Policy officer

Safae is a policy officer at a higher education institution. She develops educational policy and is a consultant to the Executive Board, faculty directors and programme directors. To this end, she analyses developments within and outside her own institution.

For Safae, education data is a means of substantiating policy and identifying problems at an early stage. She sees opportunities to improve the quality of policy, to perform evaluations more effectively and to perform her work more efficiently.

Needs

- Data that is relevant to current policy issues.
- Data, including data on trends, to evaluate policy measures.
- Possibilities for combining or comparing data from different sources inside and outside the institution.
- Direct access to data so that additional analyses can be conducted.

Want to know more about Safae?

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The techno-optimist**: focus on new insights. Education data affords opportunities for assessing policies based on intuition and possibly outdated assumptions.
- **The guardian**: emphasis on reputation. Education data can contribute to educational quality and the reputation of the institution, but controversy and scandals are a threat.

Lecturer

Sandjai is a lecturer in higher education. He teaches students in various formats, from lectures for large groups to sessions for small working groups and individual supervision of graduation projects.

Sandjai can use education data to align his teaching more closely to his students' progress and achievements. This way he can address stumbling blocks and give extra attention to any subjects that students may be struggling with.

Needs

- Insight into students' learning process and any sticking points, preferably already during the course of a subject.
- General trends that are broader than his fields of specialisation.
- Room and resources to organise and teach his subjects as effectively as he sees fit.

Want to know more about Sandjai?

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The expert with practical experience**: emphasis on craftsmanship. The art of good teaching is not easily captured in numbers.
- **The academic**: emphasis on burden of proof. Data provides new insights and often delivers better choices than intuition and gut feeling, provided the data is valid and of sound quality.

Researcher

Simon is a researcher at a department of Educational Sciences. He conducts national and international research on higher education, for which he likes to work with large data sets. He also teaches students during part of the week.

Simon wants to use education data to improve the quality of his research, have a greater impact and work more efficiently with his colleagues. To do this, he needs access to multi-year, high-quality and reliable data. He works on the assumption that educational institutions are careful in collecting data.

Want to know more about Simon?

Needs

- Multi-year, high-quality and reliable data.
- Data relevant to national and international academic issues.
- Valid data, with clear definitions, in line with national and international standards.
- Access to education data, also at other institutions.
- Simon is expected to present new research proposals and results on a regular basis. He is therefore always keen to obtain new, academically relevant sources of data.

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The discoverer**: emphasis on exploration. If we knew what we were doing, we wouldn't call it research. Valuable insights are gained by combining data, looking for unexpected connections and tapping into new sources.
- **The assessor**: focus on quality. Science is best served by rigorous research designs and data of the highest possible reliability and validity.

Student counsellor

Silvia is a student counsellor at a higher education institution. She monitors the progress of students in her programme and gives them advice on how to get the most out of their educational programme.

For Silvia, the use of education data helps to get a better idea of who is sitting across from her. In this way, she hopes to improve the quality of her advice, have more effective conversations with students and perform her work more efficiently.

Needs

- Clear, well-organised information on each student to be able to give personalised advice.
- A human touch and room for personalisation in her counselling.

Want to know more about Silvia?

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The people worker**: focus on understanding. Empathy and attention to the student's personal situation are vital for counselling.
- **The guide**: focus on insight. Counselling requires knowledge of the paths taken by other students and their experiences with those paths.
- **The realist**: focus on time. Counselling takes time. Use of education data must be feasible and, ideally, also save time so that it can be used to maximum advantage in providing advice.

Student

Samir is a student at a higher education institution. He enjoys the courses he is taking as well as the student life and hopes to graduate soon.

For Samir, education data are all about him and his studies. He expects quality education and appropriate support and understands that education data is important for this. He does not know exactly what data there is on him, and the amount of data that is kept on him, both inside and outside his educational institution, sometimes makes him feel uncomfortable.

Want to know more about Samir?

Needs

- Quality education and a handle on his academic career.
- Access to comprehensible information about what happens to his data.
- Samir wants to complete his studies successfully without any mistakes or hassles.
- Samir prefers to keep his studies and his private life separate.
- A part-time job, extracurricular activities, hobbies and, on top of that, passing exams... Samir has little time to think about education data.

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The individualist**: focus on performance. An important part of studying is passing courses and obtaining a diploma. Education data can be interesting if it helps you achieve this.
- **The critical student**: emphasis on inclusiveness. Use of education data should reduce inequality, not facilitate profiling and monitoring.
- **The contributor**: emphasis on involvement. Quality education is the result of meaningful dialogue. It is important for students to contribute to the institution and for the institution to offer them the opportunity to do so.

Data Protection Officer (DPO)

Sam is the Data Protection Officer of an educational institution. Within this independent role, Sam supervises compliance with personal data protection laws and regulations and advises the Executive Board – on request and at his own initiative – on the obligations arising from these laws and regulations.

Sam understands the field of tension surrounding the use of education data like no other. The DPO is often the first to point out objections and risks associated with the use of education data. Although this is not always appreciated, Sam knows that it is important for the institution to comply with legal obligations and to handle education data correctly. It is better to point out problems in advance than to have them discovered later.

Needs

- Early involvement in all matters relating to the use of education data.
- Being a discussion partner within the organisation.
- Being involved in creating a culture of data protection.
- Having time to be able to deal with any arising issues.
- Awareness of the rules concerning the use of education data within the institution and their legal (and other) consequences.

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The watchdog**: focus on risks. Sam's primary role is to prevent wrongdoing.
- **The rethinker**: emphasis on possibilities. Sam takes a 'yes-and' rather than a 'yes-but' approach' to solving problems. After all, the purposes for which education data are used are good and, with a little creativity, a lot may be possible.

Ethics Board

Simone is a member of an Ethics Board that reviews academic research proposals. Medical faculties often have these ethics boards, but at her university there is also one for educational research. In her role as a member of the Ethics Board, Simone sees to it that research meets the appropriate ethical and legal standards.

Simone is convinced of the value of education data and is therefore committed to its responsible use. Support for research proposals can only be maintained if they are critically examined on an ongoing basis.

Needs

- High-quality research that contributes to the reputation of the institution.
- Knowledge of the role of the Ethics Board in research proposals.
- Clear guidelines for the evaluation of research proposals.

Optional: looking for variety or a different perspective? Choose one of the following positions for the dilemma:

Position

- **The value ethicist**: emphasis on values. Good research is underpinned by values such as objectivity, honesty, openness and accountability.
- **The deontologist**: emphasis on principles. There is a reason for the rules.
- **The consequentialist**: emphasis on consequences. In every situation, you have to look for the option with the best outcome for everyone.

Wellbeing app

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

An educational institution is concerned about increased stress among students during the COVID-19 pandemic. Distance learning makes this issue less visible. The institution therefore wants to develop an app that identifies students' wellbeing based on self-reporting and provides students with feedback and advice so that each student will be able to improve his or her wellbeing and for which the necessary help can be found within the institution. Is the app desirable in this setup?

A **Yes**. The institution has a moral duty of care towards students and, in this situation, has no other way of fulfilling it.

B **Yes**, as long as students use the app voluntarily, there is no objection.

C **No**, counselling and interventions in the domain of wellbeing require 'a human in the loop' and should not be left to an app.

D **No**, an educational institution should not engage in monitoring wellbeing in this way.

Monitoring of wellbeing

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

Reflection

Most educational institutions want to contribute to the students' wellbeing whenever possible. In distance learning, the possibilities for this are more limited than when staff members meet the students in person. An app can be a useful tool in that case.

However, there are potential concerns – for example, it is questionable how good the automated counselling will be. The quality will not be the same as when there is direct contact with a professional (see 2.2.4). Voluntary participation of students will, in any case, be a requirement. It is also questionable whether the educational institution is the appropriate party to offer such an app. Does this align with the institution's core values and tasks? The institution must also have the right competencies and to develop this app. A poorly developed app can lead to privacy risks and image damage.

Support through existing data

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

The educational institution decides to abandon the app. However, student counsellors still feel concerned about students' wellbeing and therefore want to do more with the education data that is already available. They propose setting up a system that identifies students at high risk of stress-related delays and dropping out based on recent performance on assessments, absence from lectures and exams and activity in the digital learning environment. Counsellors could proactively offer help to these students. Is this a good idea?

A **Yes**. Counsellors use this kind of information anyway; the system just makes that use more effective.

B **Yes**. Given the institution's moral duty of care and the complex situation, this is an appropriate remedy.

C **No**. This data does not give a sufficiently clear picture of student wellbeing to be of use for this purpose.

D **No**. Following students so intensively detracts from their autonomy and own responsibility.

Monitoring of wellbeing

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

Reflection

Student counsellors often already use background information about the students for their counselling sessions. However, a system that automatically identifies risk cases is a fundamentally different use of education data. A potential concern is that this system might automate too many aspects, thereby losing the human factor (see 2.2.4). Students are profiled and may therefore feel monitored. However, this is only an invitation to a consultation, where the student's individual situation can be examined in more detail.

Care should be taken to ensure that the system does not record health data in any form. This is because data on wellbeing is special personal data that, barring exceptions, may not be processed (see 3.4.2).

If only standard data on study performance is processed, the question may be raised as to the significance of this data. Can you promote students' wellbeing by monitoring their study activities and performance on assessments, or is this merely a way to focus on study success?

3

Information Provision

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

The institution decides to develop the system outlined in the previous dilemma. The institution believes that this is appropriate within the current framework in which education data is used. The student counsellors therefore do not provide any additional explanation in the invitation email they send to students who are at risk. However, a number of students responded indignantly about the fact that they were invited (or not) without any explanation. Are they right?

A **No**. This is about using existing education data they could have known was being used for this purpose.

B **Yes**. The counsellors should in any case have referred to the privacy statement in the email.

C **Yes**. The supervisors should have specifically explained how they were making use of education data.

D **Yes**. In addition, the supervisors should have informed students of their rights, such as those of inspection, correction and objection.

Monitoring of wellbeing

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

Reflection

Indeed, the institution should have informed the students better. A general privacy statement provides insufficient information, especially if no reference is made to is (see 6.2). In any case, the counsellors should have mentioned the education data they were using as well as the *purpose*, *basis* and measures of *due care* for their specific application (see 6.1). Students should also be informed about how they can exercise their rights (see 7.1).

There is, of course, a balance between transparency and brevity – the invitation itself should not be obscured by all the information about education data. A practical solution may be to provide the information in layers (see 6.3). This can be done, for example, by means of a general privacy statement including information on rights, an additional web page with information on this specific use of education data, and references to both sources in the invitation email itself.

Tracking with LMS data

ROLES: LECTURER, POLICY OFFICER, STUDENT, DPO

An educational institution wants to use its digital learning and working environment to monitor students' study behaviour on the basis of user data. This includes data from the Learning Management System (LMS), such as how often they visit certain pages, at what times they log in, whether they download files and what answers they give in interim assessments. The institution wants to use this data to modify courses and provide advice to students. What kind of data is suitable for this?

A. Only data for which there is a proven effect.

B. Only data which the student can reasonably expect will be used.

C. Only data that is already collected for other applications.

D. All data which the LMS can collect, as long as it is not special personal data.

Monitoring of study behaviour

ROLES: LECTURER, POLICY OFFICER, STUDENT, DPO

Reflection

Educational institutions can use their digital environment to collect education data. In any case, the starting point must be that only necessary data is processed (data minimisation; see 4.3). Data with a proven effect is therefore preferred, but such proof will not always be available (yet).

Whether education data may be processed (without further information) also depends on the type of data. Students can expect the institution to keep track of their assessment results, but this is not the case for all data. In the case of data that has already been collected for other uses, there is the question of whether the purposes are compatible (see 4.1).

LMSs are often developed internationally; that they offer options to collect certain data does not automatically mean that this is also allowed and appropriate in the Dutch context. It is therefore advisable to maintain a critical attitude. In any case, special personal data may not be used as education data, barring exceptions.

Access for lecturers

ROLES: LECTURER, POLICY OFFICER, STUDENT, DPO

The institution collects data on study behaviour which it uses to improve its courses, among other things. To this end, after each course a policy officer draws up a report which is shared with the lecturers. One of the lecturers would like to have access to the data while the course is still running to see if resources such as documents, videos and mid-term assessments are being used, for instance Is it wise to give this lecturer access to the requested data?

A **No**. The lecturer could also use the data to monitor their students' study behaviour, which would be undesirable.

B Only data that can be used directly and can be anonymised may be provided.

C Not now. The institution could, however, announce that this will happen from next year onwards to let students know in advance that this will be the case.

D **Yes**. The data is collected to improve courses. This way, the improvements can be made even more effectively.

Monitoring of study behaviour

ROLES: LECTURER, POLICY OFFICER, STUDENT, DPO

Reflection

Data on study behaviour can provide useful mid-term insights. At the same time, using real-time education data while the course is running entails the risk that the lecturer will use the data to monitor study behaviour and, for example, to address students on this behaviour. In turn, this detracts from students' sense of safety and freedom to study how they choose to (see 2.1.1). Of course, monitoring can be desirable (e.g. to find out whether students have prepared a tutorial), but this should not be done with a system that collects data for quality assurance (see 4.1).

It is therefore important in any case to be highly discerning about what data the teacher really needs (see 4.3) and to anonymise the data where possible. However, the extent to which the data can truly be made anonymous in a course with a limited scope it is debatable (see 8.3.1).

Whether students should be informed in advance depends on what has already been communicated (see 6.2). However, this is such a drastic change that it is at least advisable to inform them in advance and not to let them find out about it during the course.

Activity and result profiles

ROLES: LECTURER, STUDENT COUNSELLOR, STUDENT, DPO

The institution has come up with a specific application of the previous monitoring system. This application categorises students taking a course into four groups based on their level of activity in the digital learning environment (high or low) and their performance in interim assessments (high or low). The institution wants to use this categorisation to support students in a more targeted way, for example by offering extra notes on the course content to active but under performing students and extra challenges to well-performing but inactive students. Is this desirable?

A **Yes**. The system offers simple guidance for choices that are currently made with less justification anyway.

B **Yes**, as long as it is not attached to any decisions.

C **No**, this system has insufficient predictive value for its purpose.

D **No**, this type of profiling and monitoring of students is fundamentally inappropriate.

Monitoring of study behaviour

ROLES: LECTURER, STUDENT COUNSELLOR, STUDENT, DPO

Reflection

Offering students personalised support is difficult but important. Education data can be helpful, as in this case. However, it is important to realise that this is a form of profiling. It should, in any case, not lead to decisions with legal consequences (see 7.8). It is also important to clearly define the purpose, basis and measures of due care (see Chapter 4).

Reliability and validity of the data are also important considerations. In this system, these are likely to be limited: the digital activity and intermediate performance may say little about students' motivation and capacity. This calls for careful substantiation (see 2.2.3 for more information on methodological aspects).

Angry student

ROLES: LECTURER, STUDENT COUNSELLOR, STUDENT, DPO

The application from the previous dilemma is introduced in a course. The lecturer offers assistance to students based on their classification as active or inactive and good or poor performers, explaining how they arrived at this classification. One of the students responds to the offer angrily. The student was classified as poorly performing and inactive, but says he is unfairly treated as being lazy because he always works with a fellow student on their laptop. What should the lecturer do in this case?

A. It is a lesson for next time: the lecturer should not have let the students know what the offer was based on.

B. Apologise and respond to the individual situation and possible need of the student.

C. Inform the student of his rights.

D. No longer use the system.

Monitoring of study behaviour

ROLES: LECTURER, STUDENT COUNSELLOR, STUDENT, DPO

Reflection

The monitoring system is a form of profiling with a real risk of misclassifying students. It may be tempting not to be transparent about the fact that it happens. Transparency, however, is not only wise in terms of accountability and thus in creating trust (see 2.2.1), it is also mandatory (see 6.2).

Students have the right to know which data of theirs will be used and how (i.e. the logic of the algorithm), to request rectification of their data and to object to its processing (see Chapter 7). Ideally, the lecturer (who is not a privacy expert, after all) should not have to point this out to the student, but the person or department responsible for the system within the institution should communicate this.

Finally, the lecturer can also decide not to use the system anymore. Aside from an institution-wide consideration of whether the system is desirable, there is also the individual question of whether it is compatible with its values and educational philosophy.

Sharing data with another institution

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

An institution of secondary vocational education (MBO) asks a policy officer of a university of applied sciences for performance data of students who have progressed from the MBO institution to the university. The MBO institution wants to use the data to improve its counselling to students who are considering progressing up the academic track. The policy officer wants to draw up an agreement to this end. What should they include in the agreement?

A. It is not necessary to make agreements.

B. That the MBO institution uses the Reference Framework or comparable principles for the use of education data.

C. The purpose and basis of data processing for both institutions.

D. An agreement is not enough. The data may only be shared if it can be aggregated and anonymised.

Sharing data on entrants

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

Reflection

Sharing personal data is a form of processing that data. Both institutions must have a well-defined purpose and basis for doing so, and must take appropriate measures of due care (see 8.2). Sharing the data in an anonymised form for that purpose is, where possible, preferable as this kind of privacy by design reduces the risks of data sharing (see 8.3).

If the institution providing the data is not involved in the processing and analysis of that data, there is no joint responsibility. In that case, making agreements on the use of the data is recommended but not mandatory (see 8.2). If the first institution is involved in the analysis, there is a joint responsibility and agreements are necessary. In both cases, it is advisable to make sure that the other organisation adheres to the same principles. Secondary vocational education is not covered by the Reference Framework and the guiding principles may therefore differ.

Sharing data internationally

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

A Dutch university with many foreign Master's students has comparable data on the performance of students who have had prior education at different (national or international) universities. A foreign institution would like to have access to this data so that it can advise its students on their opportunities abroad. Should the Dutch university share this data – that is, if it has a valid basis for doing so?

A **Yes**, it is a good opportunity to provide prospective students with better information.

B **Yes**, but only if the institution is in the EU. Outside the EU, data protection cannot be relied upon.

C **No**, the data may only be shared if it can be aggregated and anonymised.

D **No**, the data is not suitable for this kind of advice. It is better not to provide the data.

Sharing data on entrants

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

Reflection

When sharing data, it is important to know where the institution is located. In the EU, the rules of the GDPR apply, but data protection legislation and regulations outside of the EU will be different. Sharing data is allowed, but it is important to have appropriate data protection safeguards in place. In addition, both institutions must have a purpose and a basis, and the persons involved must be informed (see 8.2).

Whether sharing is desirable or not depends on the aspect of proportionality: what are the benefits, what are the risks and what safeguards are in place (see 2.2.2 and 2.2.3)? In any case, it is debatable how useful the data will be for the receiving institution. Depending on where the institution is located, it may concern the data of a very small group of students, who may also be pursuing different studies. This makes it uncertain whether the data can be used for meaningful, quality advice. For the same reason, it is questionable whether the data can actually be anonymised (see 8.3.1).

1

Education policy

ROLES: 2 POLICY OFFICERS, STUDENT, DPO

An institution sets up a programme to improve its students' study success. Part of this involves using predictive analytics based on data about students' previous education, age and place of residence, for example, linked to figures about study progress. The aim is to be able to make a prognosis of the likelihood of dropping out and relevant background characteristics, thereby improving educational policy (e.g. providing support facilities). Is this a good idea?

A **Yes**, predictive analytics can provide valuable and unexpected insights.

B Only if the institution specifically substantiates which data will be used for what purpose.

C **No**, this type of research is problematic. The institution should not focus on background characteristics such as previous education.

D **No**, the risk of labelling and exclusion is too high.

Predictive analytics

ROLES: 2 POLICY OFFICERS, STUDENT, DPO

Reflection

Possibilities for linking data and making smart predictions are increasing. This yields valuable new insights, but also requires careful consideration of the risks. One of these is 'linking for the sake of linking': using data simply because it is available, without due concern for necessity and proportionality of such use (see 2.2.3).

In view of these criteria, it is important to consider which data will be used. In this example, the data concerns the background characteristics of students. This data can be important for specific policy questions, for example on the kind of support needs students may have when they enrol in the institution. For other applications, its use may be of less value.

The specific data used also determines the balance between the individual interest of the student and the collective interest in quality education (see 2.2.2). Improving educational policy is a legitimate purpose for the use of education data, but much depends on the exact use. Whether specific data is needed and useful will have to be considered for each application.

2

Student counselling

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

The institution is considering using the same analyses for individual interventions in student counselling. Based on known relationships between background characteristics, performance and study success, students with additional support needs can be identified and effective interventions sought. The information can in any case be used to invite students for interviews and to prepare for these interviews. Is this a sensible application of the system?

A **Yes**, this is a useful application of student's data in their own immediate interest.

B **Yes**, this gives counsellors the opportunity to offer more personalised services.

C **No**, these analyses do not take student's individual situations into account.

D **No**, this kind of analysis leads to undesirable profiling and labelling, even if the intentions are good.

Predictive analytics

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

Reflection

Unlike in the previous dilemma, here the education data is used for individual interventions. This means that its use will more directly benefit individual students, but also that the risk of negative consequences must be critically examined. One of these is the risk of undesirable profiling and labelling, which arises when using background characteristics for this type of application (see 2.2.2). In any case, no automated decisions should be taken which have legal consequences or which otherwise significantly affect the data subject (see 7.8)

The insights gained from these data and analyses can give student counsellors opportunities to offer more personalised services and to do their work more efficiently. However, the same insights can detract from focus on the individual student if they are given excessive attention and weight. A lot will depend on the way in which and the understanding with which student counsellors treat the data and the precise details of the system, including how much is automated (see 2.2.4).

3

Invitation email

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

The institution decides to use the system for student counselling. The system identifies students who may be in need of help based on algorithms; counsellors can then invite them for interviews and prepare these interviews using the background information. How should they best inform the students concerned?

A They should not. Going into the details of how they were selected may affect students' self-esteem.

B With an explanation (or reference to an explanation) of the general principles of the system, without going into the considerations for individual students.

C By explaining which characteristics prompted the system to identify the student.

D By, in addition to answer c, informing the students of their relevant rights.

Predictive analytics

ROLES: STUDENT COUNSELLOR, POLICY OFFICER, STUDENT DPO

Reflection

Data subjects must be informed about the use of their personal data, or in this case, education data. This should be specified in the invitation sent to the student and in general terms by means of the privacy statement and explanation of the study success programme (see 6.3). The fact that the choice is made by an algorithm does not mean the institution no longer has to explain how it came about; the institution must always be able to explain why and on what basis certain choices are made (see 2.2.4).

Students have a number of relevant rights, for example to know what information about them has been used and how, including when this is done by an algorithm. In providing information, the institution must facilitate these rights (see 7.1).

4

Participation

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

It has been decided that the invitation mails should explain how students were selected. After counsellors have sent out the first invitations, a number of students respond indignantly about the reasons for inviting them for an extra interview. This comes as a shock to the institution's Executive Board and it decides to rethink how the programme should be set up.
What should the Board decide?

A To discontinue the programme.

B To communicate more clearly how the data is and is not used.

C To give students an additional option not to take part in the system.

D To revise the programme in consultation with students or student representatives.

Predictive analytics

ROLES: POLICY OFFICER, STUDENT COUNSELLOR, DPO

Reflection

An instinctive reaction to controversy is to stop the programme. For those who were already against the programme in the previous dilemmas, this is a logical option. For those who were not against the programme, it is worth considering whether these are fundamental objections or whether there are ways of overcoming them.

A good first step would be to explain in greater detail how the students' data will be used and what conclusions and decisions will not be based on that data. It may help to get a clearer picture of the students' objections. However, there is a good chance that this, on its own, will not be enough to overcome the objections.

In that case, giving students an extra option not to participate in the system can be a good solution. Depending on the underlying principle, they may already have had that option but it was perhaps not entirely clear to them yet. Revising the system in consultation with students is the most time-consuming option. However, it is also the option that provides the most accountability and can contribute to the future use of education data, through content adaptation, awareness and support (see 2.2.1).

Education research

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

A researcher is conducting research into the performance of exchange students. He suspects there are certain groups with a higher risk of dropping out and failing courses and would like to look into this using data provided by a university. He submits a request for data on the performance of exchange students and the universities they attended in recent years. A relevant policy officer has this data, but it is held in separate databases. Under what conditions may she share the data?

A That it is for academic use only.

B That, in addition, the researcher has clearly defined the purpose and basis and is taking the necessary precautions.

C That, in addition, the policy officer is also taking these precautions.

D Under no conditions. The databases are separated for a reason.

Exchange students

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

Reflection

The researcher wants to use the education data for a purpose other than that for which it was collected. This new processing requires a purpose and basis (see Chapter 4). An important factor here is whether the use is compatible with the purpose for which the data was originally collected. This may, in principle, be assumed in the case of academic educational research, but even then a clear purpose and appropriate safeguards are required (see 4.1).

Sharing of education data by the policy officer also constitutes processing of this data, so she will also have to have a purpose and basis for this. Whether further agreements are needed depends on factors such as the form of cooperation and whether the parties have joint responsibility (see 8.2).

Combining databases is not necessarily wrong, but it does entail risks. When combined, the data could provide more privacy-sensitive insights than if they had remained separated. This often prompts the need for a risk analysis, such as a Data Protection Impact Assessment (see 8.1). There are, of course, other conditions that must be met, such as informing those involved and making it possible for them to exercise their rights (see Chapters 6 and 7).

Pseudonymisation and anonymisation

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

The institution decides to share the data with the researcher. Because this concerns data of students from partner universities, the policy officer is concerned about privacy risks and possible sensitivities and would like to take the necessary precautions to protect the data. What is her best course of action?

A Anonymise the data by aggregating it to such an extent that it is no longer possible to trace the data.

B Pseudonymise the data by replacing student numbers with another attribute using a key.

C Only send data that is strictly necessary to answer the research question.

D Agreements have already been made with the researcher. These additional precautions are not necessary.

Exchange students

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

Reflection

It is important to observe measures of due care when processing data. One solution is to anonymise the data. Data is anonymous if it is unlikely for any party, using reasonable means, to identify persons from such data (see 8.3.1). In this case, it no longer concerns personal data. The question is whether the researcher can still conduct his analysis if you aggregate the data of exchange students from different universities – probably quite small groups of individuals – to a level where they are no longer traceable.

With pseudonymisation, the data is only traceable with additional data, such as the key (see 8.3.1). If possible, this is always a good choice. It helps to prevent unauthorised parties from making the link between the person and the data, such as the researcher but also any third party who gets hold of the data. In doing so, it is important to carefully consider which other data third parties could also establish a link to.

Data minimisation is always a requirement for data processing. Only data that is necessary may be processed (see 4.3).

Valorisation

(practical application of knowledge)

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

The researcher receives the data from the policy officer in pseudonymised form and carries out his research. The combined data from the two databases show that there are indeed specific risk groups based on the field of study and the country of the university from which the students come. He informs the policy officer that the findings are interesting and that he would like to analyse the combined data in further detail. Can the researchers share his findings?

- **A** **Yes**, this kind of valorisation is one of the purposes of academic research.
- **B** **Yes**. The data was provided by the policy officer, so it would be odd not to share it.
- **C** **No**, but any aggregated insights can be shared.
- **D** **No**, insights should only be shared through official channels such as academic journals.

Exchange students

ROLES: RESEARCHER, POLICY OFFICER, STUDENT, ETHICS BOARD

Reflection

Valorisation is an important part of research. Research yielding relevant insights for stakeholders is a good thing, so it can be meaningful to share academic insights outside of official publications. However, as soon as it concerns traceable personal data, privacy regulations come into play see 3.4.2).

The general aim of academic research is to provide useful insights, but this does not mean that sharing the data is a given. Sharing data requires a purpose and basis (see 8.2). The fact that the data originated from the policy officer is irrelevant, as new data was created by combining the databases. After all, the policy officer also needs a valid purpose and basis for combining the data herself.

These conditions therefore only apply to the sharing of personal data. Aggregated, non-traceable results and insights that no longer contain personal data can be shared without any problem (see 8.3.1). The policy officer can therefore develop policies based on the results, as long as they cannot be traced back to individuals.

Bilingual education

ROLES: POLICY OFFICER, LECTURER, STUDENT COUNSELLOR, DPO

A policy officer wishes to gain insight into whether there is a difference in the numerical results of a course taught in English and in Dutch. She would like to include the figures of all 2,000 students of this subject in the last two years. To inform the students about it, she places a news item on the study programme's website in which she discusses the research. Is she providing sufficient accountability in doing so?

A **Yes**. The data had already been collected before for this kind of application, so even this information was not necessary.

B **Yes**. She need not provide more accountability as the students will not be aware of the research anyway.

C **No**, she should also explain the reason for and the institution's considerations regarding this research.

D **No**, she should also explain student's options in terms of participation or opting out.

Bilingual education

ROLES: POLICY OFFICER, LECTURER, STUDENT COUNSELLOR, DPO

Reflection

This is not a particularly invasive use of education data which, furthermore, has already been collected. The data subjects already had to be informed at the time of that collection of data. This is not to say, however, that they need not be informed of this new use of their personal data (see 6.2).

The policy officer must in any case inform the students about the purpose of the research, the basis and the due care considerations (see 6.1). Accountability, however, is a broader concept that also includes approachability (to whom can students turn with questions, concerns and complaints?) and, at a later stage, also informing them of the results of the research (see 2.2.1).

Not all of this information is relevant to this research and not all students will be interested in it. So putting all the information in one news item may not be the most practical option. It is advisable to communicate this in a layered fashion, stating the most important issues directly and referring, for further information, to more general sources such as a privacy statement (see 6.3).

Educational innovation

ROLES: LECTURER, RESEARCHER, STUDENT, ETHICS BOARD

A lecturer likes to experiment with innovative educational methods. He incorporates Scrum principles into one of his courses to give students more structure and direction, and this intervention seems to have a positive effect. To further substantiate his insights, he wants to research this for an academic study, using both specific education data on current students and more general education data on former students kept by institution for educational policy purposes. Can he use these data?

A **No**, there are problems with both types of data.

B Not the historical data, unless they are anonymised or he can still ask the former students for permission to use their data.

C Not the data about current students. If their own lecturer asks them for permission, they cannot simply refuse.

D **Yes**, he may use both types of data.

Educational innovation

ROLES: LECTURER, RESEARCHER, STUDENT, ETHICS BOARD

Reflection

It is commendable that the instructor wants to share his insights. However, in this case, his dual role as a lecturer and a researcher creates a complicated situation. The use of personal data in such academic research is often based on the consent of the people involved. This consent must be free, informed, specific and unambiguous (see 4.2.1.). In this situation, the first point is questionable: the students are in a relationship of dependency vis-à-vis their lecturer. The fact that he is also a researcher does not change this. Perhaps it would be better if someone else conducted the research.

For the historical data, an important question is whether the new use is compatible with the purpose for which the data was collected. The GDPR states that this may, in principle, be assumed when education data are used for scientific research. However, to ensure that education data is actually used responsibly, a clear purpose for processing the data is required and appropriate safeguards must still be implemented (see 4.1). There is also still an obligation to provide information (see Chapter 6). If the data for the research can be anonymised, this is preferable (see 8.3.1).