eSafety newsletter

Herts for Learning

Staff Edition

Spring 2016

ECJ 'Safe Harbor' ruling and school use of US-based internet services

On 6th October 2015 the European Court of Justice (ECJ) ruled that an EU agreement with the US called Safe Harbor is invalid with immediate effect. That agreement relates to EU data protection law and the transfer of 'personal data' from EU member states to the US.

Many schools currently use Office 365 for e-mail and this is not affected by this ruling. The reason it isn't affected is that Microsoft only store EU customer data in their European data centres located in both Dublin and Amsterdam. However several thousand US companies (for example Dropbox and SurveyMonkey) may well be affected. The most prominent is Google because they do rely on Safe Harbor for providing services such as Google Search, Gmail and Google for Education to EU organisations and citizens.

There are many detailed reports about this ECJ ruling in online media reports, however in the UK the most significant opinion belongs to the Information Commissioner's Office (ICO) because they are responsible for enforcing the UK Data Protection Act. The ICO has made a brief statement about the ECJ ruling here: **http://bit.ly/ECJruling**

The ICO has promised new guidance, to be developed shortly in conjunction with the EU authorities and explicitly recognise that it will take businesses some time to adjust. The ICO has also highlighted some 'well advanced' negotiations on a replacement for Safe Harbor. In the meantime schools will have to wait for the new guidance from the ICO, but they are clearly not expecting UK organisations to abruptly stop using any US internet services that are affected by the ECJ ruling. The risk that schools will be exposed to enforcement action by doing so is small.

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Confirmation is required at this early stage, but the most probable outcome is that that the replacement for Safe Harbor will now be hurried along. US companies will then adjust their services and small-print in order to retain their EU customers and provided schools are satisfied with those changes, they can continue to use the services.

Hertfordshire County Council has made the following statement to all staff - 'It is important that from now no-one should buy into a service provided by an American company for any purpose which involves personal data of either staff or service users. This might be some form of database or survey provider, or where customer data are held. It would be a breach of the Data Protection Act to allow Hertfordshire Citizens' data to be processed outside of the European Economic Area.'

Are mobile devices affecting progress?

Schools Minister, Nick Gibb announced a review on wider behaviour issues, including smartphones in lessons. This review will be lead by Tom Bennett, teacher, author and director of researchED. In May, the London School of Economics found that banning mobile phones from classrooms could benefit students' learning by as much as an additional week's worth of schooling over an academic year. More information here: **http://bit.ly/MobDevProg**

Smart watches

Most smart watches have been introduced as an extension to a user's mobile phone. Many models allow connectivity via data available through mobile devices containing SIM cards or from Wi-Fi, which in turn enables wearers to communicate via social media and other apps. Some watches allow users to remotely control their mobile phone, along with video, sound and image recording. A few models also feature a camera and microphone to record sound, video and images. Finally these devices often allow users to search the Internet and display results on-screen.

Whilst these watches could be useful in school subjects such as PE and Biology by using heart-rate monitors and forms of physical tracking, the risk of misuse by pupils and the potential for accusations by pupils towards staff wearing the devices, makes them more of a liability than a benefit to education.

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Counter-extremism guidance for schools and childcare providers

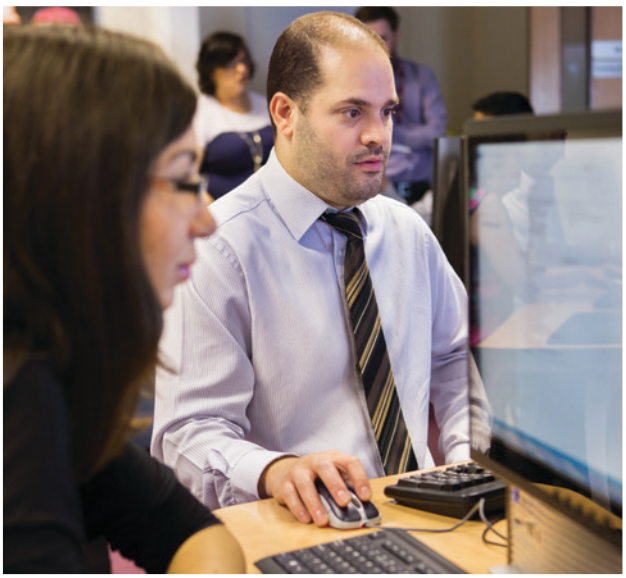
The government has issued a series of papers recently and to consolidate those, there is now a dedicated location on the DfE website. **http://bit.ly/PrevExtr**

Risks might include misbehaviour being filmed and posted online under a teacher's nose, use of the internet to supplement knowledge during tests or examinations and participation in social media, email and messaging during lesson time.

It is recommended that Hertfordshire schools take steps to clearly define their position on their use by staff and pupils. It would be reasonable to ban these devices on safeguarding grounds.

Update your eSafety support for parents

It is good practice for a school to have a dedicated eSafety section on the school website. There is now an excellent resource to help get this up and running. CEOP (part of the National Crime Agency) and Parent Zone have jointly released a new website www.parentinfo.org which holds resources that each school is permitted to host on their own website using an iframe element, which will ensure automatic updates. Schools should speak to their ICT support staff to start making the most of this free resource. The DfE have released some supporting documentation here: **http://bit.ly/1XApDp0**



Safer Internet Day 2016

Each year, the UK Safer Internet Centre celebrates Safer Internet Day. There are plenty of activities that a school can make use of to make this a memorable day. It makes sense to fit in some eSafety parental support assemblies, information evenings or pupil-led activities to mark the occasion too. Schools can take advantage of resources which might be created during this time and use them for displays around the school premises. Schools are invited to join spread the word and access resources to help with planning. For more information visit: **http://bit.ly/TE-SaferInternetDay**

More articles on the next page

Outstanding grade descriptors from the school inspection handbook

The latest Ofsted framework links safeguarding with eSafety much more closely than the previous version.

- they (children) have an age-appropriate understanding of healthy relationships and are confident in staying safe from abuse and exploitation
- pupils have an excellent understanding of how to stay safe online, the dangers of inappropriate use of mobile technology and social networking sites
- pupils work hard with the school to prevent all forms of bullying, including online bullying and prejudice-based bullying

What if a parent tells us they do not permit us to store data about their child?

The DfE recently updated their Privacy Notices. It is recommended that each school should check their current policy is commensurate with these latest changes. The suggested privacy notices include templates for schools and LAs to issue to staff, parents and pupils about collection of data. **http://bit.ly/DPChilSch**

Sexting –questions from parents regarding criminal records for pupils under 18 years of age

'A boy who sent a naked photograph of himself to a girl at school has had the crime of making and distributing indecent images recorded against him by police'

(BBC News, September 2015)

Schools may be aware of the recent case regarding a 14 year old boy having received a police record for 'Sexting' recently. Sexting is the electronic sharing of sexually explicit words or images, primarily between mobile phones. In the media at the time, it was made clear that once a school has reported a crime to the police, it is recorded. Concerns over this could

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include subsequent animosity and associated negative social media from friends, relatives and parents of the accused child. It is therefore important to clarify a school's position on this. A contact at the Hertfordshire Crime Bureau confirmed that Hertfordshire Police would prefer reports of this nature to come directly from parents. It is a school's responsibility to inform parents, yet they request that the parent reports the matter to the police personally. This avoids a third party report being filed in addition to the parent report. Despite this preference, if the nature of the incident puts a child at risk of imminent physical or emotional danger, the school should contact the police directly.

Despite a record being filed once a crime is reported, the police do take each crime as an isolated case. Not all recorded crimes will result in a criminal record as this will depend on the previous behaviour of each child, and often in addition to the request of the victim and/or parent/carer.

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For further eSafety advice, consultancy, training and pupil assemblies/workshops visit: http://bit.ly/GrideSafTrain

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