A child rights approach to data-driven education

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Data-Date: Which type of data-driven education do we want?
Kenniscentrum Data & Maatschappij, 26 January 2021
United Nations Convention on the Rights of the Child

1989

Parties: 196

General Comment on the Rights of the Child in relation to the Digital Environment
freedom of expression
(article 13 UNCRC)

freedom of thought
(article 14 UNCRC)

right to privacy
(article 16 UNCRC)

right to education
(article 28/29 UNCRC)

right to play
(article 31 UNCRC)

right to protection from commercial exploitation
(article 32 UNCRC)

non-discrimination
(article 2 UNCRC)

life & development
(article 6 UNCRC)

right to be heard
(article 12 UNCRC)

best interests
(article 3 UNCRC)
States should develop evidence-based standards and guidance for schools and other bodies responsible for procuring and using educational technologies and materials to ensure these deliver **valuable educational benefits**. These standards for digital educational technology should ensure that **uses of these technologies enhance children’s rights** and do **not expose children to violence, discrimination, misuse of their personal data, commercial exploitation or other infringements of their rights**, including the use of digital technology to document a child’s activity and share it with parents without the child’s knowledge or consent.
Guidelines to respect, protect and fulfil the rights of the child in the digital environment

Protect children's personal data in education setting

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‘school gates’ are opened up to commercial actors
heavy investigative burden before procuring products or services in educational settings
breadth of personal data processed in support of learning and non-learning aims, for administration, behavioural management and teaching purposes
various legal frameworks applicable
ensure full range of the rights of the child
• data protection principles × children’s rights principles
• involve children (right to be heard)
• no monetisation
• risk assessment
• prohibition on profiling (unless when it is in the best interests of the child or if there is an overriding public interest, on the condition that appropriate safeguards are provided for by law)
• biometric data (exceptional, no other less intrusive measures)
• design
Take-aways

• interplay of opportunities and risks
• interplay of various rights
• interplay of state duties + private sector responsibilities
• interplay of interests → child’s best interests
• interplay of actors → including children
Prof. dr. Eva Lievens
Law & Technology

More about our research project:

A children's rights perspective on privacy and data protection in the digital age: a critical and forward-looking analysis of the General Data Protection Regulation and its implementation with respect to children and youth