



AI Guidance for Schools

Data Protection Officer Guidance from The Education Data Hub

Version 1.0

Author	Claire Archibald, Data Protection Officer
Date	28th September 2023

Contents

AI in Schools	2
AI Explained.....	3
The Dangers of AI.....	3
The Governance of AI.....	3
Data Protection Considerations	4
Cyber Security	4
Introducing our Template AI Policy	4

AI in Schools

In recent years, we have experienced a significant growth of the use of Artificial Intelligence (AI) technologies. In a profession where time and budgets are tight, AI can be seen as a potential cure-all, reducing time spent preparing lessons, marking work, assessing pupil progress, or making key decisions. A desire to reduce workload is often the driving force behind adoption of AI tools.

As your School Data Protection Officer Service that works closely with our client schools, we have already received some initial enquiries around the data protection implications of AI and have carried out further research and investigation. Our research found that the potential impact of AI use is far broader than balancing the benefits of workload reduction against data protection risks. The use of AI has a potential to fundamentally change the traditional ways of working in schools across all areas, regardless of whether personal data is input into AI systems. This guidance note is a summary of our research and our recommendation that that AI governance is addressed by schools and that schools begin to consider the place of an AI policy as part of effective governance and oversight.

The Department of Education (DfE) have published a document setting out their position on the [use of Generative AI](#) and in the summer of 2023 launched a call for evidence from the education sector on its use. The DfE position document should be read by school leaders. It contains important key messages for the sector:

- *“When used appropriately, technology (including generative AI), has the potential to reduce workload across the education sector, and free up teachers’ time, allowing them to focus on delivering excellent teaching.*
- *Schools, colleges and universities, as well as awarding organisations, need to continue to take reasonable steps where applicable to prevent malpractice, including malpractice involving use of generative AI and other emerging technologies.*
- *The education sector must continue to protect its data, resources, staff and pupils, in particular:*
 - *Personal and sensitive data must be protected and therefore must not be entered into generative AI tools.*
 - *Education institutions should review and strengthen their cyber security, particularly as generative AI could increase the sophistication and credibility of attacks.*
 - *Education institutions must continue to protect their students from harmful content online, including that which might be produced by generative AI.”*

In September 2023, joint guidance from 5 major organisations (including the Teacher Development Trust and the International Society for Technology in Education) was released: [Understanding AI for School: tips for school leaders](#). This guidance is aimed at equipping leaders to be prepared for the new AI era.

Both documents make it clear that school leaders will need to ensure that AI is adopted thoughtfully and carefully. Leaders will need to become skilled in not only the use and the education of users (both staff and pupils) to develop their own skills, but also, to ensure that critical evaluation and effective governance forms part of their leadership work.

This introduction supplements the suggested AI policy template provided by Education Data Hub. It is not compulsory to have an AI policy, but this document explains why it is advisable.

All wording within the AI policy template is suggested only- schools can change the wording to suit how they wish to use and govern AI. This guidance document, the DfE Position Statement and Tips for School Leaders will support school leaders with considerations and decision-making on what an AI policy should cover and how it will be overseen in your school.

AI Explained

Artificial intelligence in a nutshell is a machine's ability to perform thinking and reasoning which mimic the human mind. This means that machines can be creative and perceptive, interact with their environment, reach rational decisions, learn new skills, and solve problems. AI may be used to respond to specific cues (for example, to mark quiz questions, and where responses identify that a response is incorrect, provide further information and questioning, to predict outcomes (for example, to predict a pupil's GCSE grade based on comparison to other similar pupils in previous years) or to generate new content based on information that has been input into the AI tool.

Generative AI refers to technology that can be used to create new content based on large volumes of data that models have been trained on. This can include audio, code, images, text, simulations, and videos. Generative AI is already used in everyday life, examples include Apple's Siri, Amazon Alexa, Microsoft's Cortana and chat bots such as Chat GPT and Bard. AI is already used in education, and the range of abilities are advancing fast. It is the rapid rise in Generative AI that has been the subject of much media discussion and interest. The Tips for School Leaders document explains how Generative AI works in a clear and accessible way- we encourage you to read that document.

The Dangers of AI

Generative AI tools are good at quickly analysing, structuring, and writing text or turning text prompts into audio, video and images. However, the content they produce is not always accurate or appropriate as it has limited regard for truth and can output biased or harmful information. Individual harms may be a result of a decision to allocate opportunities among a particular group, which excludes others, and representational harms/bias may occur when systems reinforce membership of groups along identity lines, for example through racial or gender stereotyping.

There is also the risk of deskilling teaching professionals and pupils who may, over time, lose the skills to critically evaluate AI-generated output- this is known as automation bias, or automation-induced complacency. The DfE Position Statement explains this well:

“Having access to generative AI is not a substitute for having knowledge in long-term memory, not least because we cannot make the most of generative AI without knowledge to draw on. We can only learn how to write good prompts if we can write clearly and understand the domain we are asking about. We can only sense check the results if we have a schema against which to compare them. Therefore, generative AI tools can make certain written tasks quicker and easier but cannot replace the judgement and deep subject knowledge of a human expert. It is more important than ever that our education system ensures pupils acquire knowledge, expertise and intellectual capability.”

Therefore, the education sector needs to prepare staff and pupils for changing workplaces, including teaching them how to use emerging technologies, such as generative AI safely and appropriately. For both staff and pupils this may include understanding the limitations, reliability, and potential bias of generative AI- to an extent, staff will be learning lessons at the same time as pupils during this time of rapid development.

Schools are also required to ensure that their pupils are safeguarded adequately, including ensuring that they are protected from potentially harmful and inappropriate online material. As schools have little control over the building of generative AI, they may not be aware of its potential to generate harmful content. Therefore, careful supervision and control is essential.

The Governance of AI

Like many areas of school leadership, good governance will help to ensure AI usage is acknowledged, developed and overseen with strategic vision. School AI governance should aim to:

1. Balance necessity and the excitement of involvement in an exciting new way of working against risk – ensuring that legal, commercial, security and ethical requirements are set out.
2. Establish clear roles and responsibilities –with key understanding of responsibility and wider team expertise and input. One of the key differences brought about by AI decision making is that it can be less clear about who is accountable for decisions that affect individuals. It is important that there is no loss of accountability when a decision is made using AI.
3. Establish processes to identify necessity, risk and risk management and monitor this over time.
4. Establish process to identify and report fraud or cyber risk – use of AI is an incoming as well as outgoing risk.

To ensure effective governance AI should not be used in schools without clear policy, processes, procedures, training and guidelines.

Data Protection Considerations

Whilst many uses of AI do not trigger data protection concerns, entering any personal data (where an individual can be either directly or indirectly identified) into AI tools, or using AI to make decisions about individuals, presents data protection challenges. The data protection principles of lawfulness, transparency and fairness, purpose limitation, data minimisation, accuracy, storage limitation and security and accountability are highly relevant, and schools must be satisfied that those principles are adhered to, as well as ensuring that data subjects are able to exercise their rights in relation to any data processing (particularly where decisions are made about them using automated processing). Transparency not only plays an important role in engendering trust and confidence in the increasing role of AI in society but is a legal requirement when personal data is processed, as are the other data protection principles.

The Information Commissioners Office has produced [Guidance on AI and Data Protection](#) and is essential reading for Data Protection Officers supporting the deployment of AI in schools. Your Data Protection Officer should be aware of the relevant legislation and the ICO guidance and should advise the school accordingly.

Under the GDPR / UK GDPR, controllers are required to carry out Data Protection Impact Assessments (DPIAs) for 'high risk processing'. It is generally accepted that the use of AI technologies is likely to trigger the requirement to carry out a DPIA in many contexts and are a key part of the accountability principle. Schools should already have existing policies and processes for identifying and carrying out DPIAs. However, it can be difficult for staff to identify that there is a need for a DPIA for AI usage and the gradual experimentation of the use of AI may mean that staff go further than intended with the technology before stopping to assess the privacy risks. Schools are therefore likely to benefit from including explicit reference to the DPIA process in an AI policy, and AI in the DPIA procedure. It is important to note that even if personal data is not entered into AI, but an AI/automated process is used to make decisions about people, then the requirement for a DPIA is triggered.

Cyber Security

The introduction of AI into organisations introduces new kinds of technological complexity that is not found in more traditional IT systems. This complexity may make it more difficult to identify and manage security risks. If confidential information or personal data is entered into AI models, it may be used to contribute to a bigger picture that could be used to commit cyber-crime, for example a voice recording could be used to create a voice model which could impersonate someone, or knowledge of confidential financial information could be used to commit cyber-fraud.

Introducing our Template AI Policy

In conclusion, to harness the potential of generative AI, all staff in schools and their pupils will need to be knowledgeable and skilled in using AI. This means that it is important for all parties to work together to be open and honest about the use of AI and ensure that its use remains under critical evaluation. There are also risks that could go undetected without good governance.

In the absence of a clear direction from school leadership, it is likely that AI tools will still be used by staff, who may develop their own strategic direction about its use, which may not align to the school overall vision and strategic aims. This splintering of approach could have a profound effect on the development of AI in the school. Therefore, a rigorous and honest approach to the use of AI is crucial.

Each school should therefore consider setting out their approach and principals for use of AI in an appropriate policy. This will help to set baselines around consistency in approach and adoption and expectations around safe use. Fairness, transparency and accountability are also key to the trust we place in, and the growth of, AI. An AI policy helps to demonstrate that the school understand the implications and how it will be overseen; transparency and trust can be more readily demonstrated.

Public and media interest in AI is increasing, and the spotlight falls on organisations that get things wrong. In the absence of a clear policy, it is more likely that the lack of strategy and oversight will lead to increased risk. Your AI policy should identify who is accountable for the use of AI in the school. As stated in the introduction, the Data Protection Officer has drafted a template policy as a suggestion only- it is not a compulsory policy, nor is any of the wording. We would welcome feedback and suggestions for improvement from template users.