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# The good, the bad and the social network

UCISA 2008 - Is IT good for us?  
Glasgow SECC



# Simpler times...





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# Where I am now

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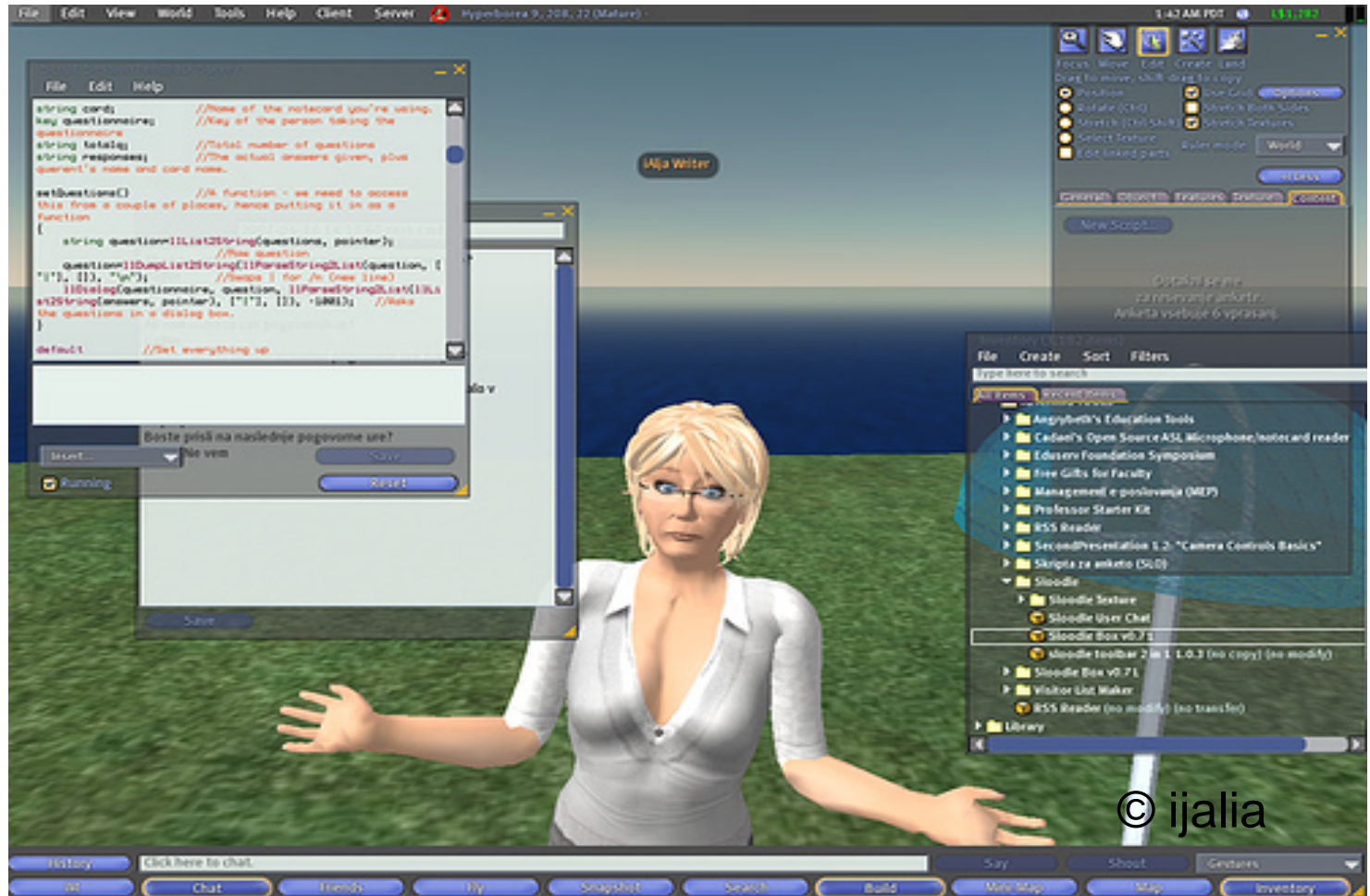
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NOT BLACKBOARD

# Where I'm going?



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Social Networking Tools: ~~Sadville~~ Life

# Some Assumptions

This generation of students uses Web 2.0 technologies in their personal life.

This generation of students readily adopt SNTs like Facebook & MySpace.

This generation of students are savvy about operating in SNT environments.

This generation of students expects the use of technology in their learning.

One reason Facebook is popular is because it's different to what's not 'work'.

And readily move on, Facebook sees decline in users' BBC 21/02/08.

Students don't think about risks, read privacy policies or generally understand © law.

Students need help in effective learning use of SNTs needs effective pedagogies.

# Some more assumptions

Our staff understand the legal risks in using SNTs, and have plans to deal with them.

Our staff will not breach copyright law, data protection law, or incur any other liability.

Our staff will ensure students are properly advised on the implications of using SNTs.

Our staff will ensure that our institution will not face risks from staff/student SNT use.

And staff can't licence over the photo copiers in SO gets how many is from the driver.

Quote: 'We didn't ask the DPO because they might have told us we couldn't do legal risks.'

Quote: 'Can't just scan this and put it on the web/the effective Facebook page.'

Quote: 'The first thing I (DPO) knew about it was when the BBC radio journalist arrived.'

# Overcoming the Cult of the 'Amateur'

- Developing successful e-learning requires a more focused understanding of, and approach to, a wider range of issues
  - Social - are we building castles on sand?
  - Political - will changes in policy impact on our plans?
  - Legal - do we understand the law that affects our work?
- Basic legal knowledge is now becoming an essential skill for educational professionals
  - What legal issues may arise?
  - Do we have a process for that?
  - Do we need expert advice?

# Context of Legal Risk

- Legal problems usually arise from:
  - Poor operational planning – training, infrastructure, process, documentation, responsibility
  - Poor strategic planning – anticipating success, sustainability, foresight, contingency
  - Misunderstandings about nature and scope of relevant law
  - Failure to seek advice on legal issues
  - Non-existent or inadequate mechanisms for legal compliance
  - Poor communication of aims and objectives to users, failure to listen to user needs.

# What could possibly go wrong?

If we decide to use external SNS?

- Service Provider
- Confidentiality
- Ownership of data
- Security of data
- Performance & Reliability
- Support
- Integration
- Lock-in
- Longevity
- System changes
- Will the company still be around in six months?
- Will it get taken over by a larger company?
- Is what was free when we signed up, going to be free in the future?
- Do we have any control over changes to T&C?

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- Where is the SNS provider based?
- Are users aware that the SNS provider is an external org?
- What is the SNS provider's privacy policy?
- Does your arrangement meet the requirements of DPA 1998?
- Can info be easily removed?

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- What do the T&C's say about ownership of data on the SNS?
- What rights are granted to SNS owner?
- Are staff/students adequately briefed on what is acceptable to place on the SNS?
- Does institution have the power to remove infringing materials?

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- Is data placed in the SNS held to adequate levels of security?
- Is material placed on SNS effectively backed up?
- What access do SNS owner's staff have to the material?
- Who is responsible if there is a security breach and what are those responsibilities?

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- Are there any guarantees on performance of the SNS?
- What other factors outside the control of SNS provider or institution may occur?
- Is the service provided on a 'fall back' basis?
- Timing of scheduled or unscheduled downtime?

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- Is there any external support?
- Within what timeframe can support be expected?
- How much institutional support knowledge is there?

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- Can the SNS be integrated with other systems, e.g. SSO?
- Who is responsible for administering the SNS set-up?
- How closely linked with the institution should the SNS be?
- What guidance should be given to staff/students on use of external systems?

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- How 'mobile' is data placed in the SNS? What is the risk of data lock-in?
- Are there APIs for getting data out? Are these guaranteed?
- "Praising companies for providing APIs to get your own data out is like praising auto companies for not filling your airbags with gravel"

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- Lock-in
- Accessibility & Longevity
- System changes
- How does use of the SNS affect SENDA requirements?
- Will material on the SNS be used for assessment?
- Can the material be easily accessed by validation bodies?
- How long will data be stored if an account is not active?
- What would be the normal retention period for that data?

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- Longevity
- System changes
- Can we influence changes in the SNS or do we “go with the flow”?
- Are we in a position to handle changes to T&Cs or to system operation within a reasonable time?

# Institutional and Individual Roles

- Institutional role
  - Understanding of the social, technical and legal environment, and the perspectives of different actors
  - Adequate and ongoing risk management strategy
  - Effective support, infrastructure and training
  - Commitment to ensuring/auditing ‘good practice’
- Individual role
  - An understanding of the perspectives of different actors
  - Holistic view of teaching – pedagogy, context, technology
  - Internalisation and communication of legal issues and their context as part of professional e-learning practice

# Ignorantia legis neminem excusat

- No excuse for FE/HE institutions failing to deal with legal issues relating to e-learning tools like SNTs:
  - often key issues will have been addressed by other institutions – research the issues;
    - Edinburgh University - Guidelines for Using External Web 2.0 Services (2007)
  - with pre-planning and good processes, most legal risks in this area can be easily avoided;
  - planning, processes and research take time and money, but it is money well spent;
- **BUT a significant number of institutions and projects will fail to invest adequate resources in pre-planning, policy and processes.**



Lawyers are like morticians. We all need one sooner or later, but better later than sooner.

Anon.