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Unit 2 – GDPR and ethical issues

Module 6: UNINTENDED CONSEQUENCES AND THE ETHICS OF DIGITALISATION
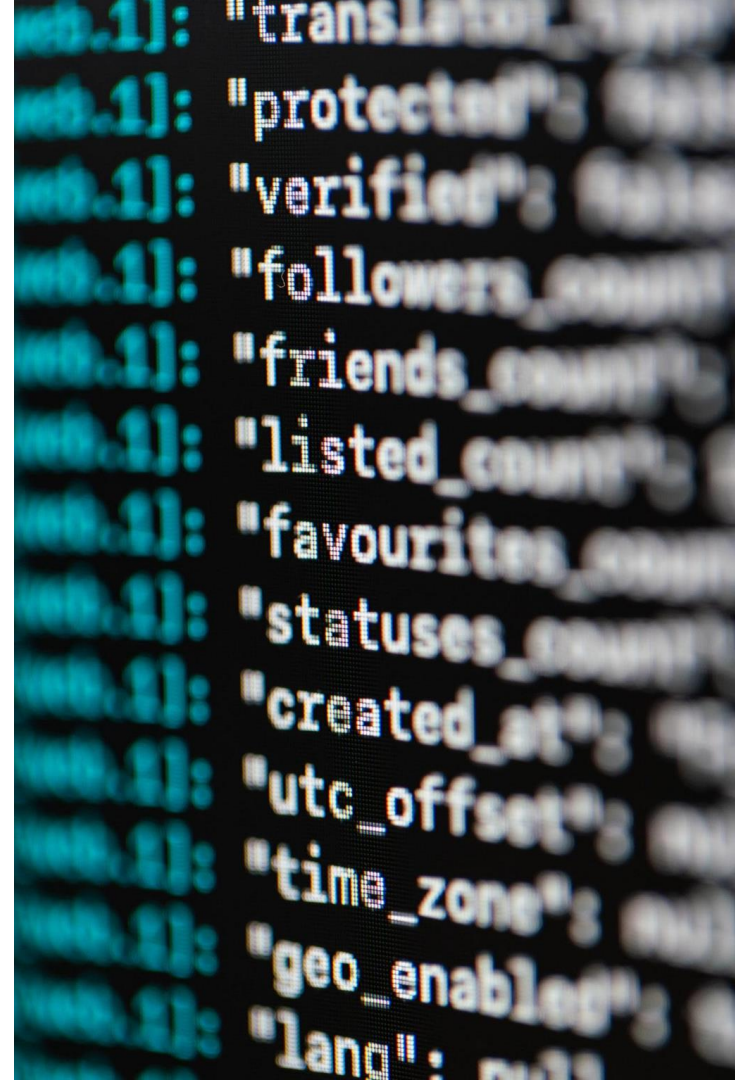
Unit 2: GDPR and ethical issues

1. Effects of transitioning to online/digital teaching and learning
2. **GDPR and ethical issues**
3. Digital footprints, privacy and surveillance

The objectives of this Unit are:

- To provide an overview of GDPR and data protection, and the principles that guide these legislation

- To provide an understanding of ethics and what it means to act ethically in online learning

- To illustrate the ethical and data protection issues involved in the use of online teaching and learning

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2.1 What is data protection and GDPR?

• Based on European Convention of Human Rights (1950) "Everyone has the right to respect for his private and family life, his home and his correspondence."

• The General Data Protection Regulation (GDPR), and its implementation in the UK, the Data Protection Act 2018, regulates how personal data is processed by organisations including businesses and government agencies. anywhere https://gdpr.eu/ (Full regulation at: https://gdpr.eu/tag/gdpr/) In UK it is implemented via the Data Protection Act 2018

• Personal data is defined as "any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier".

• Data processing is a vital part of any organization, and it must ensure that collection and processing personal information is done in a lawful manner.

Source: [2]

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Principles of the GDPR

- Lawfulness, fairness and transparency

- Purpose limitation

- Data minimisation

- Accuracy

- Storage limitation

- Integrity and confidentiality (security)

- Accountability

Key characters in data processing

- **Data processing**:: includes organising data, altering data, retrieval of data

- **Data subject**: includes students, staff, customers, service users

- **Data controller**: includes businesses, charities, organisations

- **Data processor**: includes payroll company, IT firm

- The Information Commissioner's Office (ICO) (2020)

2.2 GDPR requirements in Higher Education

- HEIs should be clear in how data is being collected and processed, with good reasons for doing so

- It should be clear that informed consent has been obtained regarding data processing

- HEIs should appoint a Data Protection Officer (DPO) to ensure a robust data protection

- Further use of digital technologies means that HEIs should be on top of security measures related to personal data

- Staff should have adequate training for the safe and lawful processing of personal data

Source: [3]

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2.2 GDPR requirements in Higher Education

GDPR - Data Breach Simulation

Available: GDPR Data Breach Simulation

Runtime: 2.38

Source: [X]

Reflection

Data processing

- What sort of data processing happens at your institution?

- Can you remember consenting to the collection of data and did you understand fully what you consented to?

- What ways can you ensure data subjects are well informed of how their data is being processed?

2.3 Emergent data protections issues in a digitized Higher Education environment

- Informed consent

- Third parties and data oversight

- Commercial interests and the nature of data processing

- Transparency and security when processing using AI

- Issues are compounded by COVID-19
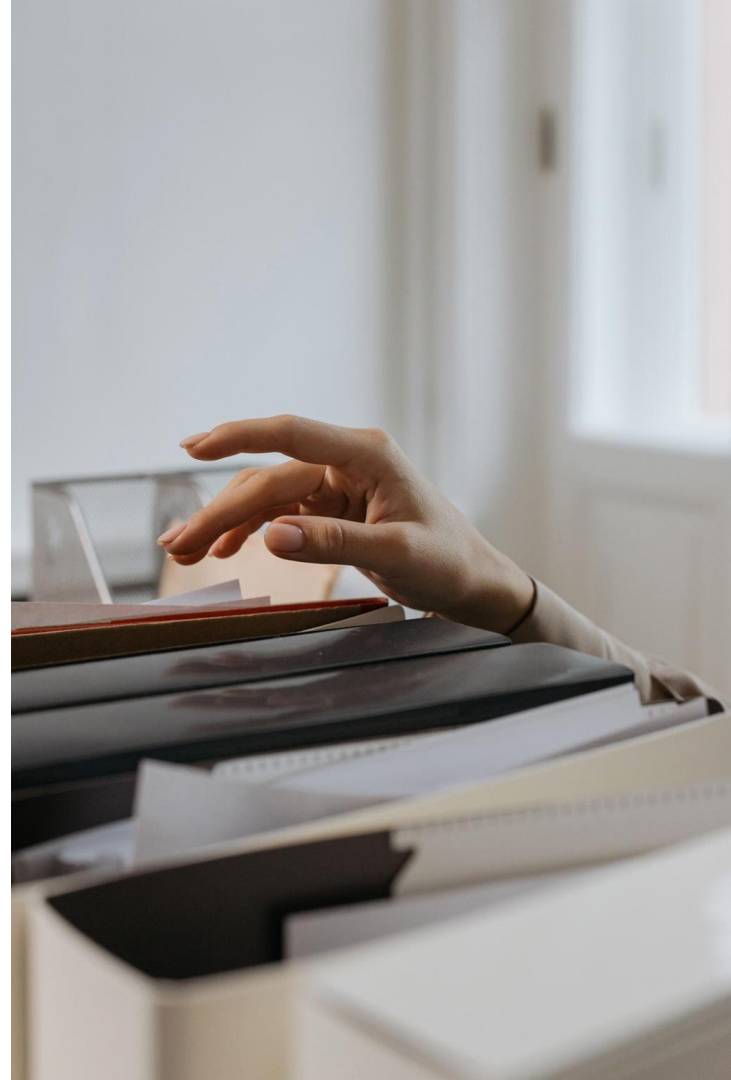
Did you know...

Data breaches and their consequences

In June-July 2018 a massive cyber attack was carried out on Singapore Health Services Private Limited (SingHealth).

Hackers stole records of 1.5 million patients including Prime Minister Lee Hsien Loong (The Verge, 2018).

Such breaches highlight the importance of ensuring data is kept secure.

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Good practice

DELICATE checklist for data

Determination: Decide on the purpose of learning analytics for your institution.
Explain: Define the scope of data collection and usage.
Legitimate: Explain how you operate within the legal frameworks, refer to the essential legislation.
Involve: Talk to stakeholders and give assurances about the data distribution and use.
Consent: Seek consent through clear consent questions.
Anonymise: De-identify individuals as much as possible
Technical aspects: Monitor who has access to data, especially in areas with high staff turn-over.
External partners: Make sure externals provide highest data security standards." (Draschler & Greller, 2016, p. 96)

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Source: [8]

2.4 Learning online, plagiarism, open-source materials, uses of copyright materials

- Avoid plagiarism – passing off other people's work as your own - the use of other people's work must be appropriately acknowledged and attributed to them

- Staff should know their rights regarding the copyright of materials they produce for online lectures

- Students should also be made aware of copyright regulations

- Having a copyright officer is a key way of ensuring copyright regulations are followed and understood

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Good practice

Copyright recommendations when teaching online

Link to articles, books, and websites, rather than wholesale copy

Ensure acknowledgement for materials not created by the author

Remain critical when using websites such as YouTube

Direct students to websites such as Coursera or edX – during COVID-19, these websites provided online courses for free

From Imperial College London (2020)

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Source: [8]

2.5 Ethical issues related to online teaching and learning

What is ethics?

- Ethics is about a set of guiding principles and a set of norms of behaviour for teaching, conducting research and working

- "Ethics is two things. First, ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues... Secondly, ethics refers to the study and development of one's ethical standards." (Velasquez et al., 2010)

- Ethics is about what you do and how you do it – although they can be aligned with law, or religion, being ethical does not necessarily mean strictly following the law, or a religious code

- Professional associations and institutions have codes of ethics, including library science, medicine, the Association for Computing Machinery (ACM)

- In research ethics is 'the standards of behaviour that guide your conduct in relation to the rights of those who become the subject of your work, or are affected by it' (Saunders, 2015, p. 239).

Source: [13]

Why have ethics?

- helping us to act ethically

- good research and institutional practice

- avoiding harm to participants and to vulnerable people in research

- thinking about problems in advance so as to avoid them

- thinking about problems in advance so as to have a plan to deal with them if the worst happens

- not breaking codes of good practice (or the law!)

- protecting the researcher, practitioner

- protecting the institution

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Approaches to applied ethics: deontology

- Also known as categorical ethics

- Deontology is based on rules, principle, moral laws, intuition based on common sense.

- Morality lies in the nature of the act, rather than the consequences of the act: it is based on a moral norm (Larry and Moore, 2020).

- Heavily associated with Immanuel Kant: "A good will is good not because of what it performs or effects, not by its aptness for the attainment of some proposed end, but simply by virtue of the volition; that is, it is good in itself" (Kant, 1785)

- Supports research that is: non-discriminatory, does no harm, is overt, honesty, where consent is given freely, and there is respect for autonomy

Source: [13]

Approaches to applied ethics: consequentialism

- Consequentialism is concerned with the effects of actions

- What are the end results?

- Utilitarianism – made famous by philosophers Jeremy Bentham and John Stuart Mill

- Is summarised 'the ends justify the means'

- Morality is a means to some other non-moral end   - like the greatest good for the greatest number of people: "A policy is the morally correct one if, and only if, it promotes more overall (or net) happiness than any other alternative policy; otherwise, it is wrong and ought to be rejected" (Doyle, 1998: 48).

- It balances the potential outcomes and the potential benefits. So sometimes can be unprincipled.

- This can be particularly detrimental with regards to individual rights, which can get trampled upon in favour of overall utility (Sandel, 2010).

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Source: [13]

Reflection

- You want to investigate the views of teenagers on the school curriculum. So you arrange to meet some friends of friends who are still at school in a local café. You conduct a focus group with 5 of them, but forget your notebook and tape recorder. This is not a problem for you as you have a good memory.

Ethical issues related to online teaching and learning

- The use of AI can have issues of bias, and discrimination, such as not recognising the faces of those with darker skin (The Verge, 2020)

- The use of AI can also be incorrect – think of the "mutant algorithm" that caused chaos for student grades in 2020 (BBC News, 2020)

- Monitoring practices during assessments can be invasive

- Commercial encroachment on traditional modes of learning

- Moving teaching online can leave others behind

- Lack of socialisation when learning online

- Teachers having to adapt to digital technologies

- Issues of transparency and consent

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Source: [13]

Ethical principles

- Non-maleficence – avoiding harm to participants (including ensuring their privacy)

- Beneficence – research on human subjects should produce some positive and identifiable benefits rather than being carried out for its own sake

- Autonomy or self-determination – research participants' values and decisions should be respected

- Justice – all people should be treated equally
- From Murphy, E., & Dingwall, R. (2001; 2007).

Good practice

Ethics in research

Reliability in ensuring the quality of research, reflected in the design, the methodology, the analysis and the use of resources.

Honesty in developing, undertaking, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way.

Respect for colleagues, research participants, society, ecosystems, cultural heritage and the environment.

Accountability for the research from idea to publication, for its management and organisation, for training, supervision and mentoring, and for its wider impacts.

From The European Code of Conduct for Research Integrity Revised Edition (2017)

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Source: [8]

Ethical issues in research

Research ethics

Available: Research ethics – YouTube

Runtime: 2.39

Source: [X]

Some key ethical issues in research

- Voluntary – participation should always be fully voluntary and without coercion of any sort

- Suitable information should be given beforehand with enough time to consider it, so that people can decide whether or not to participate – participants should be informed about the project (what it is about, any potential harm they might some to, e.g., being asked questions about sensitive issues, who funds the research, how their data will be stored, how and when they can withdraw their data from the study, and used etc.)

- Consent should be informed, freely given, specific and unambiguous and recorded by the researcher

- Anonymity (responses for research participants should usually not be identified in any reports or articles using their information)

- Vulnerable people should only be asked to participate with careful and suitable safeguards (examples of potentially vulnerable people may include children – under 13 in some countries although the ages may vary by country and circumstances; those with learning difficulties)

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Source: [13]

Did you know…

Transparency and consent

In 2014 Facebook manipulated users' news feeds to find out if it influenced their emotions.

This was performed on hundreds of thousands of users without their consent.

Similarly, in 2017 Pearson Education tested the use of motivational messaging on higher education software in the US. Pearson described these as product tests, rather than experiments, which do not require consent from users.

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Good practice

Considerations when using data

Recognise the ethical issues are complex

Develop clear principles and guidelines on data use

Actively engage with multiple stakeholders.

Establish transparency and trust

Avoid reinventing the wheel

Get a move on

Develop processes to revisit and recast practice

(From Corrin et al., 2019)

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Source: [8]

Key takeaways

•GDPR and the Data Protection Act 2018 are important aspects of ensuring people's personal data is processed in a lawful way

•The consequences for failing to uphold these principles can be severe, thus it is vital that everyone is trained and supported in the processing of personal data

•Rise of digital technologies have made these principles crucial

•Ethics includes dealing with how people conduct themselves in relation to others

•Two main strands of applied ethics are deontology (concerned with the action) and consequentialism (concerned with end results)

•Ethics are an important part of higher education; particularly in carrying out and using research

•The rise of digital technologies and the increasing amount of third party and commercial involvement in higher education potentially puts strain on ensuring data is handled ethically

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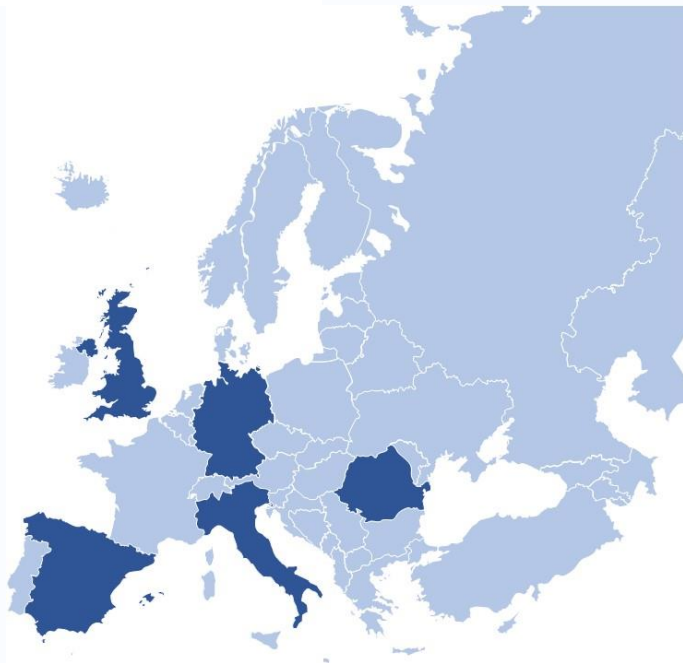
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