



## **Introduction**

Ontario educators often use online educational, student evaluation and communication tools, and services (online educational services), sometimes without the knowledge or approval of school administrators and school boards.

While these online educational services may be innovative, readily accessible, and available at little or no cost, their use may pose privacy risks to students and their parents. They may also impact a school board's ability to respond to students' requests for their own records.

This brochure offers some basic information for educators about the potential privacy risks of using online educational services.

## ***Municipal Freedom of Information and Protection of Privacy Act***

Ontario school boards must comply with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. MFIPPA protects personal information by limiting when and how it can be collected, used, and disclosed by institutions covered under the act. It also provides individuals with a right of access to their personal information held by those institutions.

School boards are responsible for the information management practices of their educators and must take reasonable steps to ensure that these practices are in compliance with MFIPPA.

**Personal information is broadly defined in MFIPPA to include “recorded information about an identifiable individual.” This could include information about students’ work, progress, and evaluations.**

### **What are the privacy risks of using online tools and services?**

There are many types of online educational services, and their terms and conditions and privacy policies can vary. In many cases, the complexity of the terms of service and privacy policies may make it difficult to determine if the personal information of students will be collected, used, and disclosed in compliance with MFIPPA.

The following are examples of practices associated with some online educational services to watch out for.

#### *Improper Collection*

Some online educational services collect and retain students’ and parents’ personal information, such as names and email addresses, for their own purposes. They may also track and record students’ online activities and

interactions with others. This collection of personal information may not comply with *MFIPPA*.

### *Unauthorized Use*

Online educational services may evaluate students' performance, and generate learning profiles and other personal information and use this to market other learning tools or products directly to students and parents without their consent. This use of personal information may not be authorized under *MFIPPA*.

### *Unauthorized Disclosure*

Some online educational services sell students' personal information to third parties that market other services and products directly to students and parents without their consent. This disclosure of personal information may conflict with *MFIPPA*.

**Your school board must ensure that online educational services do not improperly collect, use, and disclose personal information.**

### **Can I use online educational services in my classroom?**

Many school boards have evaluated and reviewed online educational services and may maintain a list of those approved for use in classrooms.

You should consult with your principal and/or school board administrators about what online educational services have been approved for use by you and your students.

They may also help you understand relevant requirements under the *Education Act*, *Ontario College of Teachers Act* and related professional standards.

**Ask your school board about online educational services that have been approved for use in your classroom.**

### **Consequences of using unapproved online educational services**

*MFIPPA* gives individuals a right to complain to the Information and Privacy Commissioner of Ontario (IPC) about the information handling practices of school boards. If the IPC receives a complaint, conducts an investigation, and decides that there has been an unauthorized collection, use or disclosure, then it may issue a public report naming the school board and requiring the board to notify the affected parents and students.

Using unapproved online educational services could result in a breach of students' and parents' privacy rights. Educators may also be subject to disciplinary procedures.

Avoid exposing your school board to reputational risks by ensuring that your choice of online educational services meets board policy and *MFIPPA*.



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