

# *PRIVACY AND SURVEILLANCE IN DIGITAL COURSEWARE*

SCHEV-OPEN VIRGINIA ADVISORY COMMITTEE'S VIRTUAL EVENT SERIES, **OPEN EDUCATION: STUDENT SUCCESS AND FACULTY AUTONOMY**, 10/22/2020

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***“THE INTERNET IS A SURVEILLANCE STATE. WHETHER WE ADMIT IT TO OURSELVES OR NOT, AND WHETHER WE LIKE IT OR NOT, WE ARE BEING TRACKED ALL THE TIME”***

**BRUCE SCHNEIER, CNN, 3/16/2013**



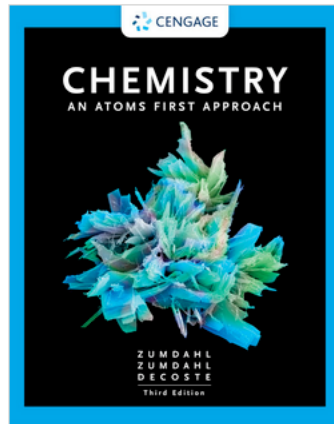
Academic publishers are “transforming themselves into data analytics companies built atop their content, effectively adding ways to monetize it.”

*Claudio Aspesi & SPARC “The Academic Publishing Industry In 2018.” Landscape analysis , 29 Mar. 2019*



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“Variously known as inclusive access, innovative pricing, or other names specific to the publisher, [these are] contracts between publishers and institutions that set in place the conditions and discounts under which students are automatically charged on their tuition ... for each assigned course material.”

*KAITLYN VITEX. “AUTOMATIC TEXTBOOK BILLING. AN OFFER STUDENTS CAN’T REFUSE?” U.S. PIRG EDUCATION FUND, FEB. 2020*



**Privacy  
Please**

## WHAT DO THEY COLLECT AND ANALYZE?

- Personally identifiable information (PII) – contributed by user or collected from the institution
- Technical information – usually through cookies
- Transactional information – generated through use of the website and the product, can include notes, comments, highlights, study guides, etc.
- School; 3<sup>rd</sup> party suppliers; social media

## FOR WHAT PURPOSES?

- Account administration
- Developing and improving services
- Promotion and advertising (in some, directed to students)
- Depending on the institution and license, learning analytics



## WITH WHOM DO THEY SHARE IT

- The licensing institution (in the case of an institutional or IA license)
- “Trusted parties or affiliates”
- The government, in response to a court order.
- With various entities, To prevent fraud
- With new owners, in the event of a company sale
- In some cases, with 3<sup>rd</sup> parties, for marketing.

So many times people, especially people that don't work with the data every day, think that data are objective, and they're not. They're a complete subjective reflection of our own reality, and our own reality has student success gaps with our minoritized students. And so, all of our predictive analytics are going to reflect that....”

Loralyn Taylor, in “The Ethical Issues Around Learning Analytics,” Educause Exchange, 10/7/20

“...analytics is good for understanding sort of the behavior of groups more than it's useful for understanding the behavior of an individual within a group. It's an inference about a population parameter, it's not an inference about a person. ...And the reason I think that the models don't predict accurately, is they don't capture things like student effort, they don't capture a student's engagement...they don't capture students' grit and determination.”

Robert Carpenter, in “The Ethical Issues Around Learning Analytics,” Educause Exchange, 10/7/20

All the agreements contain ambiguous language that gives the publishers latitude in making decisions about the collected data.

“...we limit the use, collection, and disclosure of your PII to deliver the service or information requested by you or your institution.”

“We use the information to “...maintain and improve the products.”

We reserve “the right to disclose non-identifiable information with third parties.”



# FERPA

Family Educational  
Rights & Privacy Act

A silhouette of a person stands in profile, looking towards a wall of glowing blue data points and lines, representing digital information or a network.

## DE-IDENTIFICATION / ANONYMIZATION

Removing or masking data that  
can be linked to an individual



Photo by Jason Tuinstra on Unsplash

**DATA SECURITY:**  
There are no  
guarantees



Photo by Bermix Studio on Unsplash

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# What about opting out?

Lose access to content

For IA licenses: cumbersome, difficult process

## IT'S A MATTER OF ETHICS



- **SHOULD STUDENTS HAVE TO SUBMIT TO DATA GATHERING IN ORDER TO USE THEIR COURSE MATERIALS?**
- **SHOULD INSTITUTIONS BE OUTSOURCING CORE ELEMENTS OF THE ACADEMIC INFRASTRUCTURE TO CORPORATE ENTITIES WITH MINIMAL CONTROL OVER WHAT DATA IS COLLECTED AND HOW IT'S ANALYZED?**

***“IF THE DIGITAL FUTURE IS TO BE OUR HOME, THEN IT IS WE WHO MUST MAKE IT SO. WE WILL NEED TO KNOW. WE WILL NEED TO DECIDE. WE WILL NEED TO DECIDE WHO DECIDES. THIS IS OUR FIGHT FOR A HUMAN FUTURE”***

**SHOSHANA ZUBOFF, *THE AGE OF SURVEILLANCE CAPITALISM***

**THANK YOU**



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