



## Official Information Act Request

**Privacy Commissioner**

**Te Mana Mātāpono Matatapu**

By email: [oiia@privacy.org.nz](mailto:oiia@privacy.org.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. The request detailed below focuses on:

- educational software that is used at the New Zealand schools,
- potential issues related to that software,
- Privacy Commissioner's plans, policies, recommendations and advice related to online learning/teaching.

We have identified, so far, the following providers of educational software that are broadly used in New Zealand schools:

- Apple,
- Google,
- Microsoft,
- SeeSaw,
- Hāpara,
- Link-Ed, and
- Education Perfect.

We are particularly interested in the following aspects of the software use:

- 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 of personal information 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,
- cross-selling - additional services/products sold to students and schools by the educational software providers (e.g. email services, computers, search or streaming services, office or document management systems), their links to the educational software and potential data transfers between educational and 'commercial' environment,
- third-party privacy issues (such as teachers/parents).

Therefore, we would be grateful for providing us, under the Official Information Act, with the following information:

1. Any information in possession of the OPC related to the educational software of the providers listed above, 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 OPC's analyses and assessments of that compliance,
  - analyses of privacy problems/risks related to that software (if any), or Privacy Impact Assessments that have been undertaken by the OPC or have been used or relied upon by the Privacy Commissioner,
  - the content of any potential discussions with the software providers related to the privacy of children and young people.
2. Any 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 that have been produced by the Office of the Privacy Commissioner or have been used or relied upon by the Privacy Commissioner.
3. Any advice or recommendation provided by the Privacy Commissioner to the Ministry of Education, New Zealand schools, or New Zealand School Trustees Association related to online teaching/learning and/or the use of educational software.
4. Information about any Privacy Commissioner's enquiries into privacy and the practice of online learning/teaching in New Zealand schools that could be shared with us.
5. 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 OPC'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 direct contact from you in case of any doubts or uncertainty as to the questions above.

We have sent similar enquiry to the Ministry of Education to collect evidence for our research about their agreements with the educational software providers, analyses and recommendations for the New Zealand schools (<https://www.privacyfoundation.nz/oia-request-to-the-ministry-of-education-concerning-online-learning/>). Also, we plan to reach out to other relevant institutions in New

Zealand the Children's Commissioner and directly to schools. Our plan is that the information collected during our research will be used to write a report about privacy in the 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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