

Guidance on livestreaming lessons



Initial responsibility of school as data controller:

The school as a data controller should have carried out a DPIA on their remote learning platform to consider measures available to reduce identified risks, i.e. use first names only, host controls preventing recording of sessions, access controls to avoid third parties joining calls, data minimisation, where and when not to use the camera and the option not to use the camera etc.

All those are sensible 'rules' to be communicated to those taking part. They are appropriate organisational and technical measures to ensure security of data and being able to evidence the decision-making by providing copies of the DPIA and of the 'rules' and guidance is compliance with the security principle.

Parents actions:

The question is who is responsible in the event that contravention of the 'rules' and 'guidelines' (which should prohibit the activity), a child or parent or any other individual photos or videos the screen (capturing other pupils personal data) and posts it on social media.

Naturally schools want to protect children and ensure they receive their education in a space that is safe, but the difficulty is it is impossible to control the actions of individuals, only to influence them. Transparency about the risks associated with live streaming lessons will enable parents to make choices to protect their own children.

The emphasis is in providing information e.g. advice on whether background tiles can be used, or ensuring that the background is blank or creatively designing their own background, not using your full name etc, how to use the camera and when etc. In this way, the parents understand that this is a child's safe space and should be respected. The school could encourage parents to discuss with the children whether they have any privacy concerns, anything they are not comfortable with which in turn continue to reinforce the school's message around privacy.

Special arrangements should be considered in cases where there is a particular safeguarding concern about a child, which perhaps individual discussion with the parents or child is more appropriate rather than issuing email or letter guidance.

If the school can sufficiently demonstrate from the beginning that it has considered privacy first and was clear to all parents that this was a private and safe space for their children to learn; then it would be difficult to criticise the school for the actions of a parent in spite of all the communication and messages to the contrary.

Some suggested wording which you may find helpful to send to your families (in addition to 'rules/guidance'):

You must not in any circumstances record any part or all parts of the live streaming session. The school is the data controller for the live streaming session and does not consent to anyone taking a recording of it either audio or video. No person taking part has given consent to any recording and

there is no legal right to take a recording. If it is discovered that a person has not complied with these requirements the police will be notified.

We appreciate your understanding that we are all responsible for the well-being of our children and their privacy and we trust that you will not act in a way which would be considered a misuse of the private information of others.