PRIVACY AND SURVEILLANCE IN DIGITAL COURSEWARE

SCHEV-OPEN VIRGINIA ADVISORY COMMITTEE'S VIRTUAL EVENT SERIES, OPEN EDUCATION: STUDENT SUCCESS AND FACULTY AUTONOMY, 10/22/2020

JUDITH THOMAS
"THE INTERNET IS A SURVEILLANCE STATE. WHETHER WE ADMIT IT TO OURSELVES OR NOT, AND WHETHER WE LIKE IT OR NOT, WE ARE BEING TRACKED ALL THE TIME"

BRUCE SCHNEIER, CNN, 3/16/2013
Academic publishers are “transforming themselves into data analytics companies built atop their content, effectively adding ways to monetize it.”

STUDENTS CAN SEPARATELY LICENSE ELECTRONIC RESOURCES
STUDENTS CAN GAIN ACCESS VIA AN “INCLUSIVE ACCESS” LICENSE

“Variously known as inclusive access, innovative pricing, or other names specific to the publisher, [these are] contracts between publishers and institutions that set in place the conditions and discounts under which students are automatically charged on their tuition ... for each assigned course material.”

KAITLYN VITEX. “AUTOMATIC TEXTBOOK BILLING. AN OFFER STUDENTS CAN’T REFUSE?” U.S. PIRG EDUCATION FUND, FEB. 2020
WHAT DO THEY COLLECT AND ANALYZE?

- Personally identifiable information (PII) – contributed by user or collected from the institution
- Technical information – usually through cookies
- Transactional information – generated through use of the website and the product, can include notes, comments, highlights, study guides, etc.
- School; 3rd party suppliers; social media
FOR WHAT PURPOSES?

• Account administration
• Developing and improving services
• Promotion and advertising (in some, directed to students)
• Depending on the institution and license, learning analytics
WITH WHOM DO THEY SHARE IT

• The licensing institution (in the case of an institutional or IA license)
• “Trusted parties or affiliates”
• The government, in response to a court order.
• With various entities, To prevent fraud
• With new owners, in the event of a company sale
• In some cases, with 3rd parties, for marketing.
So many times people, especially people that don't work with the data every day, think that data are objective, and they're not. **They're a complete subjective reflection of our own reality, and our own reality has student success gaps with our minoritized students.** And so, all of our predictive analytics are going to reflect that....”

Loralyn Taylor, in “The Ethical Issues Around Learning Analytics,” Educause Exchange, 10/7/20

“...**analytics is good for understanding sort of the behavior of groups more than it's useful for understanding the behavior of an individual within a group. It's an inference about a population parameter, it's not an inference about a person. ...And the reason I think that the models don't predict accurately, is they don't capture things like student effort, they don't capture a student's engagement...they don't capture students' grit and determination.**”

Robert Carpenter, in “The Ethical Issues Around Learning Analytics,” Educause Exchange, 10/7/20
All the agreements contain ambiguous language that gives the publishers latitude in making decisions about the collected data.

“...we limit the use, collection, and disclosure of your PII to deliver the service or information requested by you or your institution.”

“We use the information to “...maintain and improve the products.”

We reserve ”the right to disclose non-identifiable information with third parties.”
FERPA
Family Educational Rights & Privacy Act
DE-IDENTIFICATION / ANONYMIZATION

Removing or masking data that can be linked to an individual
DATA SECURITY:
There are no guarantees
RedShelf cannot, however, ensure or warrant the security of any information End User transmits to RedShelf, and End User does so at his/her own risk. ...RedShelf makes commercially reasonable efforts to ensure the security of our systems. However, please note that RedShelf does not guarantee that such information will not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards.

VitalSource has security measures in place to protect against loss, misuse, or alteration of your Information. Despite these efforts, VitalSource cannot guarantee that unauthorized access or disclosure of Information will never happen. If you have concerns, do not use the Products.

Cengage implements reasonable technical, physical and administrative safeguards designed to protect your Personal Information from unauthorized access, use, or disclosure. We also contractually require that our suppliers protect such information from unauthorized access, use, and disclosure. The Internet, however, cannot be guaranteed to be 100% secure...we cannot ensure or warrant the security of any Personal Information you provide to us.

McGraw Hill takes reasonable precautions to protect your information. When you submit personal information via the website, your information is protected both online and off-line. McGraw Hill utilizes reasonable security measures to protect the security and confidentiality of your PII from unauthorized access and use.
What about opting out?

Lose access to content
For IA licenses: cumbersome, difficult process
IT’S A MATTER OF ETHICS

• SHOULD STUDENTS HAVE TO SUBMIT TO DATA GATHERING IN ORDER TO USE THEIR COURSE MATERIALS?

• SHOULD INSTITUTIONS BE OUTSOURCING CORE ELEMENTS OF THE ACADEMIC INFRASTRUCTURE TO CORPORATE ENTITIES WITH MINIMAL CONTROL OVER WHAT DATA IS COLLECTED AND HOW IT’S ANALYZED?
“IF THE DIGITAL FUTURE IS TO BE OUR HOME, THEN IT IS WE WHO MUST MAKE IT SO. WE WILL NEED TO KNOW. WE WILL NEED TO DECIDE. WE WILL NEED TO DECIDE WHO DECIDES. THIS IS OUR FIGHT FOR A HUMAN FUTURE”

SHOSHANA ZUBOFF, THE AGE OF SURVEILLANCE CAPITALISM
THANK YOU
CITED WORKS – Surveillance and Privacy, Judith Thomas


