



Information Commissioner's Office

## **Information Commissioner's response to the National Curriculum Review – call for evidence**

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations (EIR) and the Privacy and Electronic Communications Regulations. He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to comment on the review at this stage. As many of the specific consultation questions relate to areas outside the ICO's remit, this response is directed to selected questions only, as indicated below.

### **Question 6b**

#### **What do you think are the key things that should be done to improve the current National Curriculum?**

The ICO believes that information rights education (comprising data protection and freedom of information) should be included, in some form, in any new national curriculum.

Media literacy is becoming increasingly vital for people to function in society, both in working life and social. People of all ages are increasingly using the internet for work, study and leisure activities such as online shopping and social networking. It is essential that young people acquire the necessary skills to equip them to play a part in modern school, working and social life. Yet a recent YouGov survey commissioned by the ICO found that 40% of people using Wi-Fi at home did not understand the basic security settings, and were at risk of leaving their network open for others to access. To safely participate in the online environment, people need to be fully

aware of the risks this poses to their personal information, and how to manage those risks.

The internet is of course widely used by pupils in schools. Pupils will also be often be accessing the internet from home to complete homework assignments and research topics studied in class. If this is to be encouraged by teachers, pupils must be taught the knowledge and skills to do so safely, so that they can be fully aware of what may happen to their personal information if, for example, they register their details on an online forum or site to obtain further information, and how they do this whilst ensuring they maintain an appropriate level of privacy. They must be made aware of different ways of obtaining information (for example using freedom of information legislation to obtain access to information from public authorities) and how to assess its status and usefulness.

The ICO's 2010 annual track survey, which monitors awareness and understanding of data protection and freedom of information legislation, found that people were very concerned about protecting personal information (92% were concerned about this), yet 60% of people believed that they had lost control over the way their personal details are collected and processed. Embedding information rights education into the school curriculum would ensure that data controllers of the future will have a better understanding of how to handle personal data and should make fewer mistakes - and data subjects of the future will have a better understanding of how to look after their own personal information, and how to exercise their information rights when necessary.

The current government has committed to being more open and accountable. For citizens to be able to properly hold the government and other public authorities to account, and to effectively play a part in the "Big Society", people must have relevant knowledge, skills and understanding. Information rights are an integral part of this required understanding. Knowing how to request information to hold public authorities to account, and how to obtain and use public information to plan local projects is necessary if people are going to be truly involved in public life both centrally and locally.

The remit of this review states that one of its objectives is to develop a national curriculum which will "provide young people with the knowledge they need to move confidently and successfully through their education". Considering all of the above, the ICO therefore believes that information rights should be an integral part of the school curriculum, and that to be most effective, it should be

taught as a cross-curricular theme. This is explored further in the answer to question 29.

## **Citizenship**

### **Question 15a**

**Citizenship is currently a compulsory National Curriculum subject, with a statutory Programme of Study, at Key Stages 3 and 4. In future, do you think citizenship should continue to be a National Curriculum subject?**

Yes

### **Question 15b**

**At which Key Stages?**

3 and 4

### **Comments:**

We understand that within the current statutory programme of study for citizenship as a National Curriculum subject, 'democracy and justice' is studied as a key concept. This includes pupils gaining an understanding of the role of citizens in holding the government to account – so we would expect that information rights in the form of freedom of information would be studied here.

We see this as a vital subject for all young people to study if they are to become citizens who are able to properly hold public authorities to account. As mentioned above in our answer to question 6b, understanding their information rights and knowing how to request information to hold public authorities to account, and how to obtain and use public information to plan local projects is necessary if young people are going to be effectively involved in public life, centrally and locally, in the future.

## **Information and Communication Technology (ICT)**

### **Question 19a**

**Information and communication technology is currently a compulsory National Curriculum subject, with a statutory Programme of Study, at Key Stages 1-4. In future, do you think Information and communication technology should continue to be a National Curriculum subject?**

Yes

### **Question 19b**

**If yes, to which Key Stages should this apply?**

1-4

#### **Comments:**

The study of information and communication technology (ICT) as part of the current National Curriculum incorporates some areas of information rights in its coverage of data protection issues. At various key stages information security, records management, sharing information, privacy and safety are covered. Also covered is the consideration of some of the ethical issues surrounding the misuse of information (e.g. the right of access to personal information).

The ICO believes that ICT should remain on the national curriculum. As mentioned above in the answer to question 6b, media literacy is becoming increasingly important for people to function in the modern workplace, school and home and it is vital that young people not only develop the knowledge and skills to operate technology effectively, but that they learn to use it with a critical eye to objectively analyse media content, and proper awareness of what risks their information is likely to encounter and how to manage them.

### **International Comparisons**

#### **Question 27a**

**Please give examples of any jurisdictions that could usefully be examined to inform the new National Curriculum. Please also briefly describe the reasons for the examples given.**

A number of jurisdictions include similar information rights provision to that of the English National Curriculum – where elements of information rights are taught within discrete subject areas such as ICT or citizenship. In addition, several international data protection authorities (DPAs) have worked with their respective ministries of education to develop appropriate materials for teachers to use in the classroom. A pilot project called “Your Data – Your Concern” took place in Poland in 2010 where teachers were trained to develop

lesson plans for integrating privacy and data protection issues into the curriculum in everyday classes.

In France data protection rights are taught in middle and high school through the "IT and Internet" certificate, which is a compulsory part of the French GCSE (Brevet des collèges). It is taught as a cross-curricular theme by any teacher (French, history, geography for example) and at middle school level, we understand that on average, a third of teachers are involved.

The ICO is particularly interested in the embedding of information rights as a cross-curricular theme, rather than as abstract concepts within the study of discrete subjects, as this will teach young people to apply their knowledge directly to relevant situations, protecting their privacy and exercising their information rights in their student life as well as at home and in their future working life. As part of the ICO's corporate plan for 2011-2014, we intend to carry out a feasibility study this year on the scope for integration of information rights awareness into the education system, and if there is, what role the ICO might play in development.

## **How Children Learn**

### **Question 29**

#### **What research evidence on how children learn provides the most useful insights into how particular knowledge should be best sequenced within the National Curriculum Programmes of Study?**

A keynote speaker at the annual International Data Protection Conference held in Jerusalem, October 2010 was Danah Boyd of Harvard University, Berkman Centre for Internet and Society and Microsoft Research Centre, New England, USA. In her keynote speech "[The future of privacy: how privacy norms can inform regulation](#)" Ms Boyd talked about her research on teenagers' understanding of social norms with respect to privacy. She argued that "privacy" as an abstract concept meant very little to young people, and partly as a result of this they do not listen to campaigns from regulators to be more aware of privacy on the internet.

The most effective approach, Ms Boyd argued, was through "deep media literacy" where the focus on privacy awareness was embedded in the school curriculum, and that a key area to focus on should be teacher training.

The ICO would therefore suggest that embedding information rights across the school curriculum might be the most effective way of ensuring that young people are properly equipped with the knowledge and skills to protect their privacy and exercise their rights as citizens in their increasingly complex school, home and future working lives.

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