

December 4, 2020

Data protection is not an obstacle to digital teaching –

Schools need support

Since the start of the cold season and in the face of rising Covid-19 infections

the supervisory authority for data protection again increasing inquiries from teachers,

School management and parents on the data protection-compliant use of digital learning materials. Despite

extensive consultations and published information is provided by the Berlin representative for

Data protection and freedom of information notes that the situation in many schools has changed since

Spring has not improved and digital learning tools are still often used

are not compatible with applicable data protection law.

The Berlin data protection authority already published information in the spring of this year

on the data protection-compliant use of digital learning platforms and the use of

Video conferencing services for Berlin officials. In parallel, she led one

more detailed examination of various video conferencing services, the result of which was published on

July 3, 2020 and which received attention throughout Germany. The

Publication with notes on the use of video conferencing services also names

Services that can be used in compliance with data protection regulations. The use of is not permitted

products, especially when software and service providers are in the

Subject to data protection regulations, the personal data of the students

to process students for their own purposes, although they are actually bound by instructions

contractors of the schools. For schools, parents and children is then no more

recognizable what happens to the personal data. This problem is amplified

if provider data without an effective legal basis in countries outside the European

submit union.

The Senate Department for Education still lacks clear guidelines for selection

digital learning tools. This is technically and legally complex

Task that goes far beyond pedagogical considerations and therefore no longer the

should be imposed on school leaders and teachers. The head office is here in

the obligation to provide appropriate offers both according to pedagogical aspects and according to

to evaluate the requirements of data protection and data security and for

to make a suitable pre-selection for use in Berlin schools. For the evaluation of

The data protection authority of the education administration has data protection requirements

repeatedly offered professional support. Given the possible profound

Interventions in the fundamental rights of users of digital learning materials must also be

urgently created a legal basis for the digitization of teaching

become. This is where the legislature comes into play.

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The Berlin Commissioner for Data Protection and Freedom of Information expressly welcomes this

The aim, with the Berlin learning space, is a state-run offer for digital

To provide lessons at Berlin schools. An examination initiated by her

Platform initially revealed significant legal and technical problems. After

an intensive exchange with the education administration in the past few months

can now see significant improvements to the platform. Even if still

not all measures required by the data protection officer have been implemented,

the Berlin learning space is now on the right track.

Maja Smolczyk

"The large number of inquiries that I receive shows me that it is school management and teachers

An important concern is to provide data protection-compliant teaching and learning materials for your lessons

to use. You can no longer be left alone. After my authority since

who worked tirelessly on the subject in spring, things are finally moving forward. I would like

expressly make it clear: Data protection-compliant solutions are possible. Privacy is here neither

End in itself nor obstacle. Data protection is a fundamental right and a necessary basis for

trusting and safe working in the digital space. children and young people need

a safe space to learn. Just like them in the classroom no company above

their shoulders, they must also be allowed to learn carefree and unobserved in the digital space.

My authority will continue to work towards this."

The Berlin Commissioner for Data Protection and Freedom of Information has one on its website

Series of information on data protection in the pandemic published. These are

available at the following link: [www.datenschutz-berlin.de/corona-pandemie](http://www.datenschutz-berlin.de/corona-pandemie)