

29 June 2022

Marcin Betkier  
Privacy Foundation NZ

**By email only to:** [marcin.betkier@vuw.ac.nz](mailto:marcin.betkier@vuw.ac.nz)

Tēnā koe

**Official Information Act Request (Our Ref: OIA/0187)**

1. I refer to the Privacy Foundation's research enquiry into the privacy of children and young people in New Zealand schools with a focus on the shift towards an online learning/teaching environment.
2. The Foundation made an Official Information Act request to OPC dated 19 May 2022. OPC team members met with you to discuss the request on 30 May. You clarified that the scope of your request is relevant information held by OPC about online learning/teaching dated between 1 January 2020 to 30 May 2022.
3. Having now checked our records we can now confirm that we hold only limited information within the scope of your request. The information we hold is from enquiries from members of the public and the media about the use of monitoring technology in schools.
4. The public enquiries OPC received were about the following monitoring technologies:
  - A tool called Classwize/Linwize that allows schools to access students' personal devices when they are signed into school gmail accounts;
  - a school installing the "Bark" extension to student chromebook to monitor devices;
  - a monitoring/safety app called FamilyZone;
  - spyware to monitor online university exams.
5. The public enquiries above resulted in OPC providing general advice from the Office about the Privacy Act and recommended that concerns about the use of proposed use of these monitoring technologies be raised with the educational provider. The Office has not received subsequent complaints about these technologies following this general advice.
6. We also received a complaint in 2021 about a school using AB Tutor that is a type of monitoring software installed on student devices. Following our enquiries to the school concerned, the school agreed to make changes to the way in which AB tutor was rolled out to strengthen the privacy protections in relation to its use. The Office followed up by

providing a compliance advice letter to the school about its obligations under the Privacy Act and recommending ensuring that the school's BYOD agreement complies with privacy principle 3, and that a Privacy Impact Assessment should be undertaken when introducing this kind of technology.

7. The Office received two media enquiries about e-assessment tools in universities including Exemplify. The media enquiries and the Office's responses are enclosed for your information.
8. As flagged in your meeting with OPC officials, we are in the very early stages of developing some policy work to further our understanding of how the privacy of children and young people in New Zealand is currently being protected. We look forward to engaging with the Privacy Foundation on this as it is developed.
9. I hope this assists to gain an understanding of the Office's engagement. If you would like to discuss your research as it progresses, our Policy Team will be available to meet with you and further engage.

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to read 'Joanna Hayward', written in a cursive style.

Joanna Hayward  
**General Counsel**

Encls.