



## Official Information Act Request

**Ministry of Education**

**Te Tāhuhu o te Mātauranga**

By email: [info@education.govt.nz](mailto:info@education.govt.nz)

Tēnā koe

Privacy Foundation New Zealand, as part of its programme for 2022, has commenced a research enquiry into the privacy of children and young people at New Zealand schools with a focus on the shift towards an online learning/teaching environment.

In this regard, we are interested in getting more information about the organisation of the online learning environment, the digital platforms used by New Zealand schools and methods and tools used to protect children and young people's privacy and their personal information. To that end, we have studied the information on the Ministry websites:

- Learning from home (<https://learningfromhome.govt.nz/>)
- Digital technology (<https://www.education.govt.nz/school/digital-technology/>),

which provide the schools with useful guidance about online teaching and, as well, information about the Ministry's support for the use of educational software from particular software providers. We have also conducted some preliminary research as to what software is used by the schools.

The request detailed below focuses on students' privacy and its protection in:

- educational software that is used at the New Zealand schools,
- Ministry plans or policies related to online learning,
- Ministry recommendations for schools,
- additional services/products sold to students and schools by the educational software providers.

We have also asked a few open questions to understand how the Ministry perceives potential privacy problems in online learning.

We would be grateful for providing us, under the Official Information Act, with the following documents / information:

1. The text of the agreements/contracts concluded between the Ministry and the following educational software providers for the provision of the software and IT services for New Zealand schools (if the Ministry concluded such agreements):
  - Apple,
  - Google,
  - Microsoft,

- SeeSaw,
  - Hāpara,
  - Link-Ed.
2. The number of the New Zealand primary and secondary schools that, according to your knowledge, are using the software or services of each of the providers listed in point 1 above and the total number of primary and secondary schools.
  3. The names of any providers other than those listed in point 1 above that provide educational software to the New Zealand primary or secondary schools. We are interested mainly in providers that cover a significant number of the schools, i.e. more than 5%.
  4. The information related to the software of the providers listed in point 1, about:
    - The compliance of the software with the New Zealand law, in specific with the Privacy Act 2020 (and/or its predecessor – Privacy Act 1993), including the Ministry’s analyses and assessments of that compliance,
    - Privacy Impact Assessments that have been undertaken by the Ministry or have been used or relied upon by the Ministry,
    - Analyses of privacy problems/risks related to that software (if any),
    - The content of any discussions with the software providers related to privacy of children and young people or any additional undertakings of those providers (including the discussions during the negotiations of the terms of the relevant agreements/contracts).
  5. The information whether the agreements/contracts with any of the software providers listed in point 1 above were audited or whether the performance and/or execution of those agreements by the companies listed in point 1 have been verified. If so, the relevant documents and information from the relevant audits and/or analyses.
  6. The Ministry’s analyses, Privacy Impact Assessments, plans and/or policies related to the privacy protections of the New Zealand students (children and young people) in the online learning environment.

In particular, we are interested in potential analyses of:

    - the purposes of the collection of personal information (e.g. educational, advertising, research, analytics, other commercial purposes),
    - types of personal information collected (e.g. demographic, location, behavioural, internet activity, personal contacts, biometric),
    - transparency of the software providers about the collection and informing students and their parents or/and legal guardians about the collection,
    - the potential for customisation / limiting the collection of personal information by schools and/or students by changing the software options and analyses of the default software settings,
    - the issues related to the storage of personal information and its potential cross-border transfer to a different jurisdiction,
    - the potential disclosure of the information to third parties, including the companies cooperating with schools and third parties cooperating with the service providers,
    - any third-party privacy issues (such as teachers/parents).
  7. Any recommendations and/or advice of the Ministry given to the NZ schools and other educational institutions about protecting the privacy and personal information of children and young people in the process of online learning. In specific, the recommendations related to:

- creating an educational environment for online learning in which students' personal information is used only for the goals of their education,
  - a collection of personal information from students by schools and the software providers and potential for reuse of that information by schools or software providers for goals other than education,
  - offering to children / young people other commercial products (software or devices, e.g. other products, separate or upgraded version of the school software, accompanying devices like 'Chrome books', laptops, tablets, etc.) or services which are not covered by the agreement (e.g. Google email, search services, streaming platforms, etc.),
  - implementing mechanisms of audit and or verification of the undertakings of the software providers,
  - creating school privacy policies which describe the purposes and limits of collection and use of personal information in online learning,
  - security of information including avoiding cyber-attacks,
  - the use of Privacy Impact Assessments,
  - the storage of personal information and cross-border transfers of personal information,
  - the disclosure of the information to third parties, in particular, cloud providers, developers and providers of additional services cooperating with the service providers.
8. The information about additional services/products delivered to students or schools by the companies listed in point 1 to schools or students. In particular:
- a. Do, according to the Ministry's knowledge, the software providers listed in point 1 or schools require or encourage students (children and/or young persons) or schools to purchase or/and to use additional services or products of the services providers?  
That includes:
    - equipment (e.g. Chrome books),
    - web browsers (e.g. Chrome, Edge, Safari),
    - email services (e.g. Gmail),
    - video sharing or streaming services (e.g. YouTube),
    - maps (Google Maps, Apple Maps),
    - search services (e.g. Google Search, Microsoft Bing),
    - location-based services (other than maps),
    - business services for schools.
  - b. Are the services listed in point a. above covered by the agreements concluded by the Ministry with those service providers?  
If not, whether the supply of additional services was a subject of analysis by the Ministry either before or after concluding the agreements with those service providers. We would like to receive the content of those analyses.
  - c. Has the Ministry analysed the collection of personal information of students (children / young people) during their online learning/teaching by those additional services?
  - d. Has the Ministry analysed the potential 'leak' (or overflow) of personal information of students to those additional services?
9. The answer to the following question:  
Has the Ministry provided for creating a protected educational environment in which students are not exposed to:

- profiling by the service providers,
- marketing of other services of the service providers,
- commercial advertisement of third parties towards the students and their families,
- collection of personal information that is not necessary for the educational goals of the schools?

If so, how that is reflected in the agreements with service providers, Ministry policies and guidance to schools?

10. Other information which, in your opinion, might be relevant to the scope of our enquiry.

We have written this OIA request to cover the scope of our enquiry and, possibly, limit the time and engaged resources on the Ministry's side to collect and reply with the relevant information. If, in your opinion, some of the requested information is difficult to find, we would be grateful for contact to possibly adjust the enquiry and limit subsequent questions and engagement of resources. Also, we would be grateful for a direct contact from you in case of any doubts or uncertainty as to the questions above.

We will be sending similar enquiries to other relevant institutions in New Zealand including schools, Children's Commissioner and Privacy Commissioner. Our plan is that the information collected during our research will be used to write a report about privacy in online teaching/learning context in New Zealand.

#### [About the Privacy Foundation New Zealand](#)

The Privacy Foundation New Zealand was established in 2016 to protect New Zealanders' privacy rights, by means of research, awareness, education, the highlighting of privacy risks in all forms of technology and practices, and through campaigning for appropriate laws and regulations. Its membership has a diverse range of professional, academic and consumer backgrounds and the Foundation regularly lends its collective expertise to comment on proposed regulation or programmes in the media or by participating in consultation processes.

Yours faithfully,

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