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**COMMENTS IN SUPPORT OF 17-H-5682 – RELATING TO EDUCATION –
PROTECTING STUDENT PRIVACY ON SCHOOL OWNED TECHNOLOGY
March 29, 2017**

The ACLU of Rhode Island supports the creation of critical privacy protections for the use of school-owned technology by students.

For the past few years an increasing number of schools in Rhode Island have become participants in the “1-to-1” technology programs in which a third party provides free laptops or tablet computers to students for the school year. While these programs are highly beneficial, in some cases they also enable third party providers and school officials to track and monitor everything a student does with the device without the parents ever knowing about it, including in some cases remotely activating the device’s webcam and reviewing its Internet search history.

In January 2017, the ACLU sent access to public records requests to thirty-three school districts requesting documents relating to the use of Chromebooks or other tablet devices. A total of twenty-four school districts were identified to participate in the 1-1 program.

We found that over 70% of the school districts that participate in the 1-1 program explicitly cite in their policies that their students had no expectation of privacy while using their devices or their network in or out of school. In 2010, the families of two students in Pennsylvania successfully sued a school district after school officials remotely activated the camera on school-issued computers and observed the students in their home. Despite nationwide outrage over this event, over half of the Rhode Island school districts participating in 1-1 include in their policies the right to remotely access a device, which includes access to camera, microphone, emails, and files, as well as the right to inspect the student’s device for any reason

Regardless of the school policy, it is highly likely that many students – most of whom have not yet been educated as to what an “expectation of privacy” even is – are going to use the laptops to some extent for personal use at home. This may include surfing the Web, logging in to social media, taking photos with the laptop camera, sending email, or a host of other benign behaviors. This activity may expose far more information about a student than can be found in their backpack or locker at school, and deserves protection.

All Rhode Island students should have some expectation of privacy regarding the information that is stored on a computer that is intended for use in the private home, even when provided by the school. In the same vein, the right of the school or school district to inspect the devices

should be limited only to those situations in which there is reason to believe that the student has engaged in school-related misconduct, or that there are technical difficulties with the device; indeed, we can think of no other reason a school official would need such access.

This legislation puts those kinds of privacy protections in place, ensuring that schools have the ability to search the devices when necessary but not to engage in the kind of 24/7 surveillance currently possible. As such, the ACLU of Rhode Island respectfully encourages passage of this legislation.