

Submission to the Education and Science Committee about the Education Legislation Bill

1. Introduction

- 1.1. This submission relates clause 33 in the Education Legislation Bill which amends section 344 of the principal Act (the Education Act 1989) by adding to the list of purposes for which a NSN can be used for "establishing and maintaining student identities to support students' participation in online learning."
- 1.2. I support the amendment as proposed changes to the use of the NSN should make online services more user-friendly for students and easier for educational providers to administrate.
- 1.3. I recommend that the Ministry of Education (MoE) monitor and report on the use of the NSN in the student sector identity access and management (SSIAM) system to provide transparency about the accuracy and security of the system.

2. Mitigation of privacy risks associated with the use of the NSN in the SSIAM

- 2.1. The use of the NSN in the SSIAM system requires careful system design and implementation to mitigate and reduce associated privacy risks. One of the main privacy risks is the unauthorised use or disclosure of the NSN and associated data (name, date of birth and gender) and sensitive educational information if there was a security breach.
- 2.2. My Office was consulted when the Regulatory Impact Statement (RIS) about the amendment to the use of NSN in the Bill was drafted. One of our main concerns was that:

'effective separation of any unique identifier for student-facing services online (such as Google Apps, Microsoft 365 and e-portfolio services) from the NSN and full student records would be necessary to protect highly sensitive personal information from inappropriate use and unwarranted disclosure, especially within the context of a devolved education system and private sector provision of online products'
- 2.3. After my Office's feedback, MoE explained the mechanism in the SSIAM that will separate NSNs and associated data from online education service providers. Diagram One in the appendix shows how this system will work.
- 2.4. The Ministry considers that the design of the SSIAM system will prevent different online service providers from matching identities. This system design also minimises the potential damage a security breach of an online service could cause.
- 2.5. Even with this safeguard for the SSIAM, schools still have a responsibility to educate students about cyber security such as using different passwords for different online accounts and not sharing their passwords. Schools need to develop an age-appropriate way to help students develop these skills. There is a wide variety of cyber security initiatives for schools, including OWLs. Twenty four OWLs modules

were developed by my Office in conjunction with Netsafe to provide lesson plans for teachers to educate students about cyber security and privacy.¹

3. Monitoring the use of the NSN in the SSIAM

- 3.1. I consider a new legislative provision is needed at this stage of the policy process to provide additional protection to students using the NSN in the SSIAM. My Office has been involved with this project since its inception and through its development has seen significant improvements made to the security and privacy settings of the project. However, these improvements do not address our remaining concern about the robustness of the IT system which manages the NSN. Reporting about the NSN and related programmes will introduce greater accountability and transparency about the IT system which manages the NSN and related programmes.
- 3.2. I have not been reassured that the IT system which manages the NSN is robust enough to cope with the increased use of the NSN. Anecdotally our Office has been told by MoE employees that there have been issues with the assignment of the same NSN to multiple students. This has led to confusion about grades and qualifications in records of achievement (ROA) which has caused problems for students, schools and administrators alike. MoE employees have said that this issue is a result of an old legacy IT system and that planned IT improvement projects will resolve the issue. I am not aware of the progress of these projects and it is possible that this problem has not been addressed.
- 3.3. It is timely to increase monitoring of the NSN when it will be used more frequently under this proposed extension of use. The extension of use will mean that:
- young students (five years of age and older), a higher-security-risk group will be using the NSN as their online identity; and
 - the NSN will be used more widely by the education sector which means any errors associated with the system will be compounded.
- 3.4. Reporting about the NSN in the SSIAM system will help me assess whether:
- changes to the management of the NSN, after the extension of its use, are required; and
 - to make recommendations to the Prime Minister based on this assessment.
- 3.5. For these reasons I recommend that MoE monitor and report on the use of the NSN in the SSIAM system to provide transparency about the accuracy and security of the system. Reporting should include reporting metrics such as:
- a count of duplicate NSNs used in the SSIAM system. To clarify, this metric captures the number of times one NSN is assigned to multiple people;
 - a count of duplicate NSNs used in the ROA system; and

¹ See <http://netsafe.org.nz/owl/s/>

- measures which allow my Office and MoE to assess whether the extension of the use of NSN has achieved its desired goal of making online services easier for students to use and educators to administrate. Metrics could include: a count of times passwords are changed because of students forgetting their passwords, and a count of the number of times an NCEA assessment has been delayed due to identity management problems.

3.6. I recommend that this reporting requirement is included in part 30 of the Education Act 1989 in a new section after section 344. The suggested wording for this section is:

Review of assignment and use of national student number

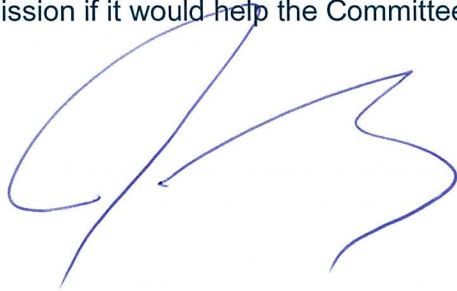
(1) *The Secretary of Education must—*

(a) *report on the accuracy and security of the National Student Number and related programmes annually; and*

(b) *present a copy of the report to the House of Representatives.*

(2) *In preparing the report, the Secretary of Education must consult with interested parties (including the Privacy Commissioner).*

3.7. I am happy to appear at the Education and Science Committee to discuss this submission if it would help the Committee's consideration of the Bill.



John Edwards
Privacy Commissioner

Appendix - Diagram One: SSIAM

