

Lawsuit Against Google Highlights Mining and Selling of Student Personal Information for Targeted Advertising

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Children have become lucrative targets for data mining companies, [according to a study](#) by Politico magazine. Just weeks after Google settled a lawsuit for selling student data for advertising, the publication revealed an entire industry devoted to marketing data gathered from Internet applications offered to students and their teachers.

Many modern software companies offer free tools to everyone like email, games and search engines that come with strings attached. Google is perhaps the best known because it offers students an entire suite of applications from calendars to chat services and data storage. In return the company has made money by selling personal information gleaned from users for targeted advertising.

Total advertising revenues made up 91 percent of Google's \$55.5 billion in 2013 profits, a significant percentage of which is likely to be derived from the 30 million students who number among the 425 million users worldwide.

On April 30, Google [announced](#) that it would stop scanning students' emails and disable advertisements in the Apps for Education hosting suite.

But now it turns out that Google isn't the only company to target students – the Politico article [names others](#) like eScholar, Interactive Health Technologies, Khan Academy, Knewton, LearnBoost, LearnSprout, Moodle and Panorama Education.

For example, Khan Academy, which is based in California, provides free Web-based tutorial services for various courses, ranging from math to the arts and humanities, in exchange for users' data – academic progress, Internet browsing habits, among other personal information that students put online. Interactive Health Technologies in Texas aggregates students daily activity efforts, behavioral and nutritional records, among other fitness-related activities based on heart monitor systems worn during physical education classes. (The [cost of the product](#) depends on the [school budget](#)).

InBloom, a New York non-profit venture, was launched with \$100 million in support from the Bill & Melinda Gates Foundation and the Carnegie Corporation of New York. The company [collected](#) information from every public school student in the state such as test scores, student attendance, health records, race and ethnicity data as well as economic and disability status, which it analyzed and distributed to specified authorized third parties. Participating schools were to be [charged](#) a modest fee of \$2 to \$5 per student per year starting in 2015.

These free services have been embraced by many schools with little thought to the potential invasions of privacy caused by turning over the data to outsiders until recently when parents and students started to fight back.

On May 16, 2013 a [lawsuit was filed](#) against Google claiming that the company scanned and collected students' data through Google's Apps for Education, an online hosting suite that provides a number of services, such as Web-based email, calendars and chat applications, to some 30 million students worldwide.

The nine plaintiffs - two of whom are students - alleged that Google's Gmail service [violated](#) federal and state wiretap and privacy laws, such as the U.S. Family Educational Rights and Privacy Act of 1974, which mandates the privacy of children's educational records and blocks the unwarranted disclosure of students' information.

The goals of the plaintiffs were [twofold](#): they sought financial compensation for Gmail users, and to force the company to be more transparent regarding its privacy policies.

"Unbeknownst to millions of people, on a daily basis and for years, Google has systematically and intentionally crossed the 'creepy line' to read private email messages containing information 'you don't want anyone to know,' and to acquire, collect, or 'mine' valuable information from that mail," [wrote](#) the plaintiffs. "Google has one intended purpose for this systematic practice of reading private messages and collecting the data therein: to know and profit from what 'you're thinking about.'"

"Student privacy is under attack," Khaliah Barnes, a lawyer with the D.C.-based advocacy group, Electronic Privacy Information Center [told](#) Education Week. "This should draw the attention of the U.S. Department of Education, the Federal Trade Commission, and state legislatures."

Yet some of this should not have come as a surprise. Despite Google's informal corporate motto "Don't be evil" it has consistently come under fire over the years for a number of issues including Google's participation in [censoring](#) its search services to appease Chinese government; privacy concerns that enables Google to combine personal identity information through various Google products, including Gmail, Google+, and YouTube; and the more recent allegations of cooperating with the U.S. National Security Agency in [amassing troves of user data](#) - which the company vehemently denied.

Eric Schmidt, the chairman of Google, [defended](#) the company's data collection as far back as December 2009. "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place," Schmidt [told](#) CNBC in an interview. "If you really need that kind of privacy, the reality is that search engines - including Google - do retain this information for some time and it's important, for example, that we are all subject in the United States to the Patriot Act and it is possible that all that information could be made available to the authorities."

In January 2012, when Google updated its privacy policy to make much of this information explicitly available to users, John Simpson, director of Consumer Watchdog's Privacy Project, [commented](#) in a news release: "Google has eliminated its last pretense that it protects consumer privacy - the walls are torn down. Instead of a privacy policy Google has finally admitted they have a profiling policy - and every Internet user is a target to be spied on."

Then on April 14 Google made [updates](#) to its Gmail Terms of Service outlining how much personal data is mined for targeted advertising. “Our automated systems analyze your content (including emails) to provide you personally relevant product features, such as customized search results, tailored advertising, and spam and malware detection. This analysis occurs as the content is sent, received, and when it is stored.” Finally, on April 30, Google caved and canceled advertising associated with the Apps for Education suite.

Not everybody believes that Google’s changes are sufficient. “Will Google also turn off its scanning and behavioral advertising functions for its other services such as YouTube, Google+, etc. in a school setting?” [wrote](#) Bradley Shear, a social media lawyer and professor on his blog ‘Shear on Social Media Law.’ “Will Google change its terms of service and privacy policies that govern all of its education offerings? Will Google revise all of its school contracts to reflect this announcement?”

The Obama administration has recently started to pay more attention to the issue of data mining by corporations, perhaps to deflect attention from itself following Edward Snowden’s revelations of NSA spying on average citizens last June. A new White House [report](#) on “big data” raised concerns over targeted advertising as a result of data collection from students among other online communities. The report warned of the dangers of discrimination such as limiting credit, housing, education, employment opportunities that may result in decreased opportunities for students when they become adults.

Meanwhile, the backlash against mining of student data is continuing to grow. Following major protests and lawsuits from parents in Colorado, Illinois and Louisiana, together with potential funding cuts from New York state, InBloom abruptly announced it would [shut down](#) on April 21 after just 15 months in operation.

“It is a shame that the progress of this important innovation has been stalled because of generalized public concerns about data misuse,” [wrote](#) Iwan Streichenberger, InBloom’s CEO, in an online statement. “We stepped up to the occasion and supported our partners with passion, but we have realized that this concept is still new, and building public acceptance for the solution will require more time and resources than anyone could have anticipated.”

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