



**Privileged & confidential**

## Contact report

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| Contact with | Australian Competition and Consumer Commission |
| Participants | Kellie Fonseca, Sophie Higgins, Wendy Tian     |
| Date         | 25 June 2020 at 3:30 PM AEDT                   |
| Subject      | Referral to OAIC – Google Classrooms issue     |

### Participants

- OAIC: Kellie Fonesca (Director, Regulation and Strategy), Sophie Higgins (Director, Dispute Resolution), Wendy Tian (Investigations Officer, Dispute Resolution)
- ACCC: Simone Vrabac (Acting Director | Digital Platforms Branch), Kaitlin Hanrahan (Assistant Director | Digital Platforms | Merger and Authorisation Review)

### Google Classrooms issue

1. ACCC discussed some open source research on Google classrooms:
  - a. The use of Google Classrooms requires setting up a Gmail account for the student by the school, which sits behind the school email address, collecting data and aggregating school data and data from other Chrome browsing. There is a concern that schools are not being transparent about this to students and parents.
  - b. When creating a Google account for a student, the school provides Google with the student's information. The extent of what information is put into that account varies from school to school.
  - c. It is unclear what information Google aggregates. In its privacy notice, Google states it can combine personal information collected under the G Suite with personal information and other data collected by other services. However, it is not clear what Google services are matched to that account.
  - d. Parents either may not know, or consent, to how the school accounts are connected to Google. Children also may not know about the existence of the Google account, as they log into Google Classrooms via the departmental portal site and not Google's sign up page.

- e. General data is combined with Google Classrooms activity even if the account is closed, and the data cannot be deleted. This raises questions of what happens when a child changes or finishes school.
  - f. It is difficult to find information about how Google Classrooms operates on a state by state basis. The ACCC is aware that the Victorian education department provided an information pack to parents about the G Suite package, including an opt out form. The information pack states that certain information, including name, year level, home group, school, needs to be provided to G Suite.
  - g. Google's agreements with schools put the onus on individual schools to adhere to privacy laws in individual countries. However, there does not appear to be uniformity in policy among schools.
2. Kellie noted that another possible issue is whether schools have the opportunity to change their privacy settings, and if that is the schools' role.
  3. ACCC considered that it is difficult to say how widely Google Classrooms is being used. While the information is spotty, ACCC are aware that NSW has a partnership with Google to use Gmail accounts for all students in NSW. They also know that many schools used it during the shutdown, but it is unclear whether this level of use will be sustained.
  4. ACCC noted that class actions have been commenced in the US relating to this issue.
  5. Since the schools are not acting in trade or commerce, this is not an issue that the ACCC can progress. However, it may be worth looking into further by the OAIC.
2. ACCC suggest reaching out to state based education departments asking questions about the lack of uniform requirements and policies among schools in relation to Google Classrooms.
    - a. Sophie noted that we do not regulate state schools. We may discuss with the state privacy regulators, as we are not sure if they have come across this issue or if they are already involved.
    - b. ACCC are comfortable with us sharing the information they provide with our state privacy counterparts, as it is publicly available information.
    - c. Kellie noted that the OAIC is part of a national privacy team with the state and territory privacy regulators, which meets fortnightly (though this will soon shift to monthly). It will be good to raise this issue in that forum.

## Next steps

3. ACCC will pull together the details they have about this issue and send through to us.
4. OAIC will consider raising this issue with state privacy regulators (perhaps as part of the national privacy team).