



Exercising Data Protection Practices via Google for Education Terms of Service

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The purpose of this document is to provide guidelines for Local Education Agencies (LEA) and Tribal Education Departments (TED) to exercise data protection practices and mitigate risks for violations to the Student Data Protection Agreement (SDPA) in accordance with Google's terms of service.

Data Collection:

Within [Google for Education's terms of service Data Processing Amendment](#), Google states, "Schools can request to delete customer data and copies from Google."

As students graduate and student data is no longer needed, the Local Education Agencies (LEA) and Tribal Education Departments (TED) should have an annual process for making deletion requests to Google on behalf of students and caregivers.

Consent:

Within the [Google Customer Obligations](#), the terms state, "Customer will obtain parental consent for the collection and use of personal information in any Additional Products that Customer intends to enable before allowing any End Users under the age of 18 to access or use those Additional Products." The LEA/TED should define a dynamic consent process within the [Data Sovereignty Plan](#) to obtain parental consent as they enable students to use additional products.

The LEA/TED should also define a process for designating vendors as school officials and providing consent on behalf of parents/caregivers and students. Google for Education's Terms of Service Agreement's Region-Specific Terms related to North America dated September 20, 2021 states:¹

- FERPA:
 - ▶ **Designates Google as a School Official**, which means that Google can share student directory information without seeking consent from parents, caregivers, students, or school personnel.
- COPPA:
 - ▶ Requires education officials (**such as Google**) to consent to the collection and use of data for students under the age of 13; and
 - ▶ Requires education officials (**such as Google**) to “obtain parental consent for the collection and use of personal information in any Additional Products that Customer intends to enable before allowing any End Users under the age of 18 to access or use those Additional Products.”

To mitigate the potential risks that Google acting as a school official poses to students’ digital rights, the LEA/TED should:

- Reevaluate whether Google qualifies as a school official with legitimate educational interest;
- Opt out students, parents, and caregivers from sharing their Directory Information, as defined by the [Family Educational Rights and Privacy Act \(FERPA\)](#), by default with Google and leverage pseudonymization, password security, and information security best practices in Google account creation processes;
- Ensure Google account settings are configured in alignment with data minimization practices;
- Require Google practice transparency in reporting how student data is used and clearly define purpose limitations in data sharing, usage, storage, reporting, etc.;
- Ensure affirmative consent mechanisms and self-sovereign identity tools are available for students, parents, and caregivers to exercise control over how/whether data is shared, used, stored, reported, and analyzed; and
- Provide meaningful choice and viable alternative options for students, parents, and caregivers who opt out of using Google products.

The LEA/TED can further standardize these practices by using the Data Sovereignty Plan Template found on <https://digitalencantos.com>.

ENDNOTES

- 1 Google for Education, "Google Workspace for Education Terms of Service," September 20, 2021, https://workspace.google.com/terms/education_terms.html.