

For the record

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Some years ago the current UK government, as part of its policy to get the country "wired", promoted the idea that we should all have an accessible electronic curriculum vitae from the cradle to the grave. The argument was that it would provide benefit for every citizen allowing others to access an "official" account of our achievements thus enabling us to seize career opportunities as they arose.

One of the important issues about this idea is the status of the personal data held on such a record. It seems that such data would become a constituent part of public records. Access to such data then potentially becomes easier and widespread. Richard Gellman reviewing public record use in the United States suggests that a number of measures should be considered to ensure a reasonable balance between public access and individual privacy. These include:

- Not allowing public access to the certain records
- Limiting private uses of the records.
- Allowing searches for individual records but not disclosure of an entire database.
- Limiting disclosure of records in digital format.
- Giving data subjects more choice about disclosures and uses.

However the problem remains that with electronic records it is virtually impossible to modify or delete all occurrences of a particular record identified as incorrect or expired. Expunging of data is thus a meaningless concept in the modern digital world.

Government thinking has set the way forward. Today we are experiencing the arrival of electronic patient records and the recently announced national identity card. Will there be no end to this digitization? It seems not. Tony Tysome writing in The Times Higher Education Supplement discusses a £10million project, by the Joint Information Systems Committee (JISC), that would enable every student in the UK to transfer and update an e-portfolio or record of achievement as they moved through education and into work.

Tysome writes that, "Two pilot projects, one in the southwest and the other in Northern Ireland, have made good progress in linking data systems in further and higher education and are now turning to schools, but the scope of their work has been limited by

data-protection constraints. They have stayed inside the law by restricting ownership of data to institutions and securing students' permission to gather the information when they register. However, this means that access to data becomes 'segmented'. Bryan Vines, head of project and partnership development at North Devon College, which has been taking part in the Shell pilot project coordinated by Plymouth University, says, "The student can see the whole record, but the institutions can see only their part of the data, unless the individual gives them permission to view all of it." ? Terry Rourke, the project's manager, says this is fine on a small scale but will not work if the scheme expands. "You could end up with too many data controllers. What we are looking for is a data controller operating at a regional and then at a national level.

The worry seems to be by those involved with the project of how to maintain legal compliance whilst enabling free movement of student data amongst various organisations. There seems to be little recognition of students' rights and that such laws are in place to protect those rights. Looking for ways around the law as implied in the Tysome's report suggests an unprofessional approach.

The Overview of Human Rights in FE & HE by the JISC Legal Information Service states that "As public authorities Further and Higher Education institutions must now act to ensure respect for and protection of the human rights of its staff, employees and students as well as any other individuals that it interacts with. FE and HE institutions must not infringe these rights by their own actions or inactions. In that sense the legislation obliges educational institutions to be proactive in protecting the human rights of students and staff. It is no longer enough to not impinge upon their human rights, a strategy of safeguarding these rights is required."

It seems very strange therefore that Malcolm Read, JISC chief executive was reported, by Tony Tysome, as insisting that the moral arguments about electronic student records are not the concern of the JISC project and that, "Questions like that are not for us to worry about." How can he abdicate his responsibility in this way?

Not everything is good news. There are bits about our past that we would wish to forget, demote in relative importance or simply remove for the public view. Is failure or misdemeanour going to electronically shadow us for the rest of our lives with the advent of electronic records such as the electronic student record? Once a failure always seen as a failure is contrary to the promotion of a caring society willing to offer second chances and opposed to preconceived opinion.

ICT strategists and developers such as those at JISC should be mindful of this and not hide behind technological bushes when difficult moral questions about ICT arise.

References.

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