



# In support of a Code of Practice for Education Technology

Briefing by the Digital Futures for Children centre for Amendment 146 to the Data Protection and Digital Information Bill

Sonia Livingstone, Louise Hooper, Ayça Atabey

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We support the code of Practice suggested by [amendment 146 to the UK Data Protection and Digital Information Bill](#). The amendment was introduced by Baroness Beeban Kidron OBE – Chair of Digital Futures for Children centre and of the 5Rights Foundation. It will be debated in Grand Committee on 15th April.

**A Code of Practice for EdTech supported by a certification scheme would make it easier for schools to use technology for the benefit of children confidently and in a way that respects child rights and create pathways for beneficial sharing of education data for innovation.**

A Code of Practice supported by a Certification Scheme would:

- reduce the burden on schools as data controllers and educational providers;
- help them identify products that protect children’s data rights, uphold the rights of the child, and provide educational benefits.

This would build trust in EdTech and boost adoption by schools and parents. EdTech providers would know what standards they should meet and how to meet them.

Shifting at least part of the burden of demonstrating compliance away from schools and onto the companies that make profit from children’s data obtained in education should lead to a more equal playing field where schools can see the real benefits of available technology whilst ensuring the protection of children without being overburdened.

The [Blueprint for Education Data](#), which was the culmination of three years’ multidisciplinary, multi-stakeholder work including some technology companies, sets out clear criteria for a pro-innovation, rights respecting framework for EdTech.

## Key points

- EdTech used in schools results in **widespread invasion of children’s privacy through data collection.**
- There is often **little evidence to support the claimed learning benefits.**
- **Schools and parents lack the technical and legal expertise to understand what data is collected**, who has access to it, how it is used and what impact this has on children and their futures.
- **EdTech needs to be safe and trusted.**
- **Children in education deserve high standards of privacy and data protection.**
- Introducing a Code of Practice will **provide guardrails for rights-respecting innovation and enable the development of a trusted data infrastructure to the benefit of children**, parents, schools, business and the public purse.

## EdTech used in schools results in widespread invasion of children's privacy

In the UK, adoption of EdTech by schools increased exponentially during the COVID19 pandemic allowing most children being able to continue with education during lockdown. However insufficient regard was paid to children's rights and the data practices of EdTech companies. That lack of regard continues.

Our report, "[Problems with Data Governance in UK Schools: the cases of Google Classroom and ClassDojo](#)" demonstrated it is almost impossible to know what data is collected from children in education and what is done with it. EdTech companies rely on impenetrable data protection and privacy policies to harvest children's data for their own benefit. In 2021 Human Rights Watch<sup>1</sup> reviewed 164 EdTech products and found most monitored or were capable of monitoring children secretly and without the consent of either children or their parents. Intimate social profiles of children could be built from this data and Human Rights Watch found most EdTech sent or granted access to children's data to AdTech (advertising technology companies). AdTech then targeted children with behavioural advertising or other personalised content distorting their online experiences.

### Why is this a problem?

Core concerns are:

- Children's data leaks out of schools to be used for commercial and profiling purposes including research, product development, advertising and training of AI.
- EdTech engages in social profiling of children which is then used for behavioural advertising or to manipulate and influence children's opinions and beliefs.
- These profiles may determine what content is shown to children online which may be harmful (for example, recommender algorithms encouraging anorexia) or result in a restriction on access to information (for example, some children never seeing scholarship opportunities whilst others being directed towards them).
- Profiles can be inaccurate and tainted by adult data (for example, where an older brother or a parent uses the same computer without adequate safeguards).
- Within schools, [constant surveillance](#), monitoring and recording of children's offline and online activity creates records of the child's actual and imputed educational and other abilities that may follow them into adulthood potentially limiting their future opportunities.
- EdTech claims in respect of educational value are often unsubstantiated.

A generation of children are exposed through their data to corporate and other entities in novel ways that we cannot fully anticipate and that do not always accord with children's actual

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<sup>1</sup> "How Dare They Peep into My Private Life?" Children's Rights Violations by Governments That Endorsed Online Learning During the Covid-19 Pandemic, Human Rights Watch, 2021: <https://www.hrw.org/news/2022/05/25/governments-harm-childrens-rights-online-learning>

identity or best interests.

With current advances in AI and other technologies, the risk to children's privacy will be supercharged and with it the difficulties schools will face in assessing technology and protecting children.

## There is often little evidence to support the claimed learning benefits

EdTech promises a lot but often fails to substantiate the claims made with evidence. **There are no benchmarks for assessing the benefit to children of interacting with EdTech for their education.** Our reports found that [experts, schools and teachers](#) share concerns about this lack of evidence and what truly is in children's benefit in education. According to our nationally representative survey, children also have mixed views about the EdTech products they use in school, and some children doubt the benefits.

## Schools and parents lack the technical and legal expertise to understand what data is collected

Schools are expected to make decisions on EdTech procurement and negotiate complex contracts with EdTech providers and are overburdened with the legal and financial responsibility to choose data protection compliant EdTech products. It is not a fair fight between multinational countries and individual schools. **Schools are worried how children's data is used and whether it is sufficiently protected.** In practice, they have limited control or oversight over how children's data is used by EdTech.

The **government previously agreed to introduce a Code of Practice for EdTech** but has not done so. Meanwhile across Europe and the USA [regulatory and legal action](#) has shown time and again that EdTech used in schools has breached data protection laws and children's rights.

## EdTech needs to be safe and trusted

Good regulation should be fair and help build trust in EdTech to ensure the continued use of innovative technologies by schools, children, parents or caregivers. **Failing to regulate and leaving schools navigating complex laws and technology can and is leading to schools abandoning or rejecting EdTech.** This is the case even where EdTech has the capacity to help.

**Children in education deserve high standards of protection of their rights including privacy and data protection.**

Children are subject to compulsory education. It is central to their childhood, welfare and path to adulthood. Within education they therefore deserve the highest levels of protection of their rights and data. EdTech used in schools can provide significant administrative and educational support to teachers and data obtained in and through education can clearly be of benefit to

improving educational and other outcomes for children. Through contracting for EdTech and then directing its use by the child, schools have particular responsibilities because they act as intermediaries between the child and the technology company. However, at present, they find it difficult to enact these responsibilities in the face of powerful and opaque EdTech companies.

Our full reports are available below:

- [A Blueprint for Education Data: Realising children’s best interests in digitised education](#)
- [Education Data Reality: The challenges for schools in managing children’s education data](#)
- [Problems with Data Governance in UK schools: the cases of Google Classroom and ClassDojo](#)

See also:

- [What do children think of EdTech or know of its data sharing? Read our survey findings](#)
- [Addressing the problems and realising the benefits of processing children’s education data](#)
- [Education Data Futures: Critical, regulatory and practical reflections](#)



**digital-futures-for-children.net**  
info@dfc-centre.net

@5RightsFound @MediaLSE @Livingstone\_S  
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This joint LSE and 5Rights research centre supports an evidence base for advocacy, facilitates dialogue between academics and policymakers and amplifies children's voices, following the UN Committee on the Rights of the Child's General comment No. 25.

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