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Big challenge for schools: Data protection must also be ensured with video conferencing systems

In the new 2020/2021 school year, schools in Rhineland-Palatinate are facing major challenges in terms of data protection. From the point of view of the state data protection officer Dieter Kugelmann, it is particularly important that data protection is ensured when selecting and using video conference systems. Professor Kugelmann, the state commissioner for data protection and freedom of information in Rhineland-Palatinate (LfDI), says: "After the judgment of the European Court of Justice "Schrems II" announced a few weeks ago, this is currently only possible to a very limited extent for companies, institutions and schools to lawfully transfer personal data to countries such as the US. As a result, the direct use of video conferencing systems from US providers, apart from the temporary solution currently used, is out of the question for the time being. Schools should instead switch to European fall back on providers and prefer those that do not process user data." Kugelmann emphasizes: "A good solution is the offer announced by the Rhineland-Palatinate Ministry of Education, according to which the Big Blue Button system is used and stored on the servers of Johannes Gutenberg -University in Mainz shall be; the data should only be processed and stored there. In the interim, it is also acceptable to fall back on solutions in which American providers are only involved, but the systems are operated ("hosted") in Germany: The Ministry of Education has made an offer in this regard, in which Cisco Webex is used. In any case, it makes sense for the Rhineland-Palatinate schools to fall back on the central offers recommended or provided by the state. Since, according to the new school law, digital solutions can be used regularly without the consent of the legal guardians, a new situation has arisen. It is not very effective if each school goes its own way and considers which video conference system should be data protection compliant." With the new school year, the new school law came into force, which brings with it innovations from a data protection point of view. Among other things, Schools are now allowed to use digital teaching and learning systems and networks to fulfill their educational mandate. These are therefore regarded as a regular part of the educational work. Since the use of digital teaching and learning materials to fulfill the educational mandate is legally required, it will no longer apply in the future the consent of the legal guardian to data processing, which was previously obtained. In fact, the school can now establish a usage obligation under certain conditions and base the data processing on the basis of Section 1 (6) in conjunction with Section 67 (1) SchulG. For the 2020 school year/ In 2021 the LfDI also has e A new podcast episode released: "The data protection school bag - worth knowing at the beginning

of the school year". In addition to the video conferencing systems already mentioned, it is also about how young people deal with photos and videos. In addition, the LfDI has published a new flyer on "Photos and data protection - tips for young people about (mobile) photos". It explains, among other things, when consent is required for photography, filming and publishing.

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