Chapter 11
Digital Privacy Across Borders:
Canadian and American Perspectives

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ABSTRACT

This chapter examines digital privacy and key terminology associated with the protection of online personal information across two countries and through an education lens. The authors raise awareness of the identified risks for students as their online presence grows. The authors highlight some of the potential consequences of a lack of awareness of the risks associated with sharing information online. They outline the obligations of multiple parties (from the vendor to the end user) when students use online apps, including the teachers and parents who want to protect students' digital privacy. Employing policy analysis and a comparative approach, they examine federal, national, and local legislation, as well as curriculum responses to this issue in the USA and Canada. When the authors compare federal policy responses from these two countries, they find that they differ in instructive ways. The chapter concludes with a focus on risk abatement, including solutions and recommendations.

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INTRODUCTION

Privacy is important to many people who want to guard their personal information closely, but the ease of access to online tools that require a user's personal information makes it increasingly difficult to be a private person in the 21st century. Most people would say that they want the right to protect their privacy, meaning that they want to have the right to control whether or not other people have access to information about their lives. Personal privacy, where people can feel certain that they are not being observed or disturbed by other people, is no longer *a given* in the digital age. Wherever there are people, there may be video surveillance recording their activities, a global positioning system (GPS) capturing their locations, and devices tracking their conversations through email and phones (Goodman, 2015). Many new device applications carry with them digital aspects that erode both solitude and privacy. Some examples include vehicles and devices that have GPS trackers, wearable technology that tracks fitness data and activities, and the Internet of Things (IoT), including home appliances, which track and exchange personal data regarding the lives we live. While people are on mobile devices constantly communicating with each other, online services are tracking user activities and may be co-mingling data for purposes of behavioural advertising (Stoddart, 2011). Most technology users know they need to offer some information in order to communicate, but they may not understand how the vendors could be compromising their privacy. In other words, there are "costs" to being connected, and one of them is privacy.

This chapter focuses specifically on the right to privacy and the protection of privacy for children and adolescents. When it comes to youth, the protection of personal information assumes a higher importance because there are greater risks to their safety and security and they cannot give informed consent because of their age (Berson & Berson, 2006). The authors review current information regarding the sharing of students' personal information online and find that both individuals and organizations may be unknowingly complicit in providing third party access to student information. Conversely, both individuals and organizations can take steps to increase student privacy. The authors identify new tools as well as the awareness needed to make informed judgments regarding how to participate safely in an interconnected, online world. This chapter also examines policy responses designed to control access to the personal information of vulnerable populations, comparing some of the American policy responses with those originating in Canada. The chapter concludes with some recommendations for risk abatement for both individuals and organizations interested in protecting students' digital privacy.

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