the risk of that data being commercially exploited in ways that children and their parents didn't anticipate.

This is to be expected, because the potential for EdTech companies to generate revenue from children's data creates an incentive for excessive data collection. We were only able to rule out the risk of unanticipated or unexpected commercial exploitation of children's data in 12 (of 65) cases.

In the vast majority of cases, we could not satisfy ourselves, based on these products' privacy notices, that children's data would not be subjected to wider commercial exploitation today or at some point in the future. This is significant because it raises the question:

CAN PARENTS AND GUARDIANS EVER GRANT MEANINGFUL CONSENT WHEN THEY LACK CONTEXT?



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THE RISK OF DATA LEAKAGE IN THE SHORT AND MEDIUM TERM

Many of the EdTech apps captured more personal and sensitive category data than we considered necessary, which significantly increases the risk of harm if, and when, data breaches occur. This is especially true in the case of non-anonymised personal data.

The vast majority of the EdTech apps and tools we encountered collect children's personal data, and in some cases teachers' data too. We expected some of the collected personal data to include children's names, ages, email addresses and school names.

However, we also found other widely collected data to be:

- ☐ **home address**
- ☐ **date of birth**
- ☐ **gender**
- ☐ **Free school meals status**
- ☐ **ethnicity** (as well as data from which ethnicity can be inferred such as language spoken at home)
- ☐ **...and more**



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- Of the **65** tools examined, **16** presented no concerns (in fact, three of them did not collect any personal data at all).
- **7** of the EdTech suppliers whose products we reviewed self-reported data breaches that occurred between 2020 and 2023.
- All but one of these suppliers had multiple EdTech products in use across the **90** Birmingham schools included in our investigation.



EXPOSURE OF USERS TO ADVERTISING & MARKETING

The majority of applications presented cause for concern with regard to their potential for exposing children, as well as school staff and families, to corporate marketing and advertising.

There is a growing body of work highlighting the downsides of young children's exposure to advertising and raising concerns about the volume of marketing directly targeted at them. [17]

This latter point is borne out by the degree to which EdTech products expose users to AdTech.[18] The 2024 parliamentary briefing, Advertising to Children,[19] opened with the words "*Advertisements are a feature of modern life*."

While accepting the prevalence of advertising, parliamentarians appear to recognise the need for limitations on the type of adverts served to children because they are less likely to be able to understand and process commercial messages in advertisements than adults".

- Only 16 of the EdTech apps and tools we reviewed were definitive in their assertions about wholesale refraining from exposing children to advertisements on their own site(s), within their product or on third party sites.
- There were 23 apps and tools that we could not be sure of due to the degree of ambiguity in their privacy policies.
- 26 (40%) of the EdTech apps and tools definitively exposed their end-users to advertisements elsewhere on the web.

17 - Ungoed-Thomas, J (2024) UK Children bombarded by gambling ads and images online, charity warns. The Guardian UK https://www.theguardian.com/society/2024/apr/21/uk-children-bombarded-by-gambling-ads-and-images-online-charity-warns based on report commissioned by Gamble Aware Family Kids & Youth, CultureStudio, Sherbert Research. 2024) Qualitative Research on the Lived Experience and Views of Gambling among Children and Young People https://www.gambleaware.org/our-research/publication-library/articles/qualitative-research-on-the-lived-experience-and-views-of-gambling-among-children-and-young-people/

18 - Advertising technology (or AdTech) is the term that refers commonly to all technologies, software and services used for delivering and targeting online Advertisements. There are vast amounts of data collected when accessing websites online and this is merged together with other information held on individuals in real time in the form of a digital personal profile, to decide which advert is delivered to them. Publishers use ad tech to sell advertising space in real-time.

19 - Conway, L. (2024) Advertising to Children. House of Commons Library https://commonslibrary.parliament.uk/research-briefings/cbp-8198/

FINDINGS FROM A 2022 HUMAN RIGHTS WATCH REPORT:[20]

"Most online learning platforms sent or granted access to children's data to third-party companies, usually advertising technology (AdTech) companies.

In doing so, they appear to have permitted the sophisticated algorithms of AdTech companies the opportunity to stitch together and analyze these data to guess at a child's personal characteristics and interests, and to predict what a child might do next and how they might be influenced.

Access to these insights could then be sold to anyone—advertisers, data brokers, and others—who sought to target a defined group of people with similar characteristics online."

While the regulator, the Advertising Standards Authority (ASA) is responsible for Online Behavioural Advertising (a form of targeted advertising), **it makes it clear that responsibility for data protection (which has implications for AdTech) falls to the ICO.**

This makes it hard for parents and guardians seeking advice on what their rights are when it comes to limiting children's exposure to AdTech.



20. Human Rights Watch (2022) "How Dare They Peep into My Private Life?" Children's Rights Violations by Governments That Endorsed Online Learning During the Covid-19 Pandemic. The easy-to-read version of this report can be found here



EXCESSIVE SURVEILLANCE AND PROFILING OF CHILDREN FROM ALREADY MARGINALISED GROUPS

Most applications collect data that is not required for their core service. There was unclarity about the reasons for this data to be collected, some reporting it to be used for advanced reporting services. This sensitive personal data (whether collected directly or from inference) increases a child's risk of being profiled.

Of the 65 privacy notices, only 25 provided sufficiently unambiguously clear statements about not collecting sensitive data or personal data from which sensitive data could be inferred e.g. details about languages that are spoken at home does support inferences about a child's ethnicity.

UK Data Protection Law is being rewritten in Parliament in 2025, as we write this report. Changes to safeguards around profiling, automated data processing and decision-maiking matter, especially for children, since they:

"merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data."

However, current law permits profiling on various grounds, and companies may claim they have legitimate interests in doing so.

We are concerned that successive governments' changes to the law have been too weak in the face of ever more data being collected about us, despite the data minimisation principle.

We're also concerned about companies and the State using personal data for profiling and making automated decisions as this could potentially lead to discriminatory outcomes.



THE VALUE FOR MONEY DELIVERED BY EDTECH IN LIGHT OF ITS OPPORTUNITY COST

If scarce resources are going to be diverted to Edtech applications, then stakeholders need assurances that these products work. In 2023, the impact of the chronic underfunding of English schools was clear.

We had school closures due to fears of roofs with RAAC caving in. We also saw widespread strikes as teachers pleaded with the government for fair pay that didn't adversely impact schools' budgets.

The necessary school closures during the pandemic further widened the attainment gap between children of different socioeconomic status (and other vectors of marginalisation). Addressing these issues has resource implications.

School budgets are tight, and time within the school day is limited. School leadership teams have to make decisions about allocating these scarce resources in ways that achieve as many of their priorities as possible.

Decision-making around EdTech should not be an exception.

Parents/guardians and teachers need clarity about the specific success metrics against which the Edtech adopted by schools, will be measured. Our engagement with these stakeholders yielded no evidence that this was the case.

This is unfortunate because few of the parents we engaged with were strongly opposed to EdTech adoption as a matter of principle. In fact, many were open to EdTech that demonstrably improves children's educational outcomes. This struck us as a positive basis for discussions between schools and parents/guardians about Edtech.

There is a case to be made for applications and platforms that improve children's educational progress and attainment – without misusing their data and exposing them to short and long-term risks. Further, such tools should lighten teachers' workloads too.

The problem is there just aren't enough independent evaluations of EdTech taking place to provide evidence that most of the products in use today meet these basic criteria. In fact, one of the few independent evaluations that we could find suggests that EdTech applications can actually negatively impact children's progress.

CASE STUDY

THE EDUCATION ENDOWMENT FUND

The Education Endowment Fund (EEF) conducted a trial into the impact of the Visible Classroom EdTech application on pupil outcomes.

Teachers involved in the trial were generally positive about the application. However, the EEF found that the pupils whose teachers used this application had about one month less progress in combined KS2 maths and reading compared to children in the control schools.

For the Year 5 pupils, the negative impact on progress was even more pronounced – there was an estimated two months' reduction in learning for KS2 reading outcomes.

In our review of the 65 EdTech applications covered by our investigation, we were only able to find two that published any evidence in support of the efficacy of their products.

It's also worth noting that both applications were developed by US companies and this was reflected in their published evidence. This means that parents and guardians seeking to understand the value of EdTech apps to their children's education would struggle to get their hands on information that could help them do that and if they did, it is likely to have less relevance to their (UK-based) context.

This matters on two fronts – first, it makes nuanced decision-making regarding opting in or out of EdTech difficult. Second, parents/guardians can't assess any possible opportunity cost associated with schools' use of EdTech.



Pexels



Review of schools' assessment of the equalities implications of EdTech

What we learned about how schools address the Equalities implications of EdTech applications and platforms

The Equality Act 2010 imposes a public sector equality duty on all public bodies, alongside their obligation not to be discriminatory.

Yet the latent biases of data-centric technologies, such as AI models, as a result of biases hidden within the datasets on which they have been trained is well documented.

There is a growing body of evidence that the fallout of these technologies disproportionately impacts people in already marginalised groups, including those with protected characteristics. Some EdTech suppliers have touted the use of AI in their products. Even when sensitive/ special category data such as ethnicity isn't fed into an AI-enabled product, the risk of discriminatory outcomes doesn't go away. This is because discriminatory inferences can be drawn from subtle patterns in non-special category data.

None of the schools' Equality-related documentation made any reference to equality impact assessments being conducted.

CASE STUDY
AMAZON RECRUITMENT SOFTWARE

In 2014, the Amazon recruitment software discriminated against female applicants even though there were no explicit markers of gender in the dataset. Cases like this highlight the need for schools to conduct an Equalities Impact Assessment before the adoption of data-centric applications such as AI.

This seems to be a significant oversight, considering the disruptive, long-term effects data-centric services and data breaches can have on children's lives.

Given the concerns highlighted, the use of such products opens up the possibility of inadvertent discrimination in a school setting. The lack of impact assessment could not only expose children to harm, but state sector schools to legal challenge too.

See scholars such as Dr Abeba Birhane, Dr Joy Buolamwini, Dr Timint Gebru, Deb Raji. A recent review from the UN provides a useful summary: Ashwini, K.P. (2024) Report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. (OHCHR). https://www.ohchr.org/en/stories/2024/07/racism-and-ai-bias-past-leads-bias-future

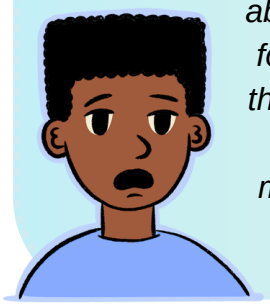


The potential effect of digital poverty in EdTech

What we learnt about how digital poverty can impact children's (and their families') experience of EdTech

While some respondents and event attendees struggled to articulate their unease about EdTech use within schools, concerns about barriers to access to digital devices and the internet came up fairly frequently.

In fact this was the second most common response (n=12) when asked about potential negative impacts of EdTech. More specifically, respondents were concerned about the 'widening of existing gaps between children from low and high income households in engaging with EdTech home learning'. This concern isn't unfounded. According to Ofcom, in 2021, around one in five children (17%) does not have consistent access to a suitable device for their online home learning which increased to 27% for children in the most financially vulnerable households.



"…During the pandemic, the government made sure that everybody had access to computers. …children that were less able or poor and that didn't even have the internet were provided for. Now the pandemic is over schools still have the laptops but they don't give them to the children. I know children that don't do their homework because of this. They might have access to mom's phone but not a laptop. They're still expected to do their homework."

– SCHOOL STAFF

Teachers responded fairly similarly. While many (n=7) were unaware of any potentially negative impact of EdTech, the second most frequent area of concern cited was *'parents/guardians struggling with digital skills/ access to devices to support children in using EdTech*' (n=4).

When it came to schools' efforts to assess children's needs with regard to access to digital devices and the internet, parents were split. A slight majority of parents / guardians (48%) indicated that their child's school had indeed carried out some sort of assessment while 43% stated that no such assessment was conducted. These responses reflect differences in schools' approaches to mitigating the effects of digital poverty.

Just over a quarter of parent/guardian respondents (n= 10) were unsure whether there were procedures in place at their child's school, to provide relevant support if it became known that a child lacked access to digital devices and the internet at home with 12 (31%) reporting no procedures were in place.

This indicates that schools that are making use of EdTech- at school and for homework- should regularly ask parents and guardians how children are accessing EdTech for home learning and assess what support (devices, internet data; parental digital skills) are required.



"I think the problem is the school assumes that because of the school's location… all families have adequate resources. I almost think it is not an option to offer support as they think it's not needed. [I] think on request [...] they may provide the support. For example, getting physical worksheets printed. Not enough support is made clear or evident; [it's not clear] that they have those resources on offer."

– PARENT ((EDITED FOR COMPREHENSIBILITY)

The issue of (low) household income was raised as the key disadvantage in relation to digital poverty. This aligns with research which shows a correlation between digital poverty and income poverty. Poverty cuts across all races and ethnicities and has been made more acute by over a decade of government-imposed austerity and more recently, the cost of living crisis. However, it's worth noting that in the UK certain racial groups are disproportionately affected by poverty. This economic marginalisation was alluded to by some of the parents/guardians we spoke with. They highlighted the disproportionate levels of household poverty experienced by many Black households.

"We have to realise it's not just a black or a colour thing. It's about money and marginalisation…the area [I work in] is predominantly white. But I am seeing the same issues with young people who have white skin."

– COMMUNITY ORGANISER (WORKS IN SCHOOLS)

"I know some children who don't have internet in the house. They cannot afford to pay. Their family cannot afford to pay for internet in the house or have a weak connection that does not allow them to benefit. This is the problem that they are facing, most black children."

– PARENT



BIRMINGHAM CITY COUNCIL'S APPROACH TO TACKLING DIGITAL POVERTY

In its 2021 Digital Inclusion Strategy and Action Plan Birmingham City Council sets out its vision for 'a fully inclusive digital city, where everyone has the confidence, skills and capacity to access the services and information they need to thrive and live their lives to their full potential in an increasing digital world.' They plan to deliver this vision in partnership with other organisations.

Birmingham City Council's assessment of digital poverty recognises correlations between age, economic deprivation and digital exclusion. Consequently, their plan seeks to support a number of groups including:

- over 65s (which they identified as the largest digitally excluded group);
- people with long-term health conditions;
- people with disabilities, including those with a learning disability and autism;
- people living in poverty / with social deprivation



Chris Hepburn GettyImages

Ethnic minorities aren't explicitly cited as one of the groups they're looking to support. However, as we've noted elsewhere in this report, racially marginalised groups are more likely to be affected by economic poverty and by extension, digital poverty.

A 2024 evaluation[23] highlighted "a diversity of vulnerabilities' that make some people more susceptible to digital poverty. These included: racially minoritised groups; young people, migrants and refugees.

The researchers went on to recommend that any strategy to address digital poverty within specific local geographies requires identification of 'hot spots' for digital poverty and an exercise in mapping the particular needs of groups living in those areas. We agree with this recommendation and believe that, additionally, clear metrics for success need to be established as well as a clear methodology for monitoring them.

23. Kerrigan, N. (2024). Enabling a Digital Birmingham: an evaluation of the Birmingham Digital Inclusion Strategy. Birmingham: Birmingham City University. https://digitalbirmingham.co.uk/enabling-a-digital-birmingham-an-evaluation-of-the-birmingham-digital-inclusion-strategy/

CONCLUSIONS & RECOMMENDATIONS

Our investigation highlighted how challenging it is for parents and guardians in England and Wales to effectively manage their child's data, even with the protections granted under the Data Protection Act 2018.

In practice, many parents struggle to consistently access clear and complete information about the personal data collected by EdTech applications, how long it will be held, and who—whether the school or the EdTech provider—has control over what is collected and why.

This might be less worrisome if not for the culture of low data protection enforcement as discussed in the introductory chapter.

While we've already highlighted outright illegality by some private sector organisations, it's worth noting that this culture has an effect on institutional behaviour too.



GettyImages

CASE STUDY
DEPARTMENT OF EDUCATION (2020)

In the aftermath of an ICO-conducted of DfE in 2020–which outlined a range of concerns about DfE's data governance, the regulator did not compel the department to publicly account for its implementation plan to address the regulator's recommendations. Nor did it set a timeline by which to do so.

The DfE published a limited written response to the audit findings a year later, in January 2021, with a promise to provide a further update in six months' time. In fact, it took the DfE three years to publish a full response. The Department stated that 15 of the remedies it had committed to implementing were unfulfilled as of November 2022, and as of December 2024 an undefined number were still pending.[24][25]

25. https://questions-statements.parliament.uk/written-questions/detail/2022-11-04/79287

Given the obstacles that a motivated and informed parent/guardian would have to overcome in a bid to responsibly steward their children's data, they are in need of a lot more support and advice about rights and data protection than is currently available.

The same is true of schools' leadership and staff. This support could come from several sources, chief among them the DfE and the ICO. In addition to this sort of guidance, schools and parents need support when it comes to effectively applying it on a day-to-day basis.

For schools, an important starting point is in negotiating and establishing terms and agreements with their data processors and suppliers, including EdTech providers.

Our findings and analysis highlight the multifaceted challenge that EdTech applications and platforms present to schools. There isn't a single action that can magically address them all.



Instead, what is required is the adoption of a stewardship mindset, focused on care and rights above commercialisation and economic growth when it comes to children's data.

Procurement and policy implementations need to be considered through this stewardship lens. The result would be more nuanced policies and practices. Engendering this culture requires better overall conversations between parents, guardians, school staff and relevant community members.

It also requires support from and engagement with institutional powers like DfE and the ICO as well as funders of civil society activity. These multi-layered, multi-stakeholder conversations are crucial if we are to develop and sustain a stewardship culture around the collection and use of children's personal data.

We've tailored our recommendations accordingly.

Recommendations for parents, guardians and community members



BE CURIOUS AND STAY INFORMED ABOUT EDTECH AND AI

The use of technologies that have the capability to capture vast amounts of data[26]– in essence creating a crude 'digital twin' of a child– has increased significantly.

The use of this data for profiling and decision-making can impact children's future pathways and increase existing inequalities. Making nuanced decisions about when to grant or withhold consent requires parents to understand not just what the EdTech applications function and features are but also their data governance practices too.

One way to find this out is to ask schools' Data Protection Officers (DPOs) about how they assess the data governance practices of the companies they buy their EdTech from.

It's also a good idea to ask EdTech suppliers directly too, especially when parents/guardians believe these companies are acting as a joint data controller (regardless of how they self-designate).

Parents/guardians might also want to ask the Special Education Needs and Disabilities (SEND) and or Equalities link governors, how the school has assessed the equalities implications of introducing EdTech.

Parents need discernment when parsing responses from schools' DPOs and their counterparts within corporations.

In addition to developing these skills for themselves so they can be effective stewards of their children's data, they also need to equip their children to be confident stewards in their own right. This is yet another way that being part of a wider community of parents, guardians and others with common cause can be helpful.

Seeking advice or help with assessing these responses is a helpful way to deepen collective understanding. For example, this is a good topic to discuss within social media groups that parents belong to.

26. While commonly accepted definitions of the term 'digital twins' apply to a "digital model of an intended or actual real-world physical product, system, or process", it can also be extended to include people.

Being a data steward isn't easy, and it can be difficult to know where to start and what to challenge.

It can be helpful to zoom out and think critically about how societal changes in the use of technologies such as AI will affect your child's future pathways.

While this space is woefully under-resourced, there is a growing body of resources from organisations like **Defend Digital Me** (and DTBC) to help parents and guardians stay abreast of developments and grapple with their implications.

UNDERSTAND YOUR RIGHTS!



Our research highlighted parents' and guardians' need for tools to support their efforts to understand their rights (in data protection and other human rights), and how they apply in the real-life scenarios they might encounter when engaging with EdTech.

To this end, we have developed a toolkit with input from parents / guardians and other interested stakeholders. The toolkit is continually refined and we are always seeking feedback to make it even more useful.

The toolkit is for any and all data stewards.

It contains templates and resources in order to build literacy, agency and capacity to respond to challenges and opportunities that may arise when stewarding children's data.

It will be accessible and downloadable from the DBTC website.

TAKE COLLECTIVE ACTION

Even with a reasonable understanding of their rights, it can be difficult for parents/guardians to apply them. Operating as part of a community can be helpful.

Advocating for the interests of many children, in concert with others, carries greater weight than arguing alone. The latter is easier to dismiss as a niche or isolated case, especially given the ICO's risk-based approach to regulatory action.[27]

The arguments for being part of a community are even more relevant when advocating for children from marginalised groups.



Being part of a supportive network where parents share concerns, ask questions, seek advice, and explore ideas and strategies for action can help build confidence and resilience.

We recommend the creation of private, moderated secure messaging groups, seeded with people who have been directly involved in this project and open to parents and guardians seeking to be good stewards of children's data.

The objective of this messaging group would be to facilitate peer-to-peer support for parents and guardians, and help them to coordinate any collective action.

We would like to see people of Black/Black heritage and allies join Data Tech & Black Communities to continue and expand on this work.

We encourage interested stakeholders to get in touch with the DTBC team at admin@DTBC.org.uk



27. In its 2022 action plan, the Information Commissioner's Office described its approach to regulatory action as "risk-based" and explained that, " This involves working with organisations and pe ople that may fail to meet their obligations under the laws we regulate or who may need support or guidance to comply and innovate. Our focus is usually on areas of high risk where non-compliance could do the most harm. The regulator also explained that it aimed "to be responsive to the needs and concerns of the public using our risk-based approach to focus on issues which could cause the most harm"

Recommendations for schools



RECOGNISE AND ADAPT TO YOUR BROADER DATA STEWARDSHIP ROLE

Schools are not at the forefront of EdTech development, nor are they the final arbiters of data protection legislation. However, schools are key decision-makers when it comes to children's exposure to EdTech.

This requires them to adopt a broader role in stewarding children's data, and their policies and practice needs to reflect this.

We recognise the enormous resource constraints that schools are already under. Our view is that the DfE and ICO should be leading the way in providing support and guidance (see recommendations below).

Having said that, there are ways in which schools' current practices could be improved. More input from parents/guardians and school staff would help greatly, as would more transparent and collaborative working.



Monkey Business Images

Recommendations for schools

The ethical use of EdTech places additional responsibilities on schools, including to:

- conduct due diligence checks on EdTech suppliers before procurement, during use and throughout the lifetime of any contract until data destruction;
- ensure children's, parents' and teachers' data is protected i.e adherence to data protection legislation and cyber/information security;
- gain informed approval from parents/guardians, older children;
- require independent verification of EdTech providers' marketing claims about the impact of their products;
- commit public money only to businesses that uphold children's rights;
- pledge to avoid tools that automate risk profiling and any signalling to other systems or sectors, such as police, without school staff oversight and action;
- provide regular training to teachers and all school staff interacting with EdTech
- support children and families in low-income households to access digital devices and the internet where EdTech is recommended for home use
- conduct an equalities impact assessment on all EdTech applications prior to procurement.

BE TRANSPARENT AND COLLABORATIVE ABOUT DATA GOVERNANCE, PROCUREMENT AND USE OF EDTECH

Schools' leadership teams need to be more transparent and collaborative about:

- **Approaches to reviewing and selecting EdTech applications and platforms used within the school.**

It should not only be clear about how data protection issues are assessed, but also the efficacy of these EdTech applications over time. This should be published on the school website and openly communicated with parents/guardians and school staff.

We recognise that for each school to assess each EdTech application can be duplicative of efforts, and schools, teaching unions should come together to request action from DfE.

- **Oversight and governance of how personal and special category data is processed (collected, used, stored, deleted) should be easy to find and transparent.**

It should be easy for parents to find out from the school's privacy notice, published on the school website, the name of the Data Protection Officer and the Link Governor with the relevant oversight responsibility.[28]



GettyImages

28. https://www.gov.uk/guidance/meeting-digital-and-technology-standards-in-schools-and-colleges/digital-leadership-and-governance-standards

EdTech introduces challenges that are common across schools. We would recommend that schools work openly and form collaborations to develop and share ethical policies and practices.

We recommend that an interested school (or a number of schools) pilot an EdTech assessment programme. The value of such a pilot could be significantly increased if interested parents/guardians were invited to engage. The following activities could be covered by such a pilot:

- discussions about the principles and practices that schools have in relation to EdTech
- discussions about which EdTech applications are currently in use and how they were selected
- an assessment of the applications that are currently in use, using the concern framework outlined in this report
- completion of an equalities impact assessment for the use of EdTech;
- raising questions and assessing the data protection compliance of EdTech companies for their products
- evaluate the quality of the evidence that's available to them for the purpose of judging the efficacy of each of the EdTech applications used within the school.

The resulting learnings from this pilot could be shared with other schools. This could serve as a basis for meaningful engagement with their pupils' parents/ guardians about EdTech.

FACILITATE INFORMED CONVERSATIONS BETWEEN PARENTS / GUARDIANS AND SCHOOL STAFF



Schools should proactively and consistently communicate with parents, guardians, and teachers about EdTech which collects personal and sensitive data.

This communication should be tailored to reflect the needs of the communities they serve, including providing language translation support.

Two of our community researchers, with connections to the Somali community, noted the significant lack of information and communication about EdTech among those they engaged with. This highlights the importance of community engagement and supplying community-focused information to marginalised groups.

Proactive and consistent engagement provides a good basis for discussion with parents/guardians, and with teaching/school staff to enable Senior Management Teams (SMTs) to understand these stakeholders comfort levels with uses of their data and make more nuanced decisions about them.

It also allows SMTs to provide useful feedback about schools' principles, protocols, and practices regarding data governance.

This kind of feedback is critical to schools' efforts to develop EdTech-related policies that enable effective data stewardship. It would also help schools avoid problems like inadvertent coercion because parents/guardians who wish to opt out of an EdTech product would be able to suggest frictionless alternatives.

When involving parents/guardians in discussions about school's principles, processes, and practices for protecting children's data, it is essential to explain how these school principles are embedded in the data processing agreements (DPA) with contracted data processors and joint data controllers. For example, a principle to ensure children's data is used for the sole purpose of supporting their learning would require the automatic deletion of children's data, by default, once an EdTech contract ends or when children leave the school.

Recommendations for Funders



SUPPORT CIVIL SOCIETY TO PARTICIPATE IN THE DEBATES ABOUT DATA-CENTRIC TECHNOLOGIES

Our analysis and recommendations reflect our belief that establishing a stewardship mindset is a multi-stakeholder effort. It requires both bottom-up demand, driven by children, parents and guardians, and top-down action, led by institutional players.

This bottom-up demand is more likely to be effective if parents, guardians (and even teachers) are working in a collective and coordinated way. However, we recognise that there are many factors working against this, chief amongst them knowledge gaps and a lack of community organising infrastructure.



Addressing both these obstacles requires access to resources and support and this requires funding. In our experience, funding for this very necessary social infrastructure is often very limited.

This is why it's crucial for funders to sustainably support efforts by civil society to build and sustain these social networks. Funders should adapt their funding priorities to address this issue.

Recommendations for DfE, ICO, local authorities and other institutional players



One of the strengths of the state education system in England and Wales is its scale. Like the UK's National Health Service (NHS) this should place it in a good position to negotiate with EdTech suppliers.

The level of data protection compliance required of EdTech vendors should be a point of focus during such negotiations. However, with the fragmentation of the state school sector following the 2010 expansion of academisation and the limiting of Local Authorities' oversight, it's harder for state schools to act in concert or consistently cooperate.

This, in turn, limits their ability to share knowledge and good practice as it relates to data protection for children. This is understandable because, without local authorities' support for this sort of cooperation, schools would have to redirect their limited resources to support this.

This is not an insignificant undertaking as effective knowledge sharing and coordinated action are resource-intensive activities. This is why institutional players like DfE and the ICO should step in. These institutions are well-placed to provide this type of support given their school oversight responsibility and data governance expertise, respectively.

MAKE IT EASIER FOR SCHOOLS TO DO THE RIGHT THING

DfE should implement the recommendations from the 2020 ICO audit with urgency, and provide strong stewardship over children's data within its remit.

In its afore-mentioned response to the ICO audit, DfE committed, among other things, to developing:

AN EDUCATION PRIVACY ASSURANCE SCHEME (EPAS)
To provide "data protection guidance to education settings to help them make informed decisions to improve compliance with Data Protection legislation." [29]

DATA PROTECTION PORTAL
Aimed at learners; parents/guardians; and education staff. It's supposed to provide "data protection learning & training materials, deep dives on the use of data in DfE projects, a comprehensive index of data protection information for data subjects and more."

However, in its response to a subsequent Freedom of Information request issued in July 2023, the DfE has stated it could take "several years" to deliver on its commitment to create its education privacy assurance scheme.

29. Data Protection ICO Audit Closure Summary (page 7)

Given the level and urgency of the need, our recommendations are that:

- **The timeline for delivering the Data Protection portal needs to be expedited** and the department needs to commit to a clear target release date and a timeline of planned milestones.

- **The scope of the EPAS should be widened to include a registry of data protection assured EdTech providers.**

  This registry should be populated with the names of EdTech suppliers who have passed periodic DfE-conducted (with the support of the ICO and academics) audits of EdTech platforms and applications used in UK schools i.e. they are compliant with data protection regulation.

  Further, given that there is a lot of overlap in the ways that schools use applications and platforms and the EdTech apps they use, these audits should include schools' feedback about these applications. Standardised assessments based on a common framework will make this easier.

- **A common EdTech assessment framework needs to be issued to and adopted by schools.**

  This type of framework has the benefit of developing schools' understanding of data governance and performance issues. It would also help to standardise the way that schools assess EdTech thereby facilitating opportunities for schools to learn from one another's experiences of EdTech.

DfE must support independent research and evaluation of EdTech

An important component of the EdTech vetting and selection process must be the efficacy of the EdTech applications and platforms they are considering, as well as robust knowledge of data protection. However, as already mentioned in this report, there is a scarcity of independently verified (or conducted) research into the impact of EdTech applications on children's educational outcomes, for schools to draw on.

The DfE has to help plug this gap by commissioning research, encouraging funders to commission research, and using its convening power to engage academic researchers to explore this area.

DfE and local authorities should provide support for schools to conduct Equality Impact Assessments (EIAs) for EdTech

EIAs can yield useful insights for the vetting and selection for EdTech applications and platforms. This would help schools ensure that none of their pupils are negatively impacted by their school's EdTech choices and in so doing schools' leadership teams can reassure themselves (as well as children, parents/guardians and staff) of their fulfilment of their public sector equality duty (PSED).

Local Authorities' education departments and the DfE should be well-placed to provide such guidance to LA-maintained schools and all schools respectively. A better understanding of their needs is a necessary first step.

DfE and local authorities should support schools' efforts to demand better practices among EdTech suppliers

Schools need support in translating their requirements in relation to data protection, their PSED (as it relates to EdTEch) and efficacy (in terms of educational outcomes) into commercial terms. Today, EdTech suppliers often present schools with standard commercial contracts and Data Processing Agreements (DPA) as a fait acompli. However, given the scale of the education sector and their potential collective buying power, state schools should be in a better position when it comes to commercial negotiation with EdTech companies.

To make the most of this power, we would recommend that DfE (supported by the Crown Commercial Service) and local authorities should negotiate and produce standard contracts, benchmark standards and default settings that already comply with data protection regulation and allow schools to include recognised efficacy metrics. Schools should be able to simply incorporate these clauses in their contracts with EdTech companies.

CASE STUDY

THE NETHERLANDS IMPROVES PRIVACY FOR CHILDREN IN EDUCATION

In the Netherlands, the government, supported by the regulator, negotiated directly with Google to improve the data protection elements of the company's contract with schools.[31] The government's demands were informed by the outcome of a Data Protection Impact Assessment (DPIA) that it commissioned, which uncovered a number of data protection risks.

The Dutch example isn't an isolated case. Since March 2021, other government departments in France, Denmark and Iceland have taken similar actions to protect the personal data of children (and school staff).

This highlights how governments can take decisive action in this area, at scale, without increasing the administrative burden on schools or leaving them to fend for themselves.

IMPROVE THE ENFORCEMENT AND OVERSIGHT ENVIRONMENT IN AND BEYOND SCHOOLS

Our current low-enforcement culture[32] in relation to EdTech companies' data protection practice, reduces the 'signals' that parents and schools can use as a basis for making inferences about data protection infringements.

- We want to see the ICO increase its scrutiny of schools' use of EdTech (and the EdTech suppliers themselves). We echo calls from Defend Digital Me and others for the creation of an education sector specific Code of Practice for data protection regulation. We expect appropriate penalties for non-compliance with this code to be established by the ICO.

- The DfE, backed by the ICO, should require EdTech providers to state clearly, publicly and transparently the nature of the data they collect and hold about children over the course of their participation in EdTech applications used in school and at home.

- The DfE, backed by the ICO, should actively advise schools against the routine processing of biometric data in educational settings.

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31. Hooper, L., Atabey, A., Pothong, K (2024). Enforcement action improves privacy for children in education: more is needed Digital Futures for Children Centre, LSE, Five Rights Foundation (page 5)

32. There have been only ten EdTech companies audited by the ICO in the last 5 years, and none of the findings have been published to date. Parliamentary question UIN HL2882, tabled on 26 November 2024 https://questions-statements.parliament.uk/written-questions/detail/2024-11-26/hl2882

FINAL CONSIDERATION FROM THE DTBC TEAM

In writing this report, we hope that parents/guardians; community leaders and organisers; and school staff will feel confident to raise questions and scrutinise the use of EdTech in schools, knowing that their concerns are valid.

Alongside the report, we have created an advocacy toolkit that provides practical resources for how we can all become better data stewards of children's data.

If you would like to find out more about DTBC and the work we do, please visit our website:

www.dtbc.org.uk

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