



Enforcement action improves privacy for children in education: more is needed

A brief analysis of recent changes to policies and practice in Google's Workspace for Education

Louise Hooper, Ayça Atabey and Kruakae Pothong

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Executive summary

Regulatory and enforcement actions, stemming from work carried out in the Netherlands, have led to improvements in Google's data practices and policies. Although these are steps in the right direction, they are not sufficient to address the challenges schools face as data controllers – schools still struggle with Google's complex and opaque data practices and policies while bearing the burden for data compliance.

The distinction between Google's Workspace for Education policies and Google's general Privacy Policy remains unclear, particularly regarding how children's data is handled when they interact with these technologies, adding further confusion for users.

Schools, acting as data controllers, face challenges in navigating Google's privacy policies, and struggle to have meaningful control over how Google processes data, leaving them with a significant burden under the law.

These problems are not exclusive to Google: similar concerns have recently been raised in respect of Microsoft's 365 Education service, most notably: shifting the burden and responsibility for children's data to schools without making it possible for them to dictate the terms on which that data is processed, opaque terms and conditions and 'secret tracking of children'.¹

Our view is that steps should be taken to redress these problems; these require a regulatory response.

The Digital Futures Commission (DFC) proposals for [A blueprint for education data](#) and a [code of practice for EdTech](#) would address the urgent challenges we see in today's data-driven education. It is high time the UK took action to protect children's data and rights while children are learning.

¹ [Microsoft violates children's privacy – but blames your local school](#)


Problems with data protection in Google Classroom

In [our report](#) on Google Classroom (August 2022) we demonstrated how data protection and privacy problems manifest in children's technology use in education, particularly when they move from the product's 'core' services such as Google Classroom to 'additional' services such as YouTube.


Figure 1: Google Workspace for Education core and additional services (Source: Google)

Google Workspace for Education facilitates learning and collaboration among students (and parents), educators, and school admins. Google Workspace for Education includes two categories of services, both described in this privacy notice. The distinction is important because the scope of the services and how the data is processed in these services differs.

- **Google Workspace for Education core services** are listed in the [Services Summary](#) and include Gmail, Calendar, Classroom, Assignments, Contacts, Drive, Docs, Forms, Groups, Sheets, Sites, Slides, Chat, Meet, Vault, and Chrome Sync.



- **Google Workspace for Education additional services** include services we make generally available for all consumers, such as Google Search, Maps, and YouTube, which Workspace for Education users may have access to with their Workspace accounts.



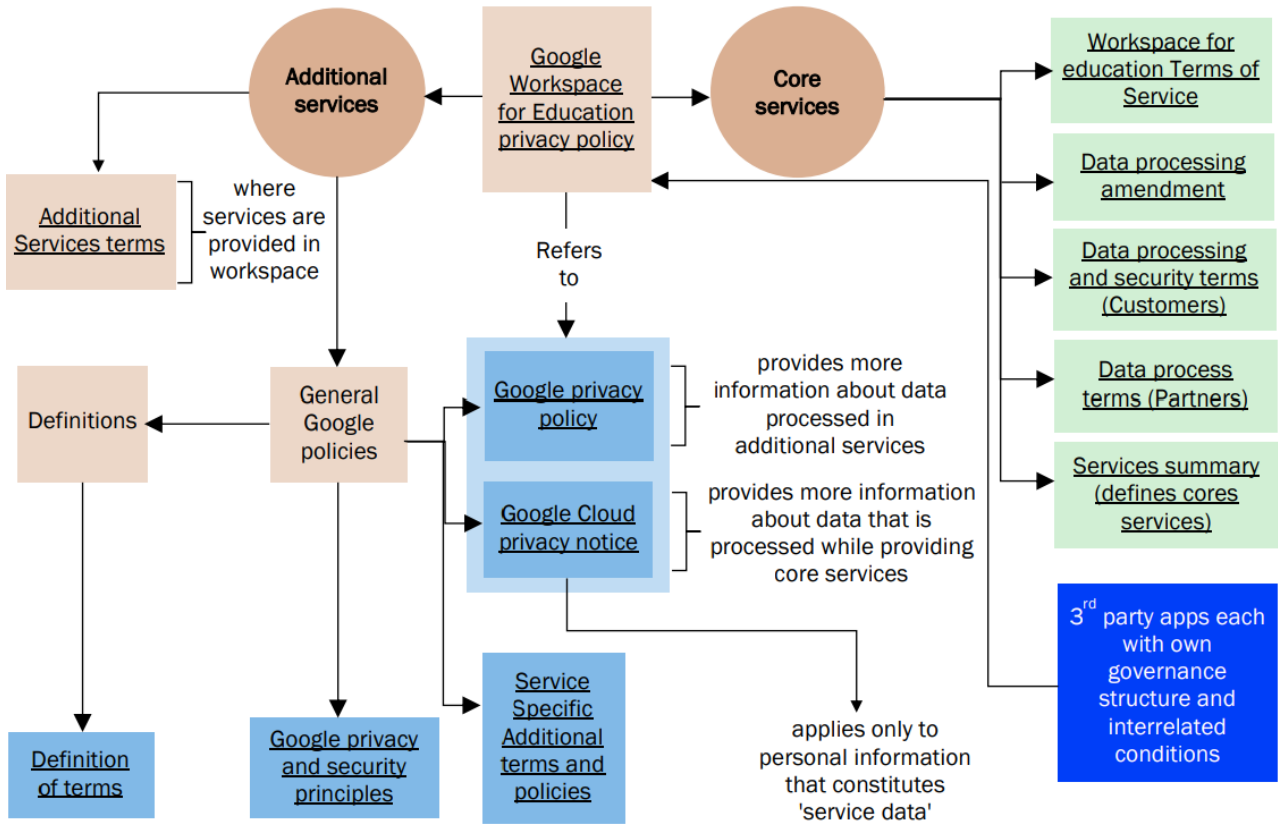
This document provides the key information about both types of services. If you want to learn more, you can find additional information and examples in the following documents that also apply to Google Workspace for Education accounts. The [Google Cloud Privacy Notice](#) provides more information about data that we process while providing the core services, and the [Google Privacy Policy](#) provides more information about data that we process in additional services. Information provided in this notice relating to core services also applies to Other Services listed in the Services Summary, including AppSheet.

We also identified that it was difficult to understand more generally what data was being collected, for what purposes, and under what lawful basis. The governance structure for Google Classroom is complex, with interlinked policies requiring multiple 'clicks', as demonstrated in Figure 2.

We also had concerns about Google's failure to adequately limit the purposes for which data was processed, and the inability of schools to fulfil their duties as data controllers in circumstances where either it was not clear where children's data was going and what was happening to it, or they were not able to adequately direct this.

Since writing our initial report there have been some significant changes to both Google's Workspace for Education privacy policy and terms of service and to the general Google privacy policy that are relevant when children use additional services. These clearly include explanations of the purposes for which data is processed and some interesting addendums attempting to deal with issues relating to identifying the processor and controller.

Figure 2: The governance structure for Google Classroom



Regulatory and enforcement actions against Google

These changes for the better appear to be in response to regulatory and enforcement action taken across Europe and the USA. Table 1 summarises some of those actions that have provoked changes that are specific to Google. Our Research Brief, *International regulatory decisions concerning EdTech companies' data practices*, discusses these actions in more detail.

The Data Protection Impact Assessment (DPIA) conducted by Privacy Company in the Netherlands on behalf of the Dutch government has been of fundamental importance, both to our own research as well as to actions conducted in other countries (Nas & Terra, 2021a&b). The subsequent negotiations were conducted at government and regulator level, and resulted in clear improvements to the contracts schools held with Google. This shows how government can be instrumental in ensuring regulations in this complex area are complied with.

The subsequent enforcement of regulations across Europe by Data Protection Authorities (DPAs) has resulted in clear improvements to both the policy documents and the practice in respect of the privacy of children's data obtained in and through education.

We now highlight some of the key changes and identify some remaining challenges.

Table 1: Regulatory actions by jurisdiction

Date	Jurisdiction	Finding and decision on risk in EdTech use
November 2020	USA	The Attorney General of New Mexico filed a complaint against Google in the State Court; the case was settled in 2021 . Google agreed to provide schools with tools to protect children's data in compliance with applicable laws.
March 2021 (updated in 2023)	Netherlands	Multiple high data protection risks were identified as a result of a detailed DPIA by Privacy Company in Google education products. This ultimately resulted in a negotiated agreement on the use of Google Workspace for Education by educational institutions. Google made changes to address the risks identified in the DPIA. Following these changes, in 2023 , Privacy Company published an updated DPIA report , and it was announced that privacy risks from the 2021 Google Workspace for Education DPIA were sufficiently resolved.
July 2022	Denmark	The DPA banned the use of Google Workspace for Education and Chromebooks in Helsingør, having identified high data protection risks concerning lack of transparency in data processing and use and missing or problematic privacy controls.
November 2022	France	The French authorities urged schools to stop using the free versions of US-cloud based services, including Google Workspace for Education and Microsoft Office 365.
December 2023	Iceland	The DPA found Google's data processing activities were beyond the instructions of the local authorities and in breach of several provisions of the General Data Protection Regulation (GDPR). Five municipalities were fined as a result.
January 2024	Denmark	Fifty-three municipalities were found in violation of several GDPR provisions in data processing activities regarding the use of Google Workspace for Education and Chromebooks.

Changes by Google following regulatory and enforcement actions

[Google Workspace for Education Service Data Addendum](#)

This introduces an additional contract to enable a school to choose to be a controller of service data instead of Google, with Google as a joint controller for some purposes, and makes related amendments to the Cloud Data Processing agreements. This is new and applies only to Core Services. It is designed to respond to the problem of Google being in fact the controller of service data rather than a processor. Some service data will contain customer personal data, and the Addendum provides for Google to be a controller or joint controller in respect of this data solely for the 'limited purposes' set out in the [Google Cloud Privacy Notice](#) and associated supplement (see below). The Addendum puts the obligation on a school to obtain any necessary consents and provide notices to permit Google's accessing, storing and processing of data provided by the customer under the agreement, including any data processed by Google as a processor (see 3.5(a)).

[Supplemental Google Cloud Privacy Notice](#)

This applies specifically to organisations that have adopted the Google Workspace for Education Service Data Addendum. It emphasises the duty on the organisation to notify the individual with information about how it processes service data and legal rights, and directs individuals to review their organisation's own policies and/or privacy notices. A separate list of sub-processors and [terms](#) applies where the Addendum is adopted, and the list again attempts to make clearer what data sub-processors have access to, and what they can do with it.

[Google General Privacy Policy](#)²

As previously identified, a significant problem arose when a child moved from Core to Additional Services. The general Privacy Policy applies in Additional Services, with significant changes for the better. Clear challenges remain, however, and some new and imaginative ways have been devised for obtaining information from customers' use of Google services for the purposes of serving adverts. Here are a few of the key changes.

In July 2023, amid the furore around generative AI, Google made a change to its Privacy Policy to make clear that information was collected that was publicly available online or from other public sources to help train Google's AI models and build products and features such as Google Translate, Bard and Cloud AI capabilities. Previously this had simply read Google's language models and build features, such as Google Translate. This change alerted the public to one of the ways that their data is used by large companies to train AI models, and has formed part of the debate about copyright and appropriate use of intellectual property

² [Past versions of Google's Privacy Policy are available as 'Archived versions'](#).

posted on the internet. We note that data obtained through education from both children and teachers has most likely been used to train AI models, including in the development of teaching aids such as [practice sets](#). Teachers input test questions and AI is then used to identify the teaching points, and children are directed to YouTube videos that may help them with learning.

In theory this sounds positive. However, significant concerns remain around the service of adverts and tracking of children using YouTube, whether or not this is deliberate and irrespective of improvements made by Google. In late 2023, following a report by [Adalytics](#) (2023) that detailed how personalised ads appeared to be served on 'made for kids' videos and data transmitted to data brokers and adtech companies, Fairplay and the Center for Digital Democracy asked the US Federal Trade Commission (FTC) to investigate whether children's rights were being breached. Google denied that they were, and stated that ads were based on webpage content and not on user profiles.

Towards the end of 2023 further changes were made, including a detailed revision to the section relating to the legal basis of processing. This was considerably expanded to explain in clearer detail what data is processed and why. It is also, unfortunately, very long (some 22 pages), and not child-friendly. It can be found [here](#), where the sections in green identify the new additions. Aside from any concerns relating to what is collected and whether it is necessary, these explanations are more useful.

In substance, however, these explanations have made it significantly clearer how Google's products and services are used both to train AI and for business development more generally.

In January 2024, under the heading 'Activity on Google Services', more context was provided to explain how location data is collected and used. A new section was also included to explain how activity on Google services may be saved and used to identify location. The location identifiers are extensive and may raise privacy concerns.

Changes in January 2024 also clarified that Google receives information from more than just advertising partners to partners', and makes it clear that data from Google searches are used in conjunction with data about ads people interact with on Google services. We believe that these changes are probably necessary for the phasing out of 'cookies' and the introduction of new forms of behavioural and contextual advertising, including [topics](#), which appear to have been rolled out to Chrome in the first quarter of 2024 (see above for continued concerns related to advertising practices).

On 4 March 2024, to [conform with the requirements](#) of the EU Digital Markets Act (effective from 6 March 2024), further changes to the wording were made to cover the different approach to linked data that would now be taken, stressing that the use of data in these circumstances is governed by the 'choices' consumers make in settings. The policy also notes that if you are a user in the EU, a choice is given as to whether to keep Google services linked to enable them to share data with Google, stating 'linked Google services can work together to help personalise your content and ads, depending on your settings'. This enhanced privacy protection does not apply in the UK.

A further important clarification was made in respect of activity on third-party sites and apps that use Google services, such as Google ads or analytics. It is now clear that these apps will share information with Google even when browsing in Incognito mode in Chrome.

Have these changes improved data protection?

In 2022 we conducted an experiment using Lightbeam to see whether and at what scale children's online learning activities are surveilled by parties when using EdTech as directed by schools. Our experiment showed that multiple third parties, including data brokers, appeared to have access to children's online activity when additional or external services were accessed from school systems.

We repeated this experiment in 2024 and were pleased to see that data is now better protected than previously. We asked a school data protection officer (DPO) whether the improved privacy was as a result of school action or the changes made by Google. The DPO informed us that Google Workspace for Education platforms now enforce 'least privilege' in relation to account holders to share their data with other third-party platforms and APIs. An administrator who controls the access permissions has to explicitly grant permission for data sharing to take place. The use of Google Workspace for Education accounts has been restricted for hosting or creating social media. Permissions available to administrators include an over-18 or under-18 tag. All Google Workspace for Education accounts are tagged as 'under-18', and administrators can apply exceptions to staff accounts. Account holders are also restricted by default from accessing services and applications that Google deems as insecure, and this can only be overridden within the administrator console settings. This suggests that Google has made technical improvements since 2022.

Conclusions – and remaining problems

We firmly believe that the improvements identified here are as a result of regulatory and enforcement action, reflected in the changed terms of service and privacy policies and practices.

This is not, however, the end of the story. The school DPO we spoke to noted that despite improvements, too much onus remains on parents and schools:

The biggest challenge, of course, is the fact that so much data is collected by Google themselves because of its fundamental value to them. It still requires a technical knowledge of what is being asked – hidden behind wordy statements and T&Cs that don't help users to make informed decisions – which could inadvertently lead to 'data bleed' into another source through no fault of the person making the decision.

The connections between Google's Workspace for Education policies and Google's general Privacy Policy are not often clear and remain confusing. The website directs users to Google's Privacy Policy in certain sections, and it is unclear where the distinction is made between the Privacy Policy and Google's Workspace for Education policies, particularly regarding the implications for handling children's data while they are using Google's services for educational purposes. Moreover, Google's Workspace for Education provides several links to different privacy policies, as can be seen in Figure 3. These make it challenging for users to navigate through the policies and to truly understand how Google handles children's data.

Figure 3: Confusing data policies (Source: Google)

Google for Education Why Google Google Workspace for Education Chromebooks Get started For educators Sign in Contact sales

ADDITIONAL SERVICES FOR GOOGLE WORKSPACE FOR EDUCATION Expand all

Learn more about Additional Services.

Can students access other Google services with their Google Workspace for Education account?

Google Additional Services/Products are other Google services that may be used with a Google Account, for example, YouTube, Blogger, and Google Earth. Most [Additional Services](#) are governed by the Google Terms of Service and Privacy Policy, and some services may also have [service-specific terms](#).

By default, students marked under the age of 18 will be deliberately limited from accessing age-inappropriate content by default for additional Google services, like YouTube, Maps, Search, Play, and lose access to some additional services. Administrators can override these settings if they see fit. These services may show ads, however personal information (or any information associated with the account) from primary and secondary (K-12) schools users will not be used to target ads.

[Read our Google Workspace for Education Privacy Notice](#)

[Read our Google Cloud Privacy Notice](#)

[More about Google Terms of Service](#)

[More about Google Privacy Policy](#)

[Read our Google Workspace for Education Core and Additional Services](#)

How can I manage Google Workspace Additional Services?

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Our view remains, as set out in our original report, that steps should be taken to redress these problems, and that this requires a regulatory response.

The DFC proposals for [A blueprint for education data](#) and [code of practice for EdTech](#) would address the urgent challenges we see in today's data-driven education. It is high time the UK took action to protect children's data and rights while children are learning.

References

- Adalytics. (2023). Are YouTube advertisers inadvertently harvesting data from millions of children? <https://adalytics.io/blog/are-youtube-ads-coppa-compliant>
- Assemblée nationale. (2022). Question N°971 de M. Philippe Latombe. <https://questions.assemblee-nationale.fr/q16/16-971QE.htm>
- Datatilsynet. (2022). Datatilsynet fastholder forbud i Chromebook-sag. [The Danish Data Protection Agency upholds the ban in the case of Chromebook]. 18 August. www.datatilsynet.dk/afgoerelser/afgoerelser/2022/aug/datatilsynet-fastholder-forbud-i-chromebook-sag
- Datatilsynet. (2024). Datatilsynet giver påbud i Chromebook-sag [The Danish Data Protection Agency issues an injunction in the case of Chromebook]. 30 January. www.datatilsynet.dk/afgoerelser/afgoerelser/2024/jan/datatilsynet-giver-paabud-i-chromebook-sag
- Google for Education. (2022). Introducing practice sets in Google Classroom [YouTube video]. www.youtube.com/watch?v=X-UgPQ6OvAk
- Google. (2022). Privacy & Terms – List of Services & Service-Specific Additional Terms. <https://policies.google.com/terms/service-specific>
- Google. (2022). Privacy & Terms – Google Terms of Service. <https://policies.google.com/terms?hl=en&gl=us>
- Google. (2023). Supplemental Google Cloud Privacy Notice. <https://cloud.google.com/terms/cloud-privacy-notice-supplement>
- Google. (2024). About DMA & your linked services. <https://support.google.com/accounts/answer/14202510>
- Google. (2024). Google Cloud Privacy Notice. <https://cloud.google.com/terms/cloud-privacy-notice>
- Google. (2024). The Privacy Sandbox Timeline for the Web. <https://privacysandbox.com/open-web/#the-privacy-sandbox-timeline>
- Google. (2024). Privacy & Terms – Updates: Privacy Policy. <https://policies.google.com/privacy/archive?hl=en-US>
- Google. (no date). Google Workspace for Education Service Data Addendum. <https://workspace.google.com/terms/service-data-addendum/>
- Google. (no date). Google Workspace Admin Help – Monitor usage & security with reports. <https://support.google.com/a/answer/6000239?hl=en>
- Hooper, L., Livingstone, S., & Pothong, K. (2022). *Problems with data governance in UK schools: The cases of Google Classroom and ClassDojo*. Digital Futures Commission. <https://eprints.lse.ac.uk/119736>
- Kidron, B., Pothong, K., Hooper, L., Livingstone, S., Atabey, A., & Turner, S. (2023). *A blueprint for education data: Realising children's best interests in digitised education*. Digital Futures Commission. https://eprints.lse.ac.uk/119737/1/A_Blueprint_for_Education_Data_FINAL_Online.pdf
- Livingstone, S., Hooper, L., & Atabey, A. (2024). *In support of a Code of Practice for Education Technology*. Briefing by Digital Futures for Children centre for Amendment 146 to the Data Protection and Digital Information Bill. Digital Futures for Children centre, LSE and 5Rights Foundation. www.digital-futures-for-children.net/a-code-of-practice-for-edtech
- Nas, S., & Terra, F. (2021a). *DPIA on the use of Google G Suite (Enterprise) for Education*. Privacy Company, 12 March. www.surf.nl/files/2021-06/updated-g-suite-for-education-dpia-12-march-2021.pdf
- Nas, S., & Terra, F. (2021b). *Update DPIA report Google Workspace for Education*. Privacy Company, 2 August. www.surf.nl/files/2021-08/update-dpia-report-2-august-2021.pdf
- Nas, S., & Terra, F. (2023). *Verification report Google remediation measures, Workspace for Education for SURF and SIVON*. Privacy Company, 23 July. www.surf.nl/files/2023-07/20230724-clean-workspace-for-education.pdf

New Mexico Department of Justice. (2021). Attorney General Hector Balderas announces landmark settlements with Google over children's online privacy. Press release, 13 December. <https://nmdoj.gov/press-release/attorney-general-hector-balderas-announces-landmark-settlements-with-google-over-childrens-online-privacy>

SURF. (2023). Google Workspace in education. www.surf.nl/en/google-workspace-in-education

United States District Court for the District of New Mexico. (2020). *State of New Mexico, ex rel., Hector Balderas, Attorney General of the State of New Mexico v. Google LLC*. www.dataguidance.com/sites/default/files/nm_google_complaint.pdf



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digital-futures-for-children.net
info@dfc-centre.net

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