

Education (General Provisions) Amendment Bill 2025

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Committee Secretary
Education, Arts and Communities Committee
Parliament House
2A George Street
Brisbane Qld 4001

By email: eacc@parliament.qld.gov.au

Dear Committee Secretary

Education (General Provisions) Amendment Bill 2025

Thank you for the opportunity to contribute to the committee's inquiry regarding the Education (General Provisions) Amendment Bill 2025 (**the Bill**). QLS also welcomed the opportunity to engage with the department on aspects of the proposed reforms. Early engagement with stakeholders on law reform proposals is invaluable.

Queensland Law Society (**QLS**) is the peak professional body for the State's legal practitioners. We are an independent, apolitical representative body that promotes good, evidence-based law and policy. We represent and promote nearly 13,000 legal professionals across the State and aim to support community understanding of the law and advise government on improvements to laws and opportunities to enhance access to justice.

This submission is limited to the online services provisions of the Bill and was developed in consultation with our QLS Privacy, Data, Technology and Intellectual Property Law Committee, whose members have expertise in this area.

The stated purpose of the online services amendments in the Bill are to reduce the regulatory burden and red tape on schools, parents and students by streamlining student access to *approved* online services for digital learning and student administration in state schools.

QLS strongly supports implementation of a robust framework to underpin the assessment of online services in Queensland state schools. This will be of benefit to schools, parents/carers and students.

The Explanatory Notes to the Bill (**EN**) state that during stakeholder consultation QLS considered existing administrative consent processes for student information for online services should be retained, including an opt out process for students and/or parents.

To assist the committee's consideration of the Bill, we provide context to the concerns raised by our members below.

Approved Online Services

The Bill amends the Education (General Provisions) Act 2006 to enable the disclosure of state school students' relevant personal information by a public service employee of the department to an approved online service provider without parent/student consent.

The EN state the amendment includes several privacy safeguards including requiring that student information will only be disclosed for an *approved* online service, as approved by the chief executive.

QLS welcomes measures aimed at minimising privacy risks for children engaging with online educational services. Generally, the proposal for a centralised approval process for online services utilised by Queensland state schools is a positive step towards improved privacy protection of children engaging with education technology.

QLS also supports publication of a list of approved online services for public inspection as provided for in section 426A(3) of the Bill. We also recommend publication or communication to schools of those online services which have not received approval.

With respect to new section 426A, QLS does not support removal of the requirement for students and/or their parents or caregivers to consent to the disclosure of their personal information for the purpose of using an online service approved by the Chief Executive. QLS recommends that the requirement for consent be maintained.

While we commend a review of existing online services to ensure compliance with a specific framework for use, consent should remain a prerequisite. As such, an 'opt in' model is preferable to the 'opt out' model proposed here.

Terms and conditions

While the Bill seeks to address privacy and online security concerns, privacy is only one aspect of the terms and conditions for most application or online services. .

The terms and conditions associated with online services commonly involve broader issues and may cover a range of topics such as waivers of liability and intellectual property rights. The Bill does not, for example, address student intellectual property rights which may be particularly important to older students (including artistic works or even coding).

Many online services also require end-users (such as students) to accept terms of use *in addition* to the contractual agreement under which the service is provided to the department.

The Bill does not appear to grant the Chief Executive power to enter these end user terms on behalf of students. The authority to do so in most cases will continue to remain the responsibility of parents and carers. This means approval of terms of use will need to be managed at the local level by schools.

A preferable approach, in our view, is for the department to conduct an initial accreditation process along the lines proposed in new section 426A, but to subsequently provide that information to students and families to make these decisions themselves (with appropriate guidance and support). The decision of parents and carers would then encompass both privacy and the other kinds of user terms to which we refer.

Assuming commencement of the *Information Privacy Act 2009 (IP Act)* changes enacted in December 2023, such information should ideally include:

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- copies of the Queensland Privacy Principles (QPP) compliant privacy policies of the department and of each of the "candidate" contracted service providers, and
- FAQs on the extent to which such providers give the following contractual commitments to privacy matters commonly raised in relation to online service providers (and where they do not, the accountability of the department for any gaps¹):
 - complying with the IP Act;
 - not transferring personal information outside Australia without consent from parents/carers and/or students;
 - not using any personal information to which the provider has access other than for the purpose of providing the required education or educational support;
 - not disclosing any personal information to which the online service provider has access other than for that primary purpose;
 - notifying students/parents/carers, their school and Chief Executive of a potential eligible data breach and acting in accordance with the Chief Executive's reasonable directions in that regard;
 - responding to access and correction requests, and complaints, and notifying students/parents/carers, their school and Chief Executive of the same; and
 - destruction protocols.

Another issue on which there should be transparency, is the extent to which the online service provider is permitted to monetise the personal information to which they have access, whether in anonymised or de-identified form.

Estimated costs

Lastly, the EN state 'Any potential costs will be met from existing budget allocations and are anticipated to be off-set in the longer term as process efficiencies are realised'.

We submit further consideration of the financial impacts of this reform is required to ensure online service approval processes, auditing and maintenance of public facing lists are managed appropriately.

Parent, carer and student education and information should also be available to support informed decision-making. Given children access to this information will also foster their own decision-making in the longer term.

It is essential the proposed framework is adequately resourced to ensure student personal information is protected.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on (07) [REDACTED]

Yours faithfully



Genevieve Dee
President

¹ Section 37 of the *Information Privacy Act 2009*.