

Information about Bill 11 and Student Privacy

Currently, the *School Act* has strict controls over the disclosure of student personal information. Teachers in BC are concerned that the proposed amendments in Bill 11 erode student privacy by removing restrictions on the use of student personal information.

Background

As students progress through the British Columbia school system, their information is kept and updated. Student files and permanent student records include personal information, student report cards, relevant medical or legal documents, and other information schools may need. After a student has withdrawn or graduated from the system, student file records are retained only according to school district policy.

MyEducation BC, the Ministry of Education's new student information system, will collect much more information about students, their studies and their behaviour from Kindergarten to graduation in a centralized database.

Proposed Bill 11 changes

The existing section of the *School Act* entitled "Non-disclosure of student records" is deleted in Bill 11, replaced with a new section entitled "Student personal information" which authorizes providing personal information contained in a school record for specified uses. This authorization for research is extended to "all public bodies" with no apparent safeguards for how these bodies use this sensitive information.

Bill 11 opens up the use of student personal information for many uses beyond the education of the individual student.

- It removes the protection of private student data. It will be possible to link a student's data with information about other students, and to other government services data.
- It removes the *School Act* section that says an employee who knowingly discloses "any information contained in a student record that identifies a student" is committing an offence.

It makes wrongful disclosure of student personal information no longer a serious offense.

- Teachers, students, and parents will access MyEducation BC and its data with the government service card, which is also the common link for everyone in BC to driver's licences, health, social services, and all other government services and databases.
- The BC Centre for Data Innovation says that "permitting private sector users is an emerging trend" in the development of government databases.

Bill 11 authorizes changes for private student data:

- From being about the education of an individual student into being part of "big data," where information from multiple databases is combined and "data mined." It moves student data away from its central function in the relationship between student, teacher, and parent.
- Student data could be disclosed to allow student achievement to be measured. For example, student test results might be used to "evaluate the effectiveness" of boards, programs, or courses.

Other privacy concerns of Bill 11 include:

- No apparent safeguards for how public bodies disclose this sensitive information. This is troubling given the current lack of security for information held by government.
- Student data is not properly protected from cyber security threat. The Auditor General reported that most public web applications are vulnerable to illegal access or malicious activity.
- Repealing the *School Act* section "Removal or destruction of individual identifiers" appears to allow public bodies to retain student personal information indefinitely. This is problematic both because of the right to be forgotten, and because it places more personal information at risk if a public body holding such information is hacked.