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# Learning Analytics and the GDPR

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# General Data Protection Regulation (2016/679)

In force May 2018, replacing Data Protection Directive

Lots of new stuff (3x length of Directive)

Jisc LA agreement will be reviewed as detailed requirements become clear

- » Service description already updated

Two main areas for Learning Analytics

- » Data Subject rights

- » Shift from consent to accountability

# 1. New (?) Data Subject Rights

Transparency

Access

Rectification: wrong or incomplete

Erasure: when no lawful basis

Restriction

Objection: to LegInt or PubInt

Objection: to automated decisions

*See DPA & Jisc LA Code of Practice*

Portability

- » Can demand return/transfer of information
- » If provided by individual
- » By consent or contract

## 2.DS Consent => DC Accountability

GDPR reflects trend in regulator/academic thinking

Data Subject consent not valid if

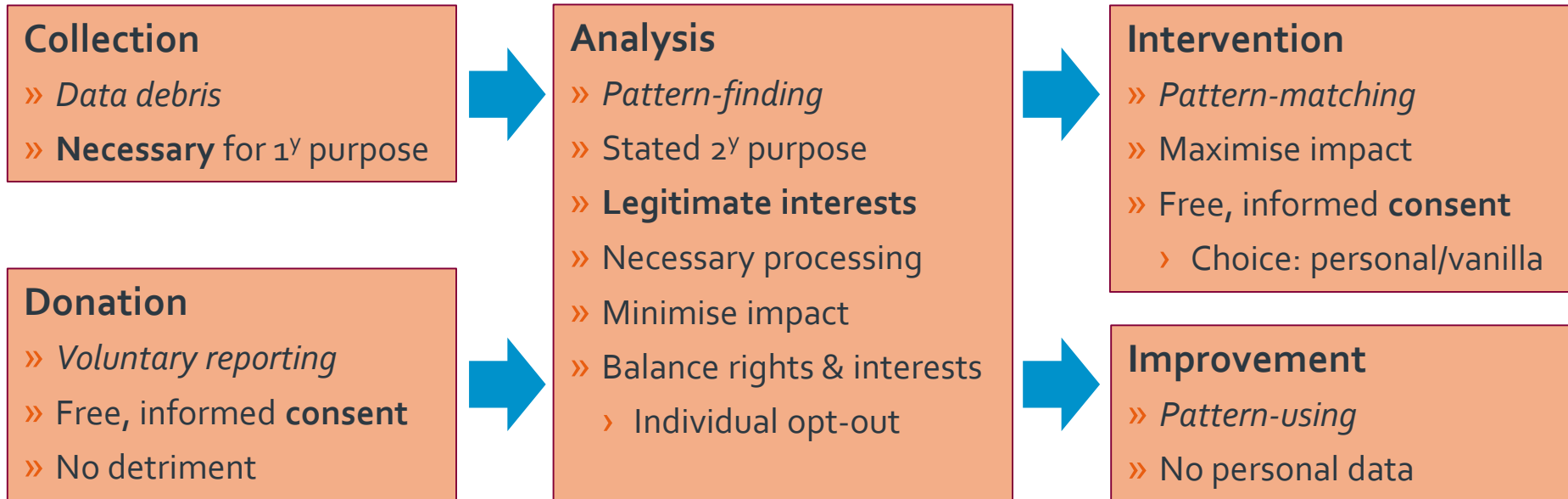
- » Imbalance of power
- » No real choice
- » Condition of service

Increased duties on Data Controller

- » Assess/document/justify risks

Learning Analytics: Consent or Accountability?

# A DP model of Learning Analytics



# Timeline

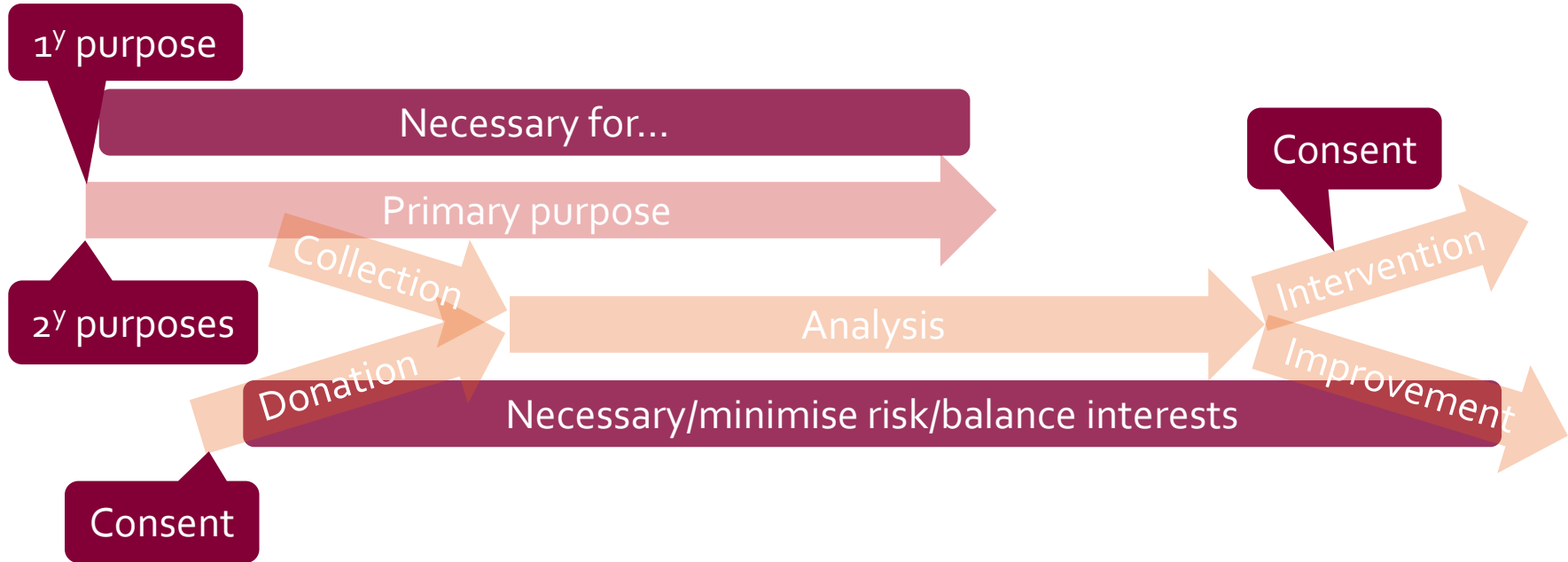


See also Cormack AN (2016), 1(1) Journal of Information Rights, Policy and Practice

## Matches existing policies

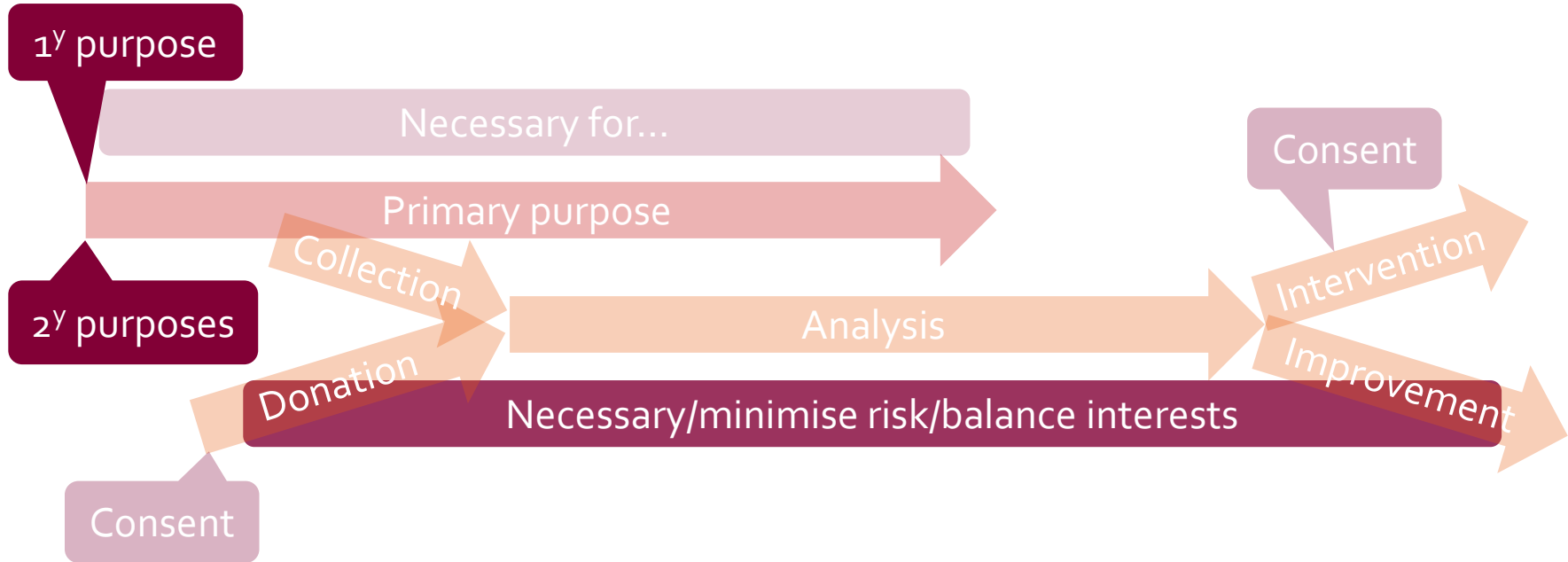


## Rich guidance on conduct





## Prior & ongoing review of risk/benefit



# Specific, informed consent at time of intervention



## Flexibility within stated purpose(s)



# Taking students & orgs where we want to go



# Thanks

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<https://community.jisc.ac.uk/blogs/regulatory-developments/tags/Learning-Analytics>



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