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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Data Privacy in Digital Education <i>- Information from the Belgian and Dutch delegations</i>

Delegations will find attached an information note from the Belgian and Dutch delegations on the above subject, which has been put on the agenda under 'Any other business' for the next Education, Youth, Culture and Sport Council meeting on 23 November 2023.

Data Privacy in Digital Education***Information note from the Belgian and Dutch delegations***

As a result of digitalisation, the use of education software platforms by schools, and consequently minors, has increased significantly over the past couple of years. Individual schools are faced with the task to assess and possibly mitigate privacy risks associated with data processing by large international software vendors. In both Flanders and the Netherlands, recommendations have been made to intervene significantly to the use of certain commercial digital tools and services specifically developed for schools.

In the Netherlands an agreement was reached earlier this year with one provider to address identified privacy risks, after a lengthy process since 2021. However, these improved conditions are not automatically applicable to (other education institutions in) other Member States. In each Member State, a significant amount of time, expertise and resources would potentially be needed to organise and/or facilitate similar negotiations.

Against this background, the Flemish and Dutch education ministers will address this issue in a letter to the European Commission, with the request to support enhanced collaboration at European level, and asked to include this topic in the agenda of the European Commission. With full respect for the General Data Protection Regulations and the competence of the European Data Protection Board, coordination of national initiatives for Data Protection Impact Assessment (DPIA's) on education technologies in schools could be included in the work under the EU Action Plan on Digital Education 2021-2027.

In order to raise attention for this issue, the Netherlands and Belgian delegations in this EYCS Council will kindly share a copy of the letter mentioned to the EU education ministers and suggest all to consider also their national situation in this issue, and possible need for collaboration and coordination.