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VIOLATIONS OF PERSONAL DATA IN DISTANCE EDUCATION MODELS

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Abstract

With the Covid-19 virus becoming an epidemic, distance education models were switched to education, and this brought with it some problems. In this process, the personal data of both students and lecturers are collected and used unconsciously. Both students and instructors teaching the course shared many personal data such as name, surname, photograph, address, and ID numbers on these platforms used in distance education services. Much as MEB stated that the EBA platform they used did not have a security vulnerability, it did not impose the obligation to obtain the explicit consent of both students and instructors as specified by KVKK. However, it has become necessary for the instructors to use alternative programs because the duration of the course is not sufficient and some schools force additional courses to be opened. This situation has made the protection of personal data even more important. Within the framework of the problems explained, the attitudes of the participants are evaluated and suggestions are presented within the scope of KVKK. In all these processes, an evaluation is made on the views of the instructors teaching the course and the parents of the students.

Keywords: Distance Education, Law no 6698, Personal Data, Criminal Law,

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INTRODUCTION

Some personal data was compromised as a result of the widespread use of distance learning platforms during the Covid-19 epidemic. Distance education platforms include personal data that is not processed by lawful means, including names of students and lecturers, surnames, voice, image, and biometric data. In Article FIVE of the Law on Protection of Personal Data numbered 6698 (KVKK, 2016), the terms of processing personal data and in Article SIX, the terms of processing special qualified personal data, including biometric data, are taken into consideration. However, some procedural requirements regarding the processing of personal data during the training period applied in distance education period are not fulfilled. However, the realization of the requirements related to the procedure, the examination of the differences of opinion that arise when they are realized, and the examination of the attitudes of the teaching staff that give the lesson have been justified. This study; aims to identify the problems encountered in distance education during the pandemic and propose suggestions to prevent these problems.

The platforms used in distance education models are MEB-based platforms that are under state control and there are other alternative platforms where these platforms are not sufficient. The program used for primary, secondary and high schools affiliated with the Ministry of National Education is the EBA program (MEB,2020). EBA program stands for Education Information Network. The program is under two foundations: EBA Live Class and EBA TRT. With EBA Live Class Network, students and teachers can log in to the program from their computers, tablets or phones using an internet connection. One of the most important advantages of the program is the ability of participants to log in from their phone. Because, as it is known, not every student has the same opportunity. Unfortunately, students in various regions of Turkey do not have access to computers and internet. The fact that you can at least enter the program from your phone alleviates this inequality of opportunity to some extent. In addition, the EBA TRT program is broadcast on television. EBA TRT program broadcasts on three different channels: primary education, secondary education and high school. Students who do not have access to a computer, tablet or phone can also follow the course in accordance with the curriculum of their grade from the program broadcast on television.

It is known that the Ministry of National Education provides education of primary, secondary and high school programs. In addition, distance education is also carried out on many different platforms. Of course, not only in universities, but also in primary, secondary and high school groups used these different programs. These programs vary according to the platform

used by each school group. Online video conferencing applications such as Google Meet, Zoom, Cisco Webex, Adobe Connect have started to be used as live video training applications after the pandemic. The presenter or broadcaster can share a screen or presentation, and all participants can communicate visually (video) and audio (Telli Yamamoto, Altun, 2020). Lecturers often used the Zoom platform for distance education, but later stopped using it with the advice of the ministry due to some security problems of Zoom. Afterwards, teachers continued their lessons only via the EBA platform and EBA TV. This situation shows that there is a need for a reliable live course software (Balaman, Hanbay Tiryaki, 2021)

Personal Data

A. Concept of Personal Data

The concept of personal data has been defined in many ways both in international law and domestic law. However, the definition in the guidance text published by the Organization for Economic Co-operation and Development (OECD) on the protection of personal data is general and comprehensive. According to the definition here; “Any information related to an identified/determined or identifiable/determinable individual” is considered personal data (Sarıusta, 2018). There is also a similar definition in Article (Art.) 3 of the Personal Data Protection Law (KVKK). It has a number of unique principles as it includes the right to privacy of private life on the basis of the right to protection of personal data and many rights based on this right, such as the right to home immunity, the right to confidentiality of communications, human dignity and general personality rights. These principles specific to the right to protect personal data in order to prevent the right to privacy of private life from being violated constitute the basis for keeping individuals and personal data safe.

B. Processing of Personal Data

The most general definition can be expressed as the processing of the data contained in the definition of protection of personal data (Sarıusta, 2018). Processing this data is subject to KVKK No. 6698 3/e. According to the definition in the paragraph, it may be automatic processing (such as keeping hospital records on a computer) or non-automatic processing (such as records on paper, such as a diary). How data is processed automatically or not is not important whether this data is personal data or not. The fact that the data processed is personal data is sufficient to be within the scope of protection.

C. Necessity to Protect Personal Data

The necessity of protecting personal data is actually a consequence. With the emergence and widespread use of the internet and developing technology, many of our personal data are stored or shared with or without our consent (Korkmaz, 2017). In particular, the necessity of protecting personal data has become more prominent in distance education models that have become widespread with the epidemic period. These technological developments used in education have brought unacceptable control and observation power on the person. These developments, which violate the privacy of private life, also necessitate the protection of private areas.

D. Right to Protection of Personal Data

Firstly, in 2010, the right to protection of personal data was regulated in Article 20 of the Constitution under the title of "privacy of private life". The Personal Data Protection Law emerged in 2016 as the expanded version of this regulation, which was included in the Constitution in 2010. With these regulations, an effort has been made to eliminate the insecurity people feel both individually and in their relationships with people, and an effort has been made to create a more reliable environment. Preventing the processing of personal data without the consent of the person concerned has been tried to be protected in order not to cause human rights violations both with the Constitution and with other legislation.

METHOD

This section contains information about the model of the research, the universe and the sample, the collection and analysis of data.

Model of the Research

Quantitative research model was used in this research. Perceptions and events were revealed and analyzed realistically and holistically in the natural environment. The descriptive research method was adopted and information was obtained from the participants through direct form and interview through self-transfer.

The Universe and the Sample

The universe of research consists of teachers working in a state primary school. As a sampling method, easy sampling method was used. Thus, it is aimed that everyone who represents the universe should be included in the sample.

Data collection Tool

In this research, the survey method was used as one of the data collection methods to collect data. The “Sight Form” prepared by the researcher was distributed to the participants and the attitudes of the participants were evaluated with observation method in the results obtained.

Analysis of the data

The data obtained as a result of the research was analyzed by descriptive analysis method. Full or summary data was analyzed using numerical examples to obtain data such as mean or frequency.

FINDINGS

At the end of the study, some data were collected by survey method. The universe of research is the teachers in a primary school affiliated to a public school. In the study, 30-50 age range, 10 teachers participated. Of the teachers, 6' are female and 4' are male. 3' of the teachers participating in the study have professional seniority between 3-10 years, while 7 of them has professional seniority over 10 years.

- **1 Finding;** These are the rates at which teachers turn on their cameras and speakers on the Distance Education Platform during the pandemic period. While 9 out of 10 teachers stated that they turned on their cameras and speakers, 1 stated that they did not turn on their cameras and speakers.
- **2 Finding;** These are the participation rates of teachers in the courses taught on the distance education platform and in the courses taught outside the Ministry of Education-based platform. 8 of the teachers stated that they teach on platforms other than the Ministry of Education-based platforms and that they have not encountered any problems or difficulties so far. The other 2 teachers stated that they do not teach on any platform that is not based on the Ministry of Education, and that they are concerned that this may lead to some security violations (Işık & Güler, 2010).
- **3 Finding;** It is about asking whether recording the courses taught in the distance education program may cause a problem, and if the answer is given that it may, it is about revealing what problems it will create. While 8 teachers who participated in the study predicted that the recorded lessons might pose a problem in the future, 2 teachers declared that there was no problem.

- **4 Finding;** Phone number in the distance education program during the pandemic period, TR. It relates to the rates of consenting or not to the recording of data such as identification numbers. 7 of the teachers do not want to share their personal information mentioned above with distance education platforms. The other 3 teachers stated that they did not mind sharing this information because the Ministry of Education-based platforms are reliable and gave their approval.

DISCUSSION AND CONCLUSION

At the end of the study, the data collected by the survey method was analyzed by descriptive analysis method. As a result of the analysis;

- **1. Conclusion;** Of the 9 teachers who stated that the camera and speaker were turned on, 5'i declared that this did not pose a problem to them until now and would not be a problem in the future. However, the other 4 teachers, who stated that they turned on their cameras and speakers, stated that this situation has not caused any problems for them so far, but that they are in danger of encountering some problems - taking screenshots, etc. - in the future since they are in the position of teaching the lesson. However, when 1 teacher who stated that he did not turn on his camera and speakers on distance education platforms was examined, he stated that the external sounds of the participants, who were listeners, affected the education. In addition to the concern that personal data may be violated due to some security problems, it is concluded that private information such as home environment, family order and relationships, and home situation are not wanted to be shared with students or other participants. When the data obtained is examined in a general context; It was determined that the teacher who did not want the camera and speaker to be turned on was a woman, the teacher who wanted the camera and speaker to be turned on but said that some security problems would arise in the future was a woman, and the other two teachers who wanted the camera and speaker to be turned on and thought there would be no problem were men.
- **2. Conclusion;** 7 out of 8 teachers who attended distance education programs from different platforms other than the Ministry of Education-based platform stated that they had difficulties with internet connections, due to the long time spent logging into the platform, the quota limit, and the fact that most students and their parents did not know how to access these platforms. Ultimately, it can be concluded that MEB-based programs are more professional and prepared for class quotas.

- **3. Conclusion;** Two teachers who declared that there is no harm in recording the lessons taught in the distance education program were male, and one teacher even stated that recording the lessons was positive in that they could be accessed later, so that the participating teachers and students could always compensate for their deficiencies. Another male teacher, who stated that recording the lessons would not pose a problem, stated that he was not even aware that the lessons were recorded. The other 8 teachers stated that recording lessons would cause some problems. 6 of these teachers are women and 2 are men. 6 female teachers, who stated that recording the lessons would be a problem, stated that they were concerned that the images could be used on different platforms and claimed that they could cause negative situations in the lesson and that they could serve as evidence in such cases. However, another male teacher, who declared that recording the lessons would be a problem, stated that the images could be shared on different platforms and that they were in danger of being suspected by editing the images in the recorded lessons with the cut-and-paste method while sharing.
- **4. Conclusion;** is relates to the rates of whether or not to consent to the recording of data, such as identification number and phone number in distance education program during pandemic period. 7 teachers who do not want to share; They stated that the information shared is personal information, that the technology is not considered reliable, and that they are concerned that the information shared on this platform may be automatically recorded directly on different social platforms or technological platforms. The other 3 teachers declared that MEB-based platforms are reliable and that they have confidence that the personal data shared there will be protected, will not be duplicated and will not be shared. However, he declared that it is not safe to share his personal data on platforms such as Zoom and Skype other than Ministry of Education-based platforms. when all the general survey is analyzed, It is among the results obtained that this teacher, who does not consent to the recording of data such as phone number ,identification number, also does not lecture on any other platform except MEB-based platforms.

Bibliography

- Ayözger, Ayşe Çiğdem, Protection of Personal Data in the Electronic Communications Sector, Istanbul, 2016.
- Balaman, F. and Hanbay Tiryaki, S. (2021). Teacher Opinions About Distance Education Being Mandatory Due to Corona Virus (Covid-19). Journal of Humanities and Social Sciences Research, 10 (1)
- Boga, Betül Gamze, Protection of Personal Data in Criminal Procedure, Konya, 2021.
Criminal Procedure Law No. 5271
EBA, <https://www.eba.gov.tr/>
- Herand, D. & Hatipoğlu, Z. A. (2014). Comparison of Distance Education and Distance Education Platforms. Çukurova University Faculty of Economics and Administrative Sciences Journal, 18 (1)
- Işık, A. & Güler, İ. (2010). Security Applications in Distance Education. Journal of Information Technologies, 1 (2).
- Karaduman İşlek, Sena, Right to Protection of Personal Data: Problems Encountered in Practice and Solution Suggestions, Istanbul, July 2020.
- Korkmaz, İbrahim, Protection of Personal Data Within the Scope of Criminal Law, Ankara 2017.
- MEB, 2020 (<https://www.meb.gov.tr/uzaktan-egitim-surecinin-detaylari/haber/21990/tr>)
- Öztürk, Sibel, Protection of Personal Data in Turkish Criminal Law, Ankara, January 2020.
- Parlak, Büşra Nur, Crime of Not Destroying Data Within the Framework of Protection of Personal Data (TCK Article 138), Istanbul, 2021.
- Personal Data Protection Law No. 6698 published in the Official Gazette No. 29677 dated April 7, 2016 (<https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6698.pdf>)
- Regulation on Deletion, Destruction or Anonymization of Personal Data No. 30224 dated October 28, 2017
- Sarıusta, Kader, Protection of Personal Data through Criminal Law, July 2018, Gaziantep.
- Serçemeli, M., & Kurnaz, E. (2020). A research on students' perspectives on distance education and distance accounting education during the COVID-19 pandemic period. International Journal of Academic Research in Social Sciences. pp. 262-288.
- Telli Yamamoto, Gonca. Altun, Deniz, Coronavirus and the Unstoppable Rise of Online Education, Journal of University Research, April 2020, Volume 3, Issue 1, pp. 25-34.
- Turkish Penal Code No. 5237