

Wednesday, January 13, 2021 2: Press releases False report about ULD and Zoom - the ULD is not the admissions office for the school sector In the press release of the CDU parliamentary group of January 13, 2021 it says: "Tobias von der Heide: The ULD should finally zoom allow for the schools". It is claimed: "The system cannot currently be used because a data protection review by the Independent State Center for Data Protection (ULD) of the system has not been completed. However, this has been the case for several weeks." The State Commissioner for Data Protection Marit Hansen comments: "The author of the press release has obviously been taken in by misinformation: My office, the ULD, is constantly concerned with the legally compliant use of software in all possible areas of application. But I cannot understand what is meant by testing Zoom for school use over several weeks. It is also not the case that the ULD would be the "Registration Office for Software in Schools". Apparently, false claims have been accepted here without being checked, without first looking into the law or quickly clarifying the facts directly with us." A look at the school law and the school data protection regulation shows that schools do not need permission from the Ministry of Education when they involve service providers from the ULD - need if personal data of students or teachers are affected. This also applies to video conferencing systems. Of course, the systems must comply with data protection regulations. Hansen also thinks this regulation makes sense, because then the necessary preliminary examinations can be carried out centrally in the ministry without any effort being required for each individual school. Many school administrations would also be overwhelmed if they had to put the software and extensive contracts of the service providers through their paces themselves. The approval by the Ministry of Education after a preliminary check there ensures legal certainty for the schools. If the Ministry of Education wants support from the ULD, it can ask the State Commissioner for Data Protection Schleswig-Holstein. The ULD has not yet received such a request for Zoom from the Ministry of Education. Together with the other federal and state data protection supervisory authorities, the ULD recently published a guide and checklist on video conferencing systems. All those responsible - including the Ministry of Education - and of course the providers of the systems can use this as a guide: <https://uldsh.de/2020-oh-vk> In view of the variety in the field of video conferencing systems, which are offered in different variants, advises Hansen to apply this checklist. In the school sector, there is also the special feature that data from minors is affected. "Children's data is particularly sensitive and has no place on servers in countries with an insufficient level of data protection. Data protection and security must also be guaranteed in other respects – where this is not yet a matter of course, those responsible must demand it from the service providers," emphasizes Hansen. What should be considered when using video conferencing services in schools? The video conferencing services are

used by children and young people. Schools have a special duty of care for minors; the data protection requirements are also increased, so that the verification of data protection compliance must be carried out particularly carefully. If video conferencing services are now used in homeschooling as part of the digital teaching and learning materials, this not only means that other participants can gain an insight into the home environment of the students and teachers, but personal data is also processed. On the one hand, this is content data (video and audio data or displayed screen content), and on the other hand, metadata (who organized or participated in a conference, when, with whom and from which device). Depending on the technical characteristics of the service, specific programs or apps may have to be installed on the (private) devices, which can carry out further data transfers. So far, there are no regulations for the use of such digital teaching and learning materials in the Schleswig-Holstein Schools Act. Irrespective of the video conferencing service used, it must therefore also be clarified whether the pupils or their parents can be obliged to use a video conferencing service without a corresponding legal basis. Such obligations would have to be viewed critically if selected service providers do not comply with the European requirements of the General Data Protection Regulation (GDPR) or cannot comply due to the legal situation, which can essentially be the case with providers from third countries. Problems often relate to a lack of appropriate security standards. For example, the video platform OpenWS (Jitsi), which is used as a national and central solution and is operated by Dataport, currently meets the legal requirements applicable to schools. The open source solution BigBlueButton, which z. B. as a school board offer and integrated into the learning management system IServ in use, can be used if necessary. It is important that security gaps that can never be ruled out are eliminated immediately. For other systems - like Zoom - it would be necessary to deal with the technical conditions of the service: For example, some video conferencing services offer the possibility of installation and operation on their own servers, which ensures that no personal data of students and teachers to a third country with less data protection. This would also allow protection against access by the service provider. With such implementations, data protection-compliant use of other video conferencing services is conceivable, also for schools. If you have any questions, please contact: The State Commissioner for Data Protection Schleswig-Holstein

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on September 12, 2022 in Kiel Data protection and social work in schools – practical knowledge in the new ULD brochure