



Privacy | Features

Page 3 of 3

Google's Apps for Education and the New Privacy Policy

- 02/15/12

In late January when Google announced that it was replacing 60 different privacy policies across its multiple sites and services with a [single one](#), you might have thought Congress had taken up SOPA and PIPA again. That's how loud the outrage was from much of the social galaxy, as reflected in this Gizmodo headline: "[Google's Broken Promise: The End of 'Don't Be Evil.'](#)" Other observers, such as Forbes "privacy pragmatist" [Kashmir Hill](#), questioned what the big deal was; after all, she wrote, Google wasn't changing much other than how it targets ads to users and creates new innovative services: "Using information from Gmail to suggest more appropriate YouTube videos or reminding an Android smartphone user that they have a Google calendar appointment in a half hour on the other side of town doesn't strike me as the work of Lucifer."

But what has been ignored in these discussions is the impact that could be felt by schools that have signed up for [Google Apps for Education](#). Will the new privacy policy affect the agreements Google has with K-12 schools? According to Google, the short answer is no, but with a nuance.

The Basics of the Privacy Policy

If you haven't bothered to read through the new privacy policy, which takes effect on March 1, 2012, here are the basics.

Google said that the goal of a single privacy policy is to make it "simpler and more readable." Rather than having to work through dozens of different policies, users only have to understand a single one. The company insisted that its privacy principles haven't changed: "We'll never sell your personal information or share it without your permission," it stated in an email delivered to Google account holders.

At the same time Google has rewritten its terms of service, which explain the legal terms referred to in the policy and lay out how it will treat the material, such as YouTube videos, submitted by users.

Besides legal clarity the company said it hopes to use the new policy in order to "create one beautifully simple, intuitive user experience across Google." If, for example, you've been sending emails in Gmail to your spouse about fuel efficiency and different types of engines, watching YouTube videos about how to negotiate with car salesmen, and you're logged in and search on "Jaguar," Google wants the ability to deliver search results focused more on the car and less on the animal. Likewise the company wants to be able to show you ads about car dealerships and not include ads about a safari in Africa.

Behind the scenes, the data accumulated through your use of Picasa, Google Plus, Mobile, and Alerts will finally be put to some better use than keeping the storage experts on the data center staff gainfully employed. "I think it's exciting because we're going to be able to improve the services that we already offer our users,"

company spokesman Tim Drinan noted. "Because of all the information they've already provided, we'll now be able to connect it more consistently."

Note, however, that the privacy policy doesn't affect anonymous public users. If all you do is perform searches and view YouTube clips, but you never post videos and you never send a Gmail message--or anything else that requires you to log in--you won't be enjoying that newly enhanced user experience. You'll have the same experience you've always had--for better or worse.

The biggest misconception the company is battling right now is the concept of "opting out" of Google's new privacy policy, which doesn't make sense, according to Drinan. "No company lets you opt out of their privacy policy or terms of service and continue to use their service," he said. "By going to the New York Times Web site, by reading an article, you agree to their privacy policy. If you download a new version of iTunes, you must accept the new terms of service in order to install it. There's never any option to remain under some previous version of that document."

Getting Outside the Box (of Google Apps for Education)

Ironically, Google Apps for Education already exploits data on the backside to deliver tighter integration on the front end, similar to what the new privacy policy aspires to enable on the consumer side. Data interacts between Calendar and Docs or between Calendar and Gmail, for example. "That's why a lot of our users enjoy the product," noted Drinan.

When a school signs up for Apps for Education, a free service, what it's really getting is the core productivity suite: Gmail, Calendar, Docs, Sites, Video Search, and Groups.

The contract Google has with a school district gives the administrator the power to make any or all of those applications available to users through their school accounts. "They choose exactly what they're going to turn on," Drinan said. And in those cases the contract supersedes the privacy policy. In other words, the agreement the school has with Google takes precedence over the new privacy policy.

According to a statement sent to Apps for Education customers by Google's Vice President of Enterprise, Amit Singh, Google will continue maintaining its enterprise customers' data "in compliance with the confidentiality and security obligations provided to their domain. The new privacy policy does not change our contractual agreements."

The nuance is this, however: If the institution were to decide to turn on additional services outside of that core suite, such as YouTube, Blogger, or Google Plus, those products would fall under the privacy policy and would be affected by the change.

"When you've enabled a consumer product like YouTube, you're saying these accounts will be used like consumer accounts when they're using consumer products," Drinan said. "The agreement covers the core productivity suite. If [something else is] enabled, it falls under the privacy policy."

Most schools tend to keep the official services to email and documents. Likewise, they don't expose their users to Google advertising. That's an additional control that Google makes available specifically in Google Apps for Education.

The Question about FERPA

Still, schools are in a wait-and-see attitude regarding the latest change. Steve McDonald, Rhode Island School of Design's general counsel, said FERPA as it relates to Google's new use of data is the big area of concern for him. The Family Educational Rights and Privacy Act protects the privacy of student records by

giving parents certain rights regarding their children's education records, rights that transfer to the student when he or she reaches the age of 18.

Under FERPA, said McDonald, a school can outsource the processing of education records, which may include email, since that's frequently from or to a student. But that outsourcing can only happen if the service provider is subject to the same terms the school is subject to. That's why the standard agreement for Apps for Education explicitly states that Google will be considered a "school official and will comply with FERPA" for the purposes of being able to work with education records.

Under the agreement, Google can use the student data for email; the company can scan it for spam or viruses. What they can't do, said McDonald, is data mine the information.

When McDonald was negotiating the agreement with Google for Google Apps for Education for his school, he put the question: "Are you going to data mine it?" Their reply: "Oh, we're not serving ads--don't worry about it." His response to Google: "We understand that; but are you data mining it and correlating it through cookies that aren't part of that, because that would be the same problem. You'd be using our data for your own benefit. Under FERPA you can't do that."

Several months ago, prior to the latest privacy policy change, Google came back to schools and told them that if they turned on additional apps outside of the core suite, those apps weren't subject to the agreements. "They were subject to the standard consumer terms of service," McDonald said. Among those terms was one that said compliance obligations--including FERPA--were the burden of the school, not Google.

"Which would suggest to me," he added, "that they do plan to get in and data mine all that stuff. That would be a problem. If we're providing the information, that's a problem."

What McDonald said he fears is that a student will log into a school account and access non-core services that don't fall under the Apps for Education agreement, and then Google will use that as a backdoor route to also reach in and look at the FERPA-protected data as well.

"It may be they're doing that. It may not be they're doing that," he said. "I just haven't seen a definitive answer on that."

Privacy Choices

If there's anything the cacophonous coverage of the new privacy policy may accomplish, it could be to help more users recognize that they do have choices regarding their privacy while using Google's services--choices they've always had, according to the company.

First, users can remain logged in but use many of the existing privacy controls built into the services. For example, said Drinan, "You can view your search history at google.com/history if you have an account. You can delete individual items you've searched for or your entire history, or you can pause the collection of your search history temporarily or permanently. The same thing is true with YouTube video history. A preferences manager lets you turn off ad personalization entirely or edit the interests that you receive ads about. You can have your Google Chats off the record. You can use incognito mode in Chrome. There are many, many tools already available for privacy."

Second, users can set up multiple accounts. "If you never want your jaguar videos associated with your jaguar searches, just create a separate account to use with your YouTube videos," Drinan said.

Third, users can stick with the services that are public--YouTube, search, Google maps. "You don't have to be

signed in to use them," Drinan said.

Ultimately, the company asserted, privacy isn't a policy; it's a practice, and the more intuitive that practice, the more likely it is users will participate in setting their own levels of privacy comfort.

"It boils down to, do users actually have control over their privacy and information? The answer is yes," Drinan said. "Do they have less under the new policy? No. Because we're not collecting any new information, and we're not sharing the information with anybody new. We're only taking the information you've shared with us and connecting it better to serve you."

Some observers still aren't persuaded. Getting students to dig into Google services to configure privacy settings will probably never be easy. Also, it may be that users don't want Google to better target their unique needs. "They said, 'Hey, this is great, because we can tell you're going to be late for a meeting based on your location and your calendar and your traffic in your area.' They thought that was a good thing," McDonald said. "It seemed kind of scary to me."

About the Author

Dian Schaffhauser is a writer who covers technology and business for a number of publications. Contact her at dian@dischaffhauser.com.