

Privacy

November 2017

AND WHO'S BEEN TRAWLING
THROUGH MY PERSONAL
INFORMATION?



Community Concern

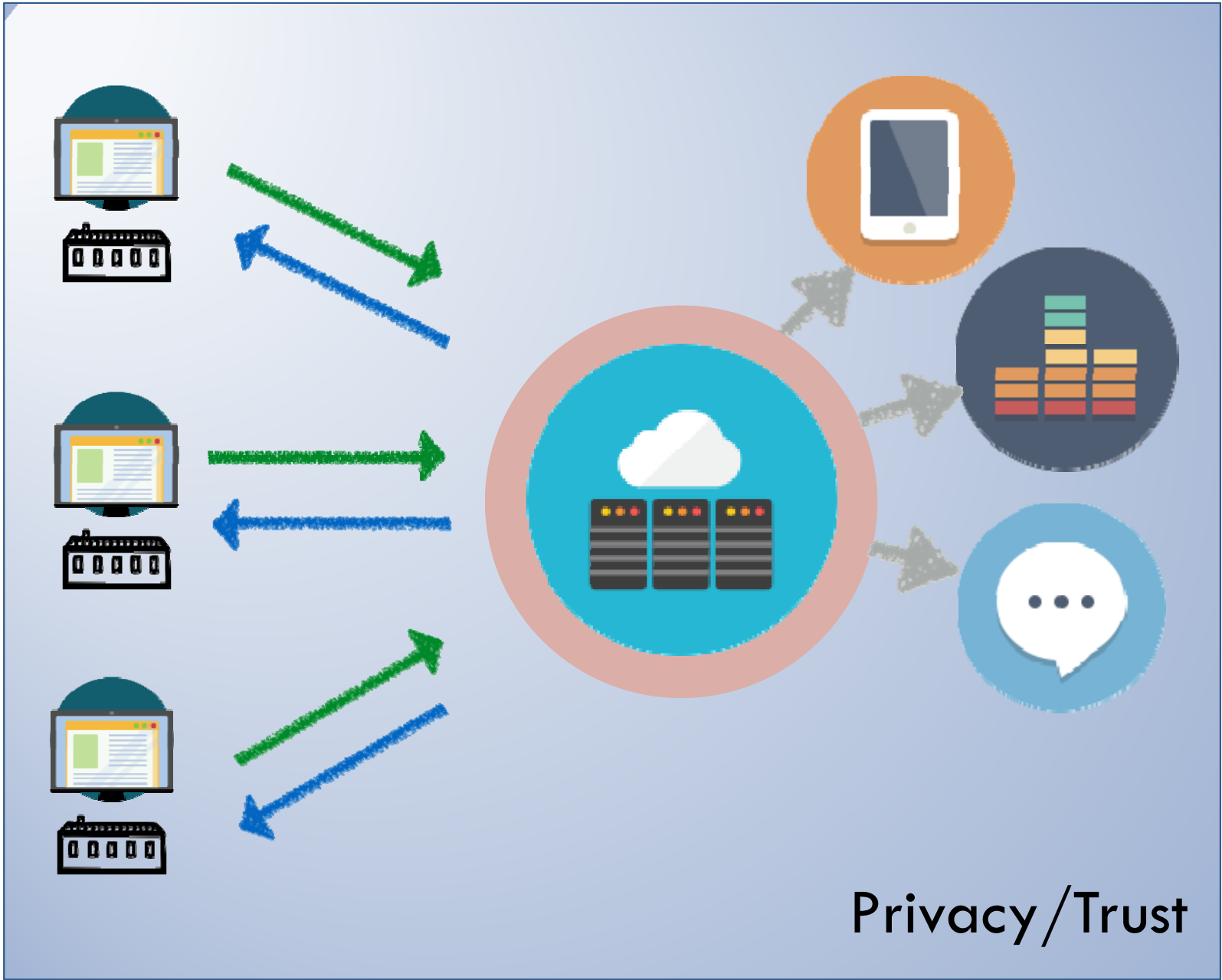
Concerns:

- AU - Public service breaches
- AU - School breaches
- US – Equifax, Uber
- US - School hacks across 3 states



Action:

- US - 180+ new privacy laws since 2016
- UK/Europe General Data Protection Regulations (GDPR)
- AU - Notifiable Data Breaches scheme (NDB) – Feb 2018



Data = Evidence = Outcomes

Privacy – What are we doing?



Activities:

- SIF AU Data model sensitivity ratings
- A4L Privacy Taskforce – Technical controls
- Privacy workshop
 - A4L Student Data Privacy Consortium (SDPC)
 - Consensus to develop standard contract

CAPE:

Contract for Australian Privacy in Education

- Establish a standardised privacy contract
- Used between vendors and Education Departments, Bodies/offices, schools
- Covers exchanges, processing and storage of broad range of education data (inc. personal, sensitive and health information)



CAPE:

Contract for Australian Privacy in Education



Stage 1:

- Establish a CAPE Reference Group (privacy, legal, procurement)
- Develop a discussion paper covering:
 - Scope
 - Privacy obligations
 - Approach
 - Data sets
- > Drive discussion and consensus

CAPE:

Contract for Australian Privacy in Education



Stage 2:

Draft contract

- Preferred model - single common baseline privacy contract
- Apply to all contracting organisations and vendors in all jurisdictions
- Option of additional clauses for each State/Territory or Sector where necessary

Privacy is complex...

Summary of privacy regulation across Australia - <https://www.oaic.gov.au/privacy-law/other-privacy-jurisdictions>

All Non Gov schools (Independent and Catholic) governed by the Australian Privacy Principles available here: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

All State Government schools governed by State legislation (largely based on APPs). Examples are:

NSW – PPIP Act (<http://www.ipc.nsw.gov.au/ppip-act>) HRIP Act (<http://www.ipc.nsw.gov.au/hrip-act>)

VIC – Privacy and Data Protection Act (2014) & Privacy Principles - <https://www.cpdp.vic.gov.au/menu-privacy/privacy-laws-and-standards/privacy-laws-and-standards-ipp>

QLD – Information Privacy Act (2009) - <https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/key-privacy-concepts/overview-of-the-information-privacy-principles>

SA don't have explicit State level legislation, but does have Cabinet Admin Instructions known as Information Privacy Principles (IPPS) Instructions (June 2016) - <http://www.lawhandbook.sa.gov.au/ch34s01s02.php> also see: <http://www.archives.sa.gov.au/content/privacy-guidelines-infosheets>

WA – No explicit privacy legislation, however coverage via the Freedom of Information Act (1992) - http://www.austlii.edu.au/au/legis/wa/consol_act/foia1992222/

ACT – Information Privacy Act (2014) <http://www.legislation.act.gov.au/a/2014-24/default.asp>

NT - Information Act http://www.austlii.edu.au/au/legis/nt/consol_act/ia144/

TAS – Personal Information and Protection Act (2004)

http://www.austlii.edu.au/au/legis/tas/consol_act/pipa2004361/

CAPE: Coverage



- Data: inc. how recorded, school/student records
 - Personal, Sensitive, Health information
- Data breach
- Freedom of information
- Government related identifiers, TFNs
- Intellectual property rights
- State/Territory privacy laws
- Public records
- Linking to vendor agreement and trickle down
- Collection notice and consent
- Use and disclosure

Coverage...

- Data security, protection and storage...+++
- Data sources



Benefits



- The highest level of standards and best practice in privacy compliance
- Greater transparency
- Documented protections
- Mitigation of risks
- Reduced legal and administrative burden
- Reduced costs

CAPE: Next Steps



- Meeting of CAPE Reference Group
- Feedback on CAPE Discussion paper
- Decision on contract
- Draft contract development
- Contract finalisation
- Contract deployment/visibility
 - Discussion, Decision, Implementation

Privacy: The Road Ahead



- Privacy contract is one part of a broader trust framework
- Compliance / audit checks
 - Vendors across AU
 - International vendors
- Support materials
 - Departmental/Sector authority advice
 - Vendor advice
 - School advice
 - Parent/student advice
- School level toolkits

Privacy - Questions?



SPDC Website

Key Declined: Vendor was unable to sign the contract and the app is not in use.

[About Student Data Privacy Consortium](#)
[View Participating Districts](#)

Here is a list of all data elements used by this application:

Show entries

Search:

Academic or extracurricular activities, Conduct or behavioral data, Date of Birth, English language learner information, English language learner information, Ethnicity or race, Gender, Guidance counselor, Homeroom, Language information, Parent ID number, Year of graduation, Vendor/App assigned student ID number, Teacher names, Student school enrollment , Program/application performance, Student Address, Student Email, Student Phone , Student disability information, Specialized education services, Medical alerts, Low income status, Living situations, English language learner information, Conduct or behavioral data

Software Name	Agreement Status	Agreement Type	Agreement Dates	Grade Level	Content Area
AP Registration Service	Active	Agreement V4	Approved: 2017-02-10	9, 10, 11, 12	Other
Achieve 3000	Active	Agreement V2a (Includes Terms of Service)	Approved: 2016-01-25	6, 7, 8	English Language Arts
ALEKS	Active	District Modified	Approved: 2016-06-28 Expires:		
Animoto	Declined	Declined		6, 7, 8, 9, 10, 11, 12	English Language Arts, Health, Instructional Technology, Library Media, Math, Science, Physical Education, Visual Performing Arts, Social Science, World Language
Apex	Active	Agreement V2a (Includes Terms of Service)	Approved: 2016-07-19 Expires:	9, 10, 11, 12	Other
ASPEN Student Information System	Active	Self-Hosted	Approved: 2016-07-01	K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	English Language Arts, Health, Instructional Technology, Library Media, Math, Science, Physical Education, Visual Performing Arts, Social Science, Other, World Language

