Concerns Regarding the Use of Respondus at McMaster

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To Acting Vice-Provost Kim Dej and the broader McMaster community,

Students have been raising concerns about the potential impacts on their privacy as they are being asked to install software made by Respondus that monitors their computer, environment, and behaviours during online tests and exams. Respondus is a US company that uses Artificial Intelligence to assess a number of factors to generate a "suspicion report" and make it available to McMaster. This suspicion report is then meant to be used by university faculty to investigate potential academic dishonesty by reviewing video and audio recordings taken by the software.

Having reviewed multiple documents and websites relating to Respondus, as well as social media platforms used by McMaster students, I and many of my peers are concerned about Respondus' software, raising issues surrounding privacy and security. A growing number of students have also reported that their devices no longer function correctly after using Respondus. Through the feedback given by my peers, as well as my own views on Respondus, I generated a list of questions that should be answered to address the many issues that have been raised.

The first section of this document will demonstrate that the Online Proctoring FAQ made accessible to all students is misleading, confusing, vague, and inconsistent with other available data. This FAQ is produced and shared by McMaster through Avenue to Learn, an online platform used to deliver course information and content, as accessed by me on January 13, 2021. I will provide examples in a non-exhaustive list, broken down by the FAQ's headers in the order they appear. The following breakdown is to be paired with the FAQ accessible at https://secretariat.mcmaster.ca/app/uploads/FAQ-Online-Proctoring.pdf or see the end of this document for an archived version.

- "Images of student ID cards will be used to ensure compliance with McMaster's Graduate Examinations Policy and Undergraduate Examinations Policy which requires students to present student ID cards to verify their identity at the beginning of each final examination."
    - This section mentions researchers, however does not specify who these "researchers" are, nor does it specify what information they have access to.

- "What other data will be collected while I take an exam using an online proctoring system?"
    - This section does not clearly outline what data is being collected, but rather focuses on a few specific examples of what Respondus cannot access.

- "Who will have access to the data collected by Respondus?"
    - This section is supposed to cover who has access to data collected by Respondus, but only focuses on a very narrow subset of data (video/audio

recordings of the assessment and names). As we have not been informed how Respondus handles our biometric data, we do not know if they are collecting processed representations of the audio or video. This practice was recently made public in the Cadillac Fairview Mall scandal where images of customers were converted to biometric numerical representations before storing them. According to the privacy commissioners of Alberta and B.C, biometric numerical representations could be used to identify individuals. Some information about this incident can be found here:
https://www.cbc.ca/news/politics/cadillac-fairview-5-million-images-1.5781735

- "How will McMaster use the information collecting (sic) by Respondus?"
  - This section does not clearly define how McMaster intends on using a "suspicion report" as evidence of academic dishonesty. This section would be improved by detailing or repeating the automated processes briefly mentioned in an earlier section of the FAQ.

- "How will Respondus use my information?"
  - Students have not been provided with a detailed list of data that Respondus collects or generates. How are students or faculty expected to understand how the data is going to be used through a list of all-inclusive statements with infinite interpretations?
  - This section also includes the following statement: "Your information is not shared with any other third-party, including recordings and personal information.". This statement is inconsistent with the findings of the Privacy Impact Assessment, which states: "Respondus may disclose personal information to partner companies".

- "How long will the data collected from my exam experience be retained by Respondus?"
  - This section does not comply with the recommendation from the Privacy Impact Assessment, which recommended data be retained for 6 months by Respondus. In prior sections, it was suggested several times that McMaster was in sole possession of data that may be relevant in cases of exam mark disputes or in the event of a hearing being held under the Academic Integrity Policy. If McMaster is not in sole possession of that information, students and faculty should be informed what exactly Respondus retains.

- "How can I protect my privacy when taking an assessment online?"
  - This section is confusing, by suggesting that Respondus does not access or view any other files or data stored on your computer, however, it states that files and data on the computer are "secured" by the lockdown browser. If Respondus' software is "securing" files in some way, that needs to be clearly explained. There have also been a number of reports from McMaster students that after installing Respondus, it requires access to their download folder. What does Respondus use access to that folder to achieve?

- "How does the Respondus Lockdown Browser work?"
  - This section needlessly starts with an advertisement for the software that has nothing to do with how the software functions. Secondly, this section highlights a subset of the "features" of Respondus with no clear information about how Lockdown Browser actually works, nor is it clear if this is an exhaustive list. In addition, this section specifically refers to only Lockdown Browser, excluding any information about Lockdown Monitor. If these terms are interchangeable, that should be clarified. If they are not interchangeable, then this document should include information regarding both.

- "How is my information and exam experience secured?"
  - This section covers important elements, such as how the data is transferred or accessed through Avenue to Learn. However, it fails to address any information regarding data storage, including, but not limited to, who is responsible for storage of what specific data or what country and legal/contractual standards must be met for where the data is stored.

In summary, the FAQ fails to inform students and faculty about this very invasive software, often not answering the questions outlined in FAQ. The FAQ, bolstered by other available information, has left myself and a number of my peers with more questions than answers about Respondus, mostly centered around privacy concerns. These questions can be found in the second half of this document.

Questions Regarding Respondus

1. What data is collected or generated by Respondus, such as, but not limited to: biometric data, mouse inputs, keystrokes, running processes, installed executables, personal or system files, and logs?

2. What specific biometric data is collected or generated by Respondus, including but not limited to: eye movements, emotion detection, biometric numerical representations, and facial maps? How is the biometric data that is collected or generated used?

3. Who has access to the data collected or generated by Respondus?

4. In which country / legal jurisdiction is the data collected or generated by Respondus stored? If crossing international boundaries, what additional privacy protections does it have in place? Are there any further contractual obligations related to data storage and security?

5. How long is the data collected or generated by Respondus stored, and what is the justification for this time period being necessary?

6. How will students and faculty know when their data collected or generated by Respondus is no longer stored? Does this also include removal from any and all backups?

7. How do students and faculty request their data be deleted or corrected?

8. Who is responsible for safeguarding the data collected or generated as a result of using Respondus?

9. What steps will McMaster and Respondus be taking to protect the data collected or generated by Respondus?

10. What remedial options will be available to students and faculty, should the parties responsible for safeguarding the data collected or generated by Respondus fail to do so?

11. Who has done an independent audit of Respondus on behalf of McMaster to ensure the application does only what it claims to do?

12. Is the data collected by Respondus being used to develop or train artificial intelligence (AI) Software?

13. A portion of McMaster students are minors as defined by the age of majority legislation in Ontario. What additional considerations, if any, are McMaster taking into account to ensure that minors are protected from risks associated with using Respondus?

14. McMaster delivers educational services outside of Canada, including citizens of the EU. Is Respondus and, as an extension, McMaster in full compliance with the European Union's General Data Protection Regulation (GDPR)?

15. McMaster is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Is the collection of data relating to Respondus' use in compliance with FIPPA? What information collected or generated by Respondus could be accessed through a FIPPA request, including, but not limited to, a student's "suspicion report" generated by the software?

16. Could a government entity, foreign or domestic, compel Respondus or McMaster to provide them with access to data collected or generated? For example, in the United States the National Security Agency ran a program code named PRISM to collect data of users of services from major technology companies. These companies were prohibited from disclosing that they were compelled to cooperate and it was only revealed in 2013 after a whistleblower working with the NSA revealed classified documents. If a government entity gained access to information collected or generated by Repondus, what information about a user could be accessed by said government entity and what potential risks does this pose to students and faculty?

17. McMaster was provided a Higher Education Community Vendor Assessment Tool (HECVAT) report completed by Respondus. What specific version of the HECVAT was provided to McMaster and when was it completed? Is McMaster or Respondus willing to make the HECVAT report provided to McMaster available to the students and faculty, who are most at risk from using Respondus?

18. If as a result of using Respondus, sensitive or potentially compromising information was collected, how would a student or faculty member seek its immediate and permanent removal? How could students or faculty be certain of its removal?

19. Has McMaster made a commitment to abide by all of the recommendations put forward as a result of the Privacy Impact Assessment? If McMaster has opted to not follow certain recommendations put forward as a result of the Privacy Impact Assessment, what recommendations were not adopted, and why was that decision made?

20. Why was a representative of the McMaster Student Union not included in the Privacy Impact Assessment team to more directly represent students' privacy concerns, and increase transparency and trust in the Assessment?

21. What "protection ring" does Respondus Lockdown Browser and Respondus Monitor operate at (Kernel, Driver, Application)?

22. What remedial options will be made available to students and faculty who experience technical failure that results in financial or data loss as a result of using Respondus?

23. In the event that a student is unable or unwilling to use Respondus, what alternatives or resources is the University willing to make available? Do these alternatives protect students from academic or financial penalty?

24. A student writing an exam could be subject to emergency or disruption beyond their control. A student put in this position may have to decide between reacting to the immediate disruption or continuing the exam. Accordingly, the student may not act appropriately out of fear of failure or accusations of academic dishonesty. In the event of emergency or disruption, how is McMaster advising students to react to protect the student's safety, wellbeing, and dignity?

25. How much prior notice is Respondus or McMaster legally obligated to inform students and faculty of a change affecting privacy policies, terms of service agreements or other legally binding agreements regarding the use of Respondus' software? How would students and faculty be informed of such change?

26. How will student data be protected in the event that Respondus is bought, bankrupt, or otherwise ceases to exist in its current form?

27. Does McMaster have a modified Terms of Use agreement that differs from those made available by Respondus on its website. If so, where are these Terms of Use documents accessible?

28. Where can students find the dates of the upcoming Privacy Impact Assessments and where will the findings be made available?

I look forward to these questions being answered so students are able to make informed opinions of Respondus. Students should not be expected to scour through legalise just prior to writing their exams to ensure that the "Terms of Use" they would be agreeing to are not only reasonable, but that they have not changed since the last time they reviewed it.

Sincerely,
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Useful links and archived copies (13/01/2021) from archive.org
McMaster Online Proctoring FAQ:
https://secretariat.mcmaster.ca/app/uploads/FAQ-Online-Proctoring.pdf
https://web.archive.org/web/20210113075353/https://secretariat.mcmaster.ca/app/uploads/FAQ-Online-Proctoring.pdf

McMaster Privacy Impact Assessment:
https://secretariat.mcmaster.ca/app/uploads/PIA-Report-Online-Proctoring-Respondus.pdf
https://web.archive.org/web/20210113080011/https://secretariat.mcmaster.ca/app/uploads/PIA-Report-Online-Proctoring-Respondus.pdf

Academic Integrity Statement from Vice-Provost:
http://avenue.mcmaster.ca/academic_integrity_statement.pdf
https://web.archive.org/web/20210113080251/http://avenue.mcmaster.ca/academic_integrity_statement.pdf

Respondus Terms of use (Student) - Generic
https://web.respondus.com/tou-monitor-student/
https://web.archive.org/web/20210113001953/https://web.respondus.com/tou-monitor-student/

Additional Privacy Information - Respondus Monitor
https://web.respondus.com/privacy/privacy-additional-monitor/
https://web.archive.org/web/20210113065409/https://web.respondus.com/privacy/privacy-additional-monitor/

CBC Article:
https://www.cbc.ca/news/politics/cadillac-fairview-5-million-images-1.5781735
https://web.archive.org/web/20210107021952/https://www.cbc.ca/news/politics/cadillac-fairview-5-million-images-1.5781735