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# COVID-19, privacy, and school recordings

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At the beginning of each school year, there are many papers to be signed.

I agree I have (1) read the student handbook, (2) health forms, (3) appropriate use of technology at school, (4) photos of my children for promotional purposes, and so on.

Then, this year out of the blue, a new consent shows up — a consent to record classes for operational purposes — and if I don't sign it, it will significantly impact my child's education.

Wait ... what?

This doesn't sound right. What exactly are operational purposes, and how is it going to hamper my child's education?

Alas, COVID-19 has changed any number of things, and virtual learning has been the best of the less-than-great choices we have for educating our children. I have participated in meetings to talk about the technology choices where we spent most of our time discussing security and a little time talking about the privacy concerns.

There had been a short discussion of recording classes followed by an even shorter discussion of the fact that the school is in a two-party consent state. So I didn't think much more of the discussion until this consent to record showed up quietly the Friday of Labor Day weekend, taunting me, poking at me, gnawing at me and eventually just outright leading me to the outrage that someone thought it was a good idea to write a legally compliant consent that had a threat at the end.

So, I decided to apply my day job as the civil liberties and privacy officer at the U.S. National Security Agency to my parenting job. Though not something I had expected, it seemed to me this was an important teachable moment for the school and kids about how to make thoughtful choices for privacy, civil liberties and teaching.

There may be times particularly with older children or adults during which recording the sessions makes sense, but when we are working with K-8 that needs are necessarily different. So I started a conversation with my school and refused to sign the consent.

I expressed concerns that the consent was very broad and protective of the institution but had no protections in place for the children. There were no stated controls on who would use the recordings or why they were being done beyond operational uses and

instances when a child was having a one-on-one conversation with a teacher and no parent was available.

Classes were not recorded when they were in person, so why should they be now? Just because you can, does not mean you should. If there was a benefit to this, why did not we do it earlier during in-person classes?

What are the benefits of recording a class? Are they available for students and parents at a later date, if the material wasn't understood, more review was needed or a child was out of class? Perhaps they are available for administration to review to improve teaching and/or provide feedback on the teaching or accountability for one-on-one meetings between the child and the teacher.

What are the risks of recording a class? Children may be less willing to participate, children become acclimated to always being recorded (or surveilled), a misstep in class is now caught on camera and available for all to see rather than it being a one-time misstep. Without proper access controls, those not normally in the class could access the sessions and take teaching and interactions out of context. These are "windows" into families' private lives, into our homes, and potentially capturing others collaterally having nothing to do with the school. If it was just the teacher and audio of the students, that would be less intrusive but still concerning.

And alas, I always have to ask, "Is it muted?" Which is concerning, given I'm asking an 11-year-old if it is OK to talk in my own house. What precedent are we setting for our children for acceptable behavior?

While cellphones, cameras and recordings seem to be pervasive, they are not the full solution to concerns with what is happening in a school, class or society. They are one piece of the puzzle, and we need to treat them as such.

I appreciate that perhaps there wasn't time to think through how these videos will be used, but it is incumbent upon the school to have this all thought through before starting the recordings. So I decided to provide them input on how they could use this policy as an opportunity to build trust through civil liberties and privacy protections and be more transparent.

Here are some of the examples of improved civil liberties and privacy protections I offered, which you may find helpful if you are finding that your kids' classes are being recorded:

- Videos are available for a shorter time (say one week) so that children in the class can review them in case they missed the class.
- Only families who have children in the class can view the videos rather than the entire school.

- If there is a one-on-one meeting with a child, perhaps this is recorded and then, upon review by the family, is deleted rather than being kept for long periods of time.
- No recordings should be done for religious activities.
- Clearly written notices describing the practices that will be taking place.

The school has been listening since I approached them and were very quick to respond that their intention wasn't to record everything or surveil the students, but none of that was in the policy — it only protected the school and told parents that we couldn't use the recordings for any purposes at all.

After a lengthy discussion with the school, they agreed to issue a policy that teachers will only record themselves, no student interactions; one-on-one interactions without a parent will be recorded and retained for seven days, and the parent will be asked to review to ensure there is no concerning behavior; no religious activities will be recorded; any recordings of parent meeting will start with a notification that the event is being recorded, and individuals should turn off their cameras if they do not wish to be recorded. This creates good civil liberties and privacy protections and transparency about the policy for all.

As we concluded the call, our head of school noted she appreciated the conversation and the outcome, but this was not anything covered in her training to be a teacher or school administrator.

It seems like it is time to start adding these to the curriculum for everyone.

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