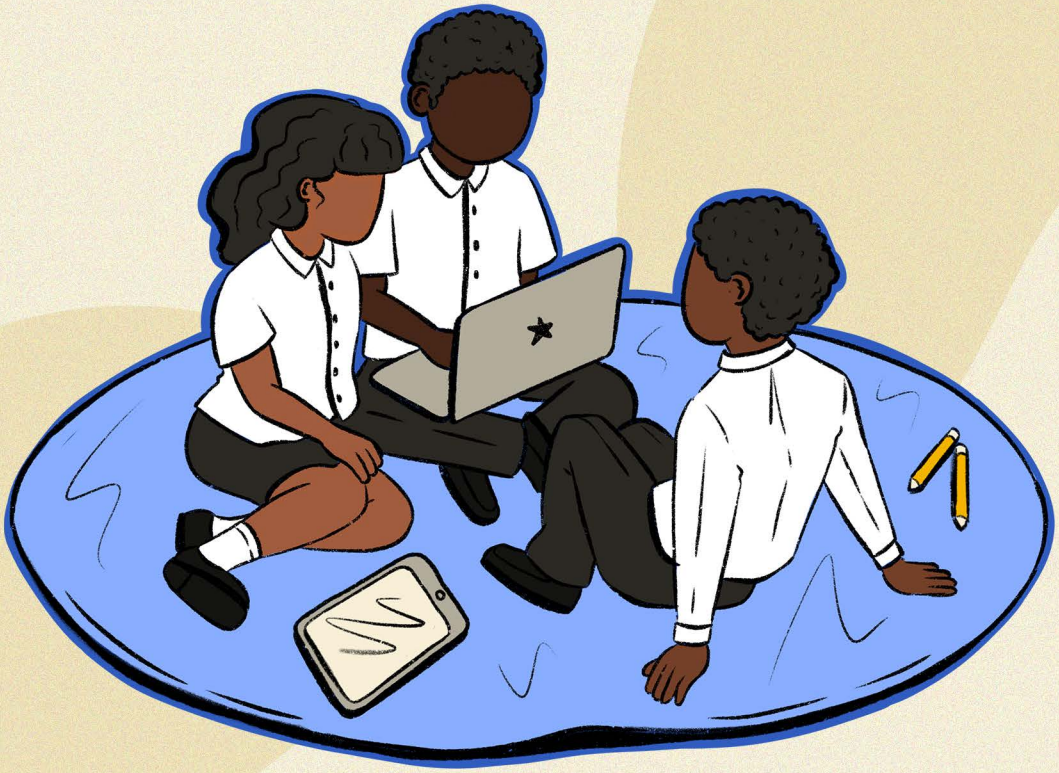
WELCOME TO THE DATA, TECH & BLACK COMMUNITIES' ACTIVIST TOOLKIT



A PLACE FOR YOU TO UNPACK AND LEARN THE LAWS AND POLICIES RELATED TO YOUR CHILD'S DATA AND RIGHTS, IN COMMUNITY

LET'S DO IT TOGETHER!

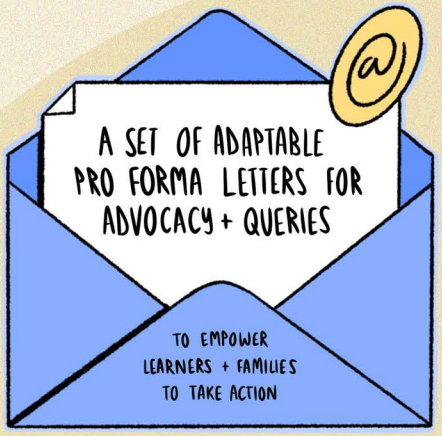
RECOMMENDATIONS FOR FAMILIES: ADVOCACY AND COMMUNICATION TOOLS

We want to encourage informed awareness and curiosity about this topic in community spaces.

While exercising data rights is one approach to data protection challenges, **it may not address the root causes of the poor data practices** in schools that fail to address the rights of the child as a priority or in a holistic way.

Raise awareness of the UNCRC (United Nations Convention on the rights of the child) within an EdTech context to **ensure children's rights are at the forefront of decisions about digital tools in schools**; you can use UNCRC posters/post cards for this





Requesting Information on EdTech Procurement

You can use these templates to ask your child's school about how they choose and check the safety of digital tools e.g. do schools work together when buying tools or check the risks involved?

Lobbying for Change and Data Literacy

These ready-to-use resources help families, including children and young people, to ask important questions. You can ask what data is collected, how schools choose EdTech tools, and how to see your child's personal data. They also encourage schools to train staff about data and privacy.

Amplifying Learner and Family Voices

Amplifying and encouraging respect for pupil/parents' voices through empowered action.

These templates can be used by schools to engage families and by families to communicate with schools, governors, local authorities, the DfE, the ICO, councillors, MPs etc.

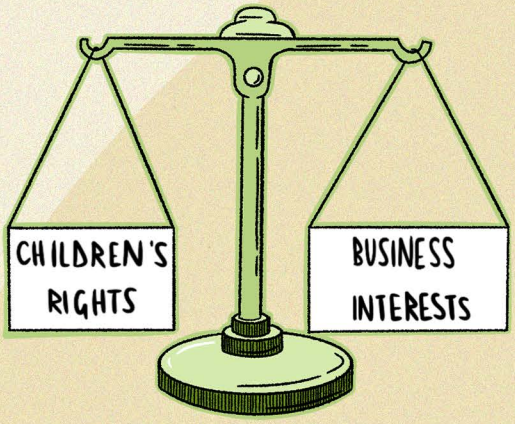
Ultimately ensuring that families are informed participants in decisions about EdTech



CHILDREN'S RIGHTS FACT SHEET

Business and Children's Rights: UNCRC General Comment No. 16

In 2013, the **UN Committee on the Rights of the Child published a guide (General Comment No. 16)** explaining how governments must protect children's rights when businesses are involved. It gives advice on how to stop and fix harm caused by companies and also explains what businesses should do to support children's rights and avoid doing harm.





Digital Rights: UNCRC General Comment No. 25

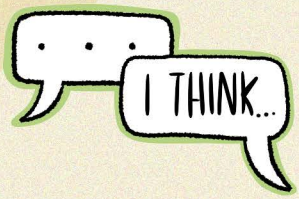
This 2021 guide (**General Comment No. 25**) explains children's rights online. It's very useful, however, some parts don't fit how digital tools are used in schools. It would need to be adapted to adress how many EdTech tools are used without children's or families' clear consent, within the school environment.

Core UNCRC Principles: These key principles must guide all decisions about children:

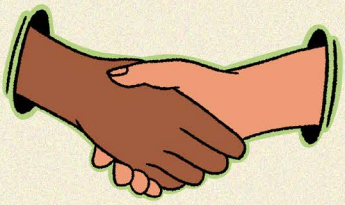
Act in the best interests of the child (Article 3)



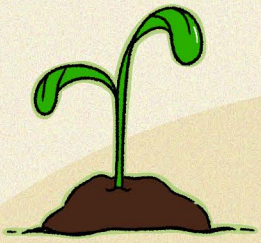
Listen to children's views (Article 12)



Treat all children fairly (Article 2)



Support life, survival, and development (Article 6)



Guidance from the Council of Europe

Council of Europe Guidelines on Data Protection for Educational Settings published in 2020 are all applicable to UK schools.

Other Relevant Rights

Other rights that matter in schools include:

- *The right to play (Article 31)*
- *The right to education (Article 28)*
- *The right to a good standard of living (Article 27)*

Legal Standing in the UK

These rights must be respected by law in Scotland and Wales. In England, the UNCRC is not a legal rule, but it is widely accepted as expected practice. These rights connect closely with data protection rules and and what everyone must do in educational settings.

(1) CHILDREN'S RIGHTS IN THE CONTEXT OF EDTECH

Know Your Rights! Protecting Children in the Age of EdTech

These posters provide a quick summary of the rights that children have when using EdTech. Knowing these rights helps children and parents make sure EdTech supports children in their learning rather than harm them



Best Interests of the Child *(UNCRC Article 3(1))*

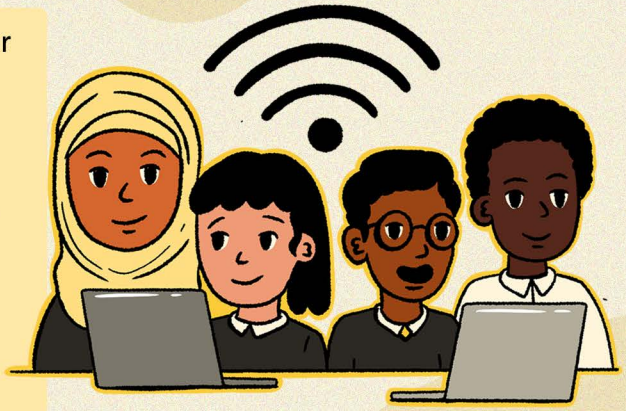
All decisions concerning the use of digital technologies in educational settings must prioritise the best interests of the child. This requires a comprehensive assessment of potential benefits and risks, ensuring that digital tools support learning, development, and wellbeing without infringing on privacy or exposing children to harm.

Protection from Discrimination *(UNCRC Article 2)*

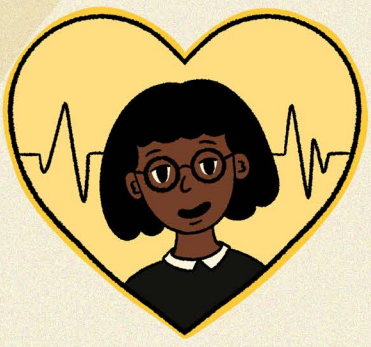
All learners, including those from marginalised communities or facing socio-economic barriers, should have equal opportunities. Schools must take steps to address digital poverty and promote inclusion.

Under the **Equality Act 2010 and the Public Sector Equality Duty (PSED)**, educational institutions must: eliminate discrimination, advance equality and foster good relations

This includes making sure EdTech does not unfairly disadvantage learners with protected characteristics.



Right to Life, Survival, and Development *(UNCRC Article 6)*



The digital environment in educational settings must support children's right to holistic development. This includes:

- Fostering safe spaces for learning
- Protecting against risks such as exploitation, harassment, or the misuse of their data
- Protecting learners from potential long-term harms like profiling or discrimination

(2) CHILDREN'S RIGHTS IN THE CONTEXT OF EDTECH



Right to be Heard *(UNCRC Article 12)*

Children should have a say in how digital technology is used in their education and daily lives. Schools must listen to their views and involve them in decision-making. This requires clear, simple ways for children to give feedback and share their opinions.

Protection from Economic Exploitation *(UNCRC Article 32)*

Children must be protected from economic exploitation and harmful profiling in the digital environment. This includes stopping targeted ads, tracking, or profiling that could lead to discrimination. Schools must make sure EdTech companies use data responsibly and protect learners' long-term wellbeing and future opportunities.

Children's data should never be saved or reused in ways that could hurt them later e.g. like being judged unfairly by universities or employers.



Right to Privacy *(UNCRC Article 16)*

Children have the right to keep their personal information and family life private.

Schools and EdTech companies must use strong data protection methods like collecting only necessary data **(data minimisation)**, keeping it safe **(secure processing)** and clear privacy notices.

They must follow laws like **Age Appropriate Design Code (AADC)** that provide transparency which is key to helping parents and children to exercise their rights.

(3) CHILDREN'S RIGHTS IN THE CONTEXT OF EDTECH

Right to Freedom of Expression *(UNCRC Article 13)*

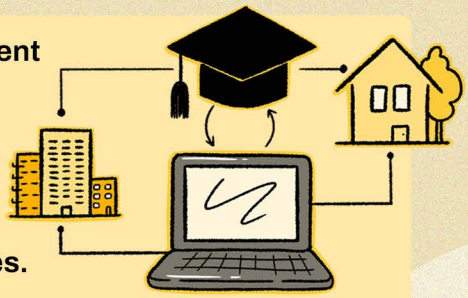
Children's right to freedom of expression includes their ability to seek, receive, and share information through digital platforms.

Schools must facilitate safe and supportive environments for children to express themselves, while balancing this with protections against harmful or inappropriate content.

Learners must have access to tools that encourage creativity, collaboration, and the sharing of ideas in a secure, age-appropriate manner.

Right to Education *(UNCRC Article 28)*

The digital environment must be designed to enhance the right to education, ensuring all children have access to quality learning opportunities.



Digital tools should be inclusive, equitable, and tailored to support individual learning needs, enabling every child to fulfil their potential.

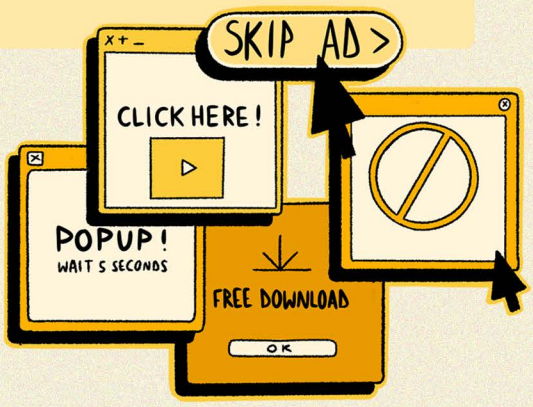
Efforts must be made to address disparities caused by digital poverty and ensure resources are accessible to all learners, including those with disabilities or in remote areas.

Advertising must respect children's rights and avoid harmful practices

(General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights)

Businesses must:

- ensure their advertising does not exploit children's vulnerability or promote unhealthy behaviours
- prevent exposure to misleading, aggressive or inappropriate marketing
- protect children from manipulation, harmful stereotypes, and excessive commercial pressures.



Public procurement contracts must respect children's rights

General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights

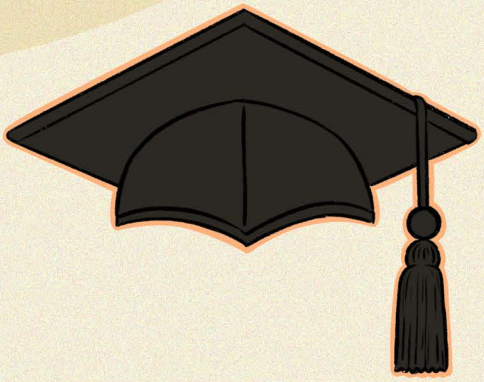
When governments buy services from businesses (like EdTech companies) they must uphold and integrate children's rights throughout their operations.

This includes:

- Mandating due diligence to prevent harm
- Addressing risks such as child labour, discrimination, or exploitation
- Ensuring compliance with international human rights standards
- Monitor contractors' practices
- Provide remedies for violations to guarantee that public funds are used in ways that protect and promote the rights and wellbeing of all children

(1) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

This guide sets out the rights that parents have in regard to EdTech. It sets out what protections exists, the balance that takes place between children's and parental rights as well as practical issues when advocating for your rights.



The Right To Education

Article 26 of the Universal Declaration of Human Rights (UDHR) says everyone has the right to education and that parents have an important role in choosing how their children are educated. While the UDHR isn't a law on its own, it has shaped other legal agreements and national laws.

For example, **Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)** says education should support the full growth and dignity of each person. **Article 29 of the Convention on the Rights of the Child (CRC)** also says education should teach respect for rights and freedoms. These ideas are now part of many countries' laws and are used in legal cases that protect both education rights and parental choice.

Article 26(3) of the UDHR acknowledges the pivotal role of both parents and children in decision making and says

"parents have a prior right to choose the kind of education that shall be given to their children"

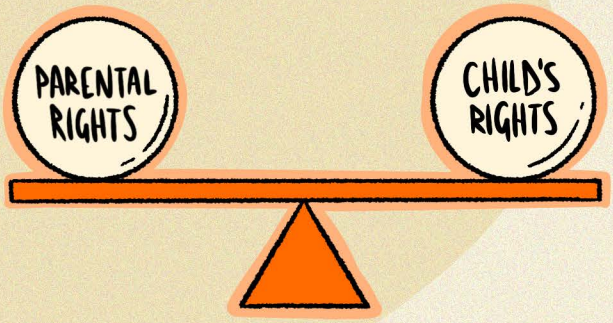
This means families play a central role in choosing what type of learning fits their child best.

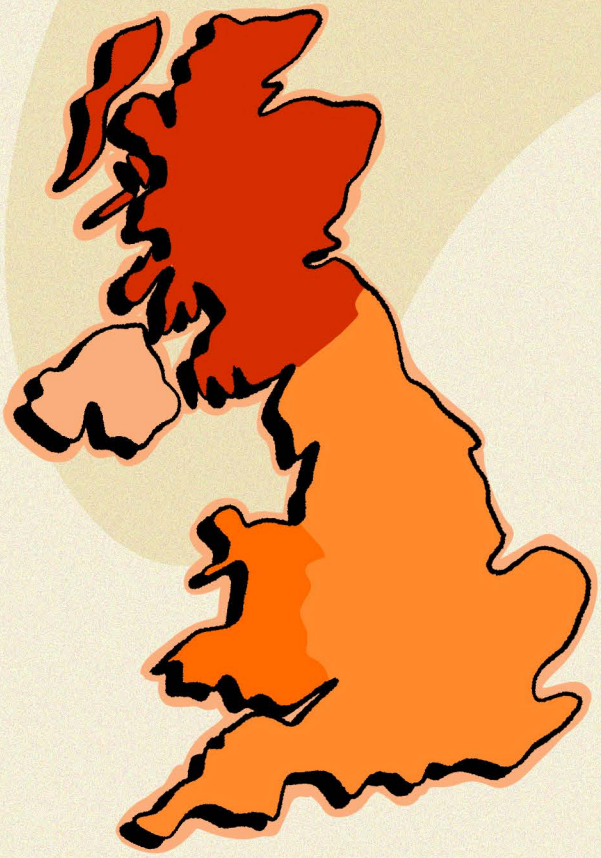


(2) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

UK schools must respect parental choices but also make sure education meets national standards and serves the best interests of the child. This means schools, families, and authorities should work together to support each child's learning and wellbeing.

In the UK, this principle is part of the law. Parents can choose between state schools, private schools, or home education. But this right is balanced with the child's own right to receive an education that helps them grow fully and prepares them for life in a free society.





There are ongoing debates, especially around home education. Some people want stronger rules to make sure children are safe and learning well at home. Others believe parents should have the freedom to choose without too much interference. These discussions highlight how tricky it can be to balance rights and responsibilities.

It's still unclear in law how parental choice and children's rights apply to decisions about EdTech in schools. Since consent is rarely a valid reason for using data in schools, it means a parent's choice can't automatically overrule a child's - or the other way around. But UK law under the **Protection of Freedom Act 2012** makes it clear that for biometric data (like fingerprints), the most protective decision must be respected. If either the child or one parent says no, then the school must not collect or use the biometric data. **No one's view is more important - the safest choice always wins.**

(3) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

What are my data rights as a parent?



Data Protection Legislation

Under the **Data Protection Act 2018** and the **General Data Protection Regulation (GDPR)**, schools and EdTech providers who are **data controllers and data processors** must protect children's and your own data and use it securely and responsibly.

In simple terms, a data controller decides why and how personal data is processed, while a data processor only processes the data according to the controller's instructions.



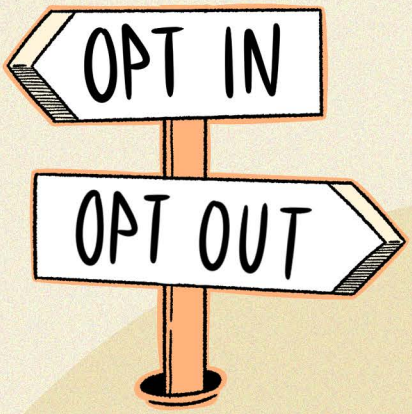
Right to Information

Schools are required to inform parents and children about data collected by EdTech platforms, how it is used, who has access to it, how long they keep it and why

Opt out and Right to Object

Parents have the right to exercise a **Right to Object and Request** to Opt Out regarding the use of specific type of data processing by EdTech providers and schools, especially when sensitive data is involved.

However, schools can refuse to honour it after they do a 'balancing test' to assess the rights of the child against the aims of the data processing. It is not a simple right that is always upheld. *For more details see the fact sheet: Right to Object and Right to Opt Out.*





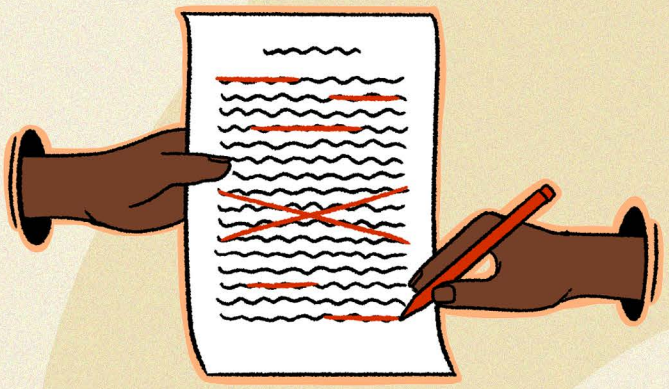
Your right of access

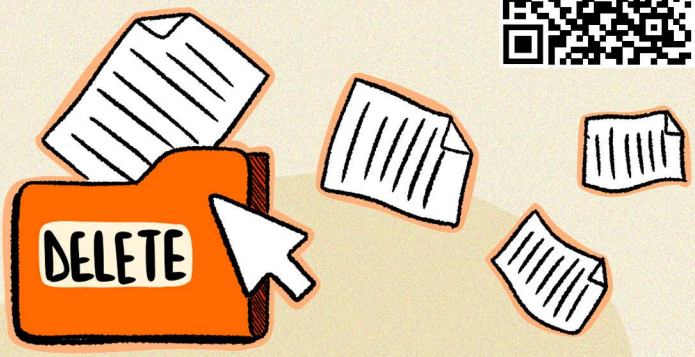
You have the right to ask people and organisations processing your personal data or that of a child for whom you have legal guardianship, for copies of your or your child's personal information. This right always applies. There are some exemptions, which means you may not always receive all the information being processed.

(4) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

Your right to rectification

You have the right to ask people and organisations processing your personal data or that of a child for whom you have legal guardianship, to rectify information you believe is inaccurate. You also have the right to ask to complete information you think is incomplete. This right always applies.



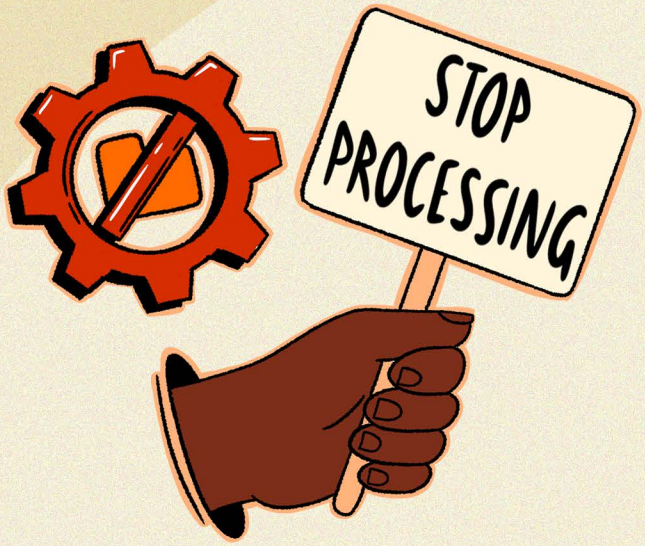


Your right to erasure

You have the right to ask schools and companies to erase your personal information in certain circumstances.

Your right to restrict processing

You have the right to request to restrict the processing of your information in certain circumstances.



Your right to object to processing

You have the right to object to processing if processing your information forms part of an educational setting's public tasks, or is in their legitimate interests. You can read more about those rights on the ICO website.

If someone is processing your information for criminal law enforcement purposes, your rights are slightly different. Look for the relevant section of their privacy notice.

You are not required to pay any charge for exercising your rights. Data controllers have one month to respond to you.

For complaints, you have the rights to contact the ICO helpline on 0303 123 1113 or make a complaint online:

FACTSHEET: WHAT THE PUBLIC SECTOR EQUALITY DUTY MEANS FOR ME (1)

The Public Sector Equality Duty (PSED) is a legal obligation under the Equality Act 2010. It applies to schools, local authorities and other public bodies. It requires them to ensure that their decisions, policies and practices actively promote equality, eliminate discrimination and foster good relations between individuals. This includes the procurement and use of educational technologies (EdTech) and the processing of learners' data

This factsheet explains how the PSED applies to you as a parent or child in the school community and what you can expect from your school.

The use of EdTech has the potential to enhance learning, but it also carries risks, particularly if technologies unintentionally exclude or disadvantage certain groups. By understanding your rights under PSED, you can ensure that schools and the providers of the EdTech products they use, are taking steps to promote equality and create inclusive educational environments

For more information on your rights and how to take action, visit the UK Equality and Human Rights Commission at www.equalityhumanrights.com.

When schools adopt EdTech or process learners' data, what can parents and learners expect?

- ***Fairness and Accessibility:*** *Schools must ensure all learners benefit equally from EdTech, regardless of their background or circumstances*
- ***Protection from Discrimination:*** *Policies and practices must be free from bias and prevent discrimination in all forms*
- ***Support for Diverse Needs:*** *Tools and resources must cater to learners with SEND, those who use English as an additional language, and others who may face barriers such as digital poverty addressing gaps in access to devices or internet, ensuring that no learner is disadvantaged.*

For Schools: What should schools do?

Under the PSED, schools must:

- ***Carry Out Equality Impact Assessments (EIAs):*** *Before introducing EdTech, schools should assess its potential impact on different groups of learners and staff, identifying any risks of discrimination or inequality.*
- ***Ensure Inclusive Procurement:*** *Consider how EdTech providers meet equality standards, including accessibility and data privacy obligations.*
- ***Provide Transparency:*** *Share information with parents and learners about how equality is being promoted in the use of EdTech and data processing.*

FACTSHEET: WHAT THE PUBLIC SECTOR EQUALITY DUTY MEANS FOR ME (2)

For families: Your rights and actions you can take



Ask Questions:

- *How has the school ensured the EdTech supports all learners equally?*
- *Has an **Equality Impact Assessment** been conducted for this tool?*
- *What steps are being taken to address digital poverty?*



Raise any Concerns:

- *If you believe EdTech is creating barriers or perpetuating inequality, contact the school's leadership team or governors.*
- *Escalate unresolved issues to the local authority or the **Equality and Human Rights Commission (EHRC).***

Request Transparency:

Ask for details on how the school promotes equality through EdTech and whether providers meet their equality obligations.

Various legal frameworks and treaties collectively ensure protections against discrimination in the UK, in public and private sectors, and in international contexts.

Article 2 of the UNCRC calls on States to respect and ensure rights to each child in their jurisdiction "without discrimination of any kind, irrespective of a child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." States must ensure that all legislation, policies and programmes that deal with business issues are not intentionally or unintentionally discriminatory towards children in their content or implementation; for instance those that address access to employment for parents or caregivers, or access to goods and services for children with disabilities. *See next page*

FACTSHEET: OTHER RIGHTS YOU HAVE BEYOND THE PSED (1)

A broader set of rights that help set the foundation for the PSED

United Kingdom Laws that protect from discrimination

Equality Act 2010

The primary anti-discrimination legislation in Great Britain, covering nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Human Rights Act 1998

Incorporates the European Convention on Human Rights (ECHR) into UK law, ensuring protection against discrimination (Article 14) and upholding fundamental freedoms.

Data Protection Act 2018 (UK GDPR)

Protects individuals' data and includes safeguards against discriminatory profiling or decision-making using personal data.

Public Sector Equality Duty (PSED) (under the Equality Act 2010)

Requires public authorities to eliminate discrimination, advance equality of opportunity, and foster good relations.

Education Act 1996

Prohibits discrimination in educational settings and enforces equal opportunities for all learners.

Employment Rights Act 1996

Provides protection against discrimination in employment contexts, including hiring, dismissal, and workplace practices.

European Legislation and Agreements

European Convention on Human Rights (ECHR)

Article 14 prohibits discrimination in the enjoyment of rights and freedoms protected under the Convention. The UK remains a party to the ECHR despite leaving the EU.

Charter of Fundamental Rights of the European Union

Although the Charter no longer applies directly post-Brexit, it influenced UK anti-discrimination laws while the UK was a member of the EU.

EU Equal Treatment Directives

Includes directives such as the Race Equality Directive (2000/43/EC) and the Employment Equality Framework Directive (2000/78/EC), which shaped UK legislation like the Equality Act 2010.

FACTSHEET: OTHER RIGHTS YOU HAVE BEYOND THE PSED (2)

The UK is a signatory to other rights-promoting conventions and frameworks

International Treaties

Universal Declaration of Human Rights (UDHR) 1948

Article 2 states that everyone is entitled to rights and freedoms without discrimination. Article 26 also ensures equal access to education.

International Covenant on Civil and Political Rights (ICCPR)

Article 26 guarantees equality before the law and protection against discrimination.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 2.2 prohibits discrimination in the enjoyment of economic, social, and cultural rights.

United Nations Convention on the Rights of the Child (UNCRC)

Articles 2 and 23 emphasise non-discrimination and equal rights for children, including those with disabilities.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Prohibits gender-based discrimination and promotes equality for women in all aspects of life.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Prohibits racial discrimination and obligates states to promote equality across racial and ethnic groups.

Convention on the Rights of Persons with Disabilities (CRPD)

Ensures the rights of individuals with disabilities to live without discrimination and participate fully in society.

Other Relevant Frameworks

European Social Charter (Revised)

Sets out rights related to non-discrimination, equal opportunities, and protections in social and economic life.

Sustainable Development Goals (SDGs) (United Nations)

Goal 10: Reduce inequality within and among countries, promoting social and economic inclusion for all.

Organisation for Security and Co-operation in Europe (OSCE) Human Dimension Commitments

Includes provisions against discrimination in various spheres, particularly in education and employment.

The Durban Declaration and Programme of Action (2001)

Global framework for combating racism, racial discrimination, xenophobia, and related intolerance.