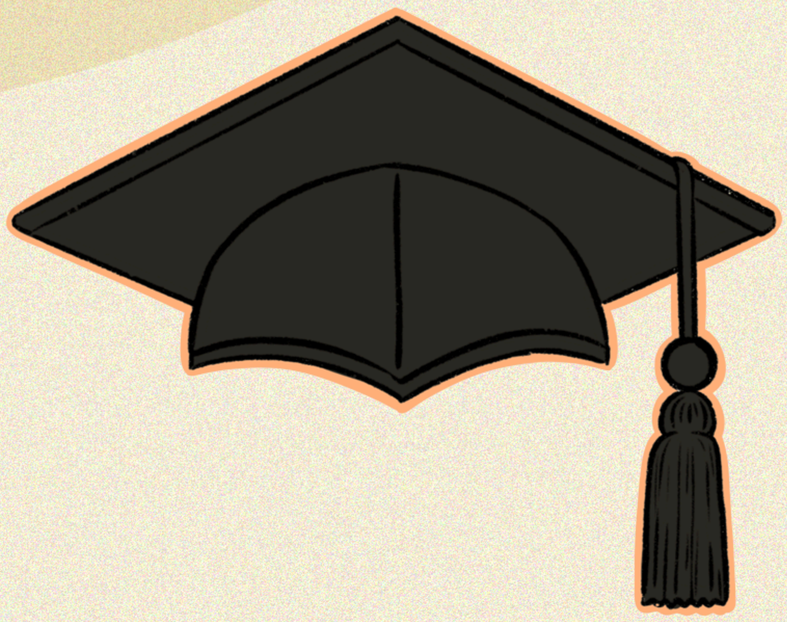
(1) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

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.

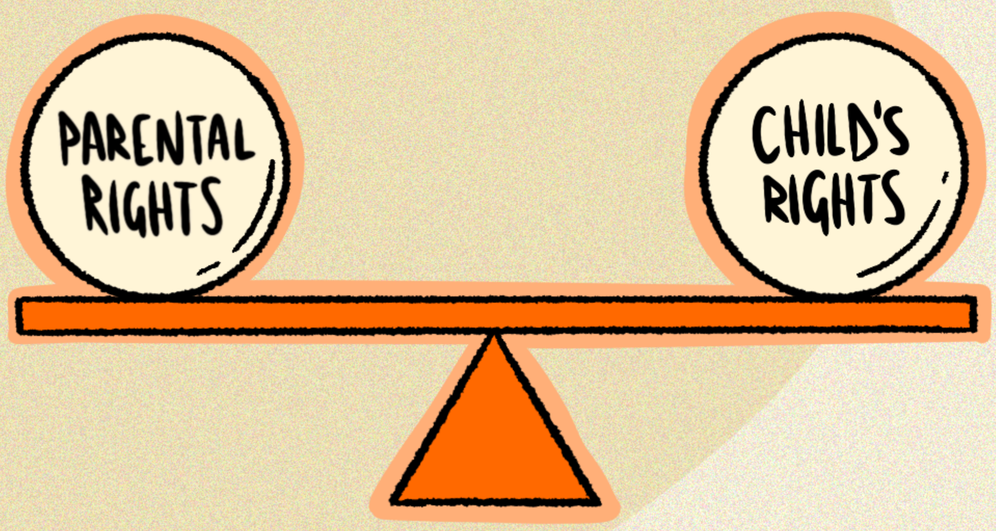


(2) PARENTS' RIGHTS IN THE CONTEXT OF EDTECH

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

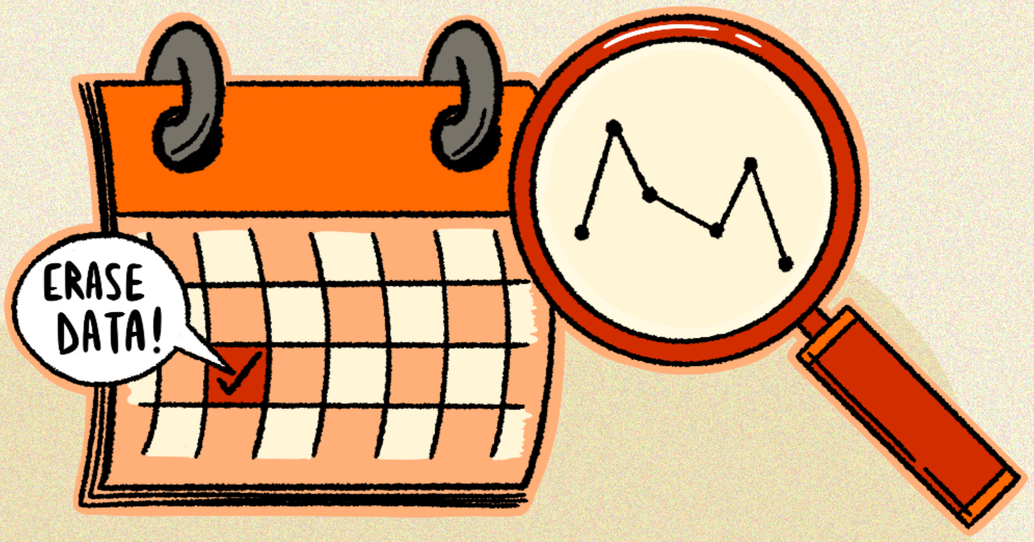
What are my data rights as a parent?



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.



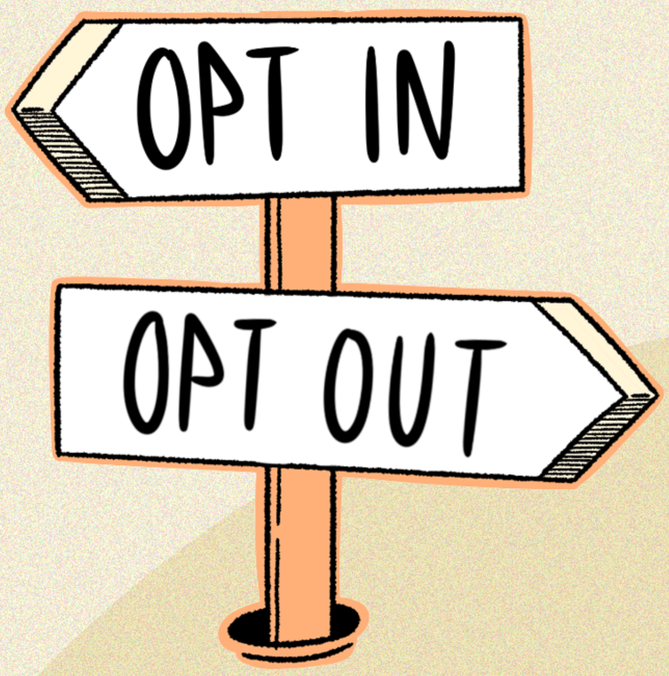
Right to Information

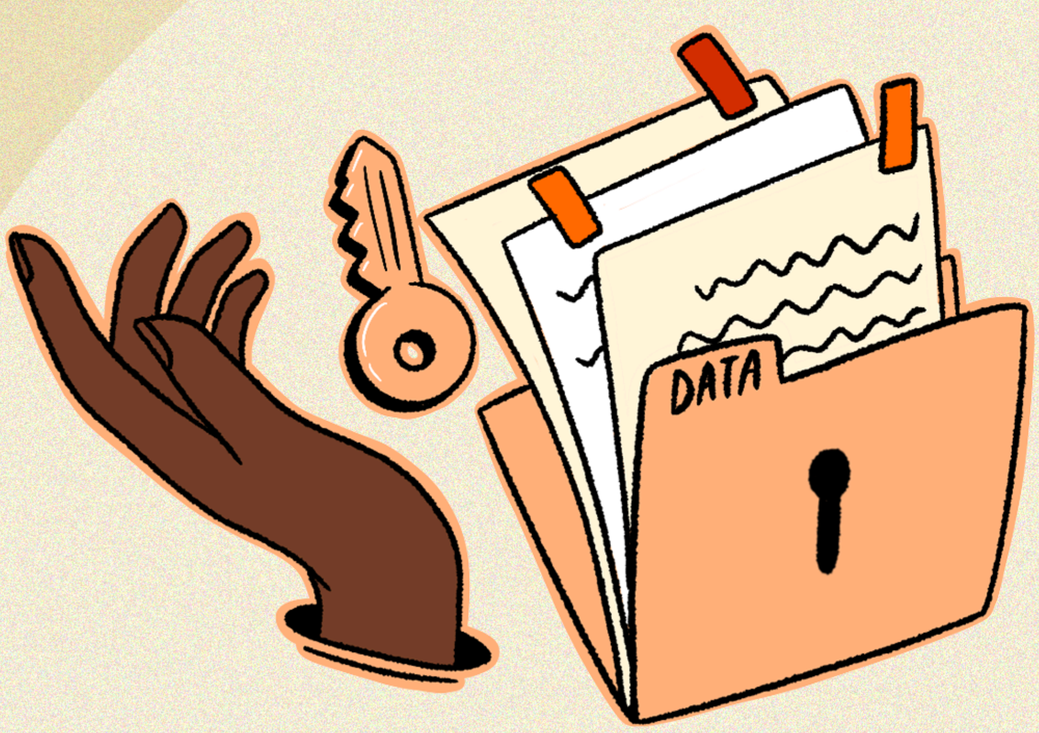
Schools are required to inform parents and children about data collected by EdTech platforms, how it is used, who has access to it, how long they keep it and why

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.*





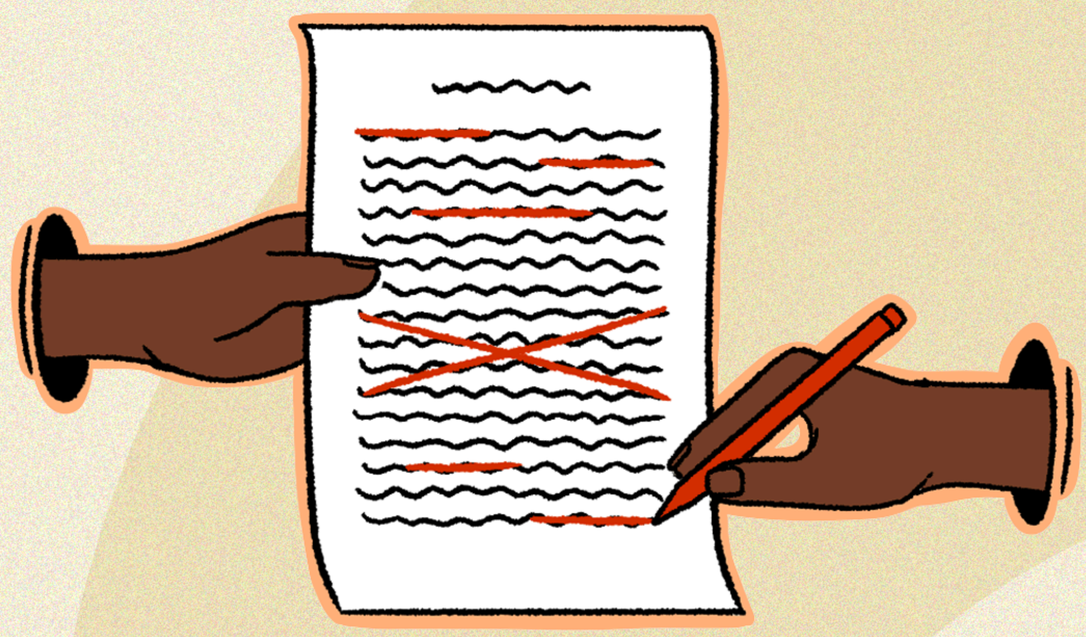
Your right of access

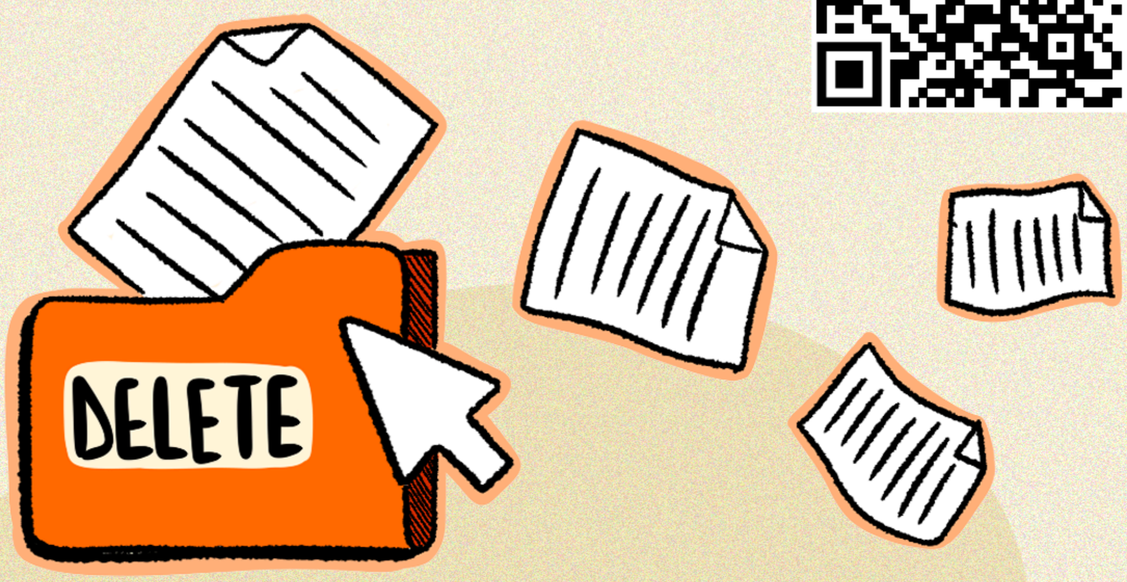
You have the right to ask people and organisations processing your personal data or that of a child for whom you have legal guardianship, for copies of your or your child's personal information. This right always applies. There are some exemptions, which means you may not always receive all the information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