

## RESOURCE: Case of the Missing Smartphone

*This resource provides expert insights, practical tips and policy considerations for The Professional Educator and the Student module of the Georgia Ethics Assessment for Educator Ethics - Program Exit.*

### Scenario

---

Ms. White is working on a master's degree and, as part of her course work, has asked for and received appropriate permission to use her personal smartphone to record a lesson she is teaching on human course of the gender-segregated 30-minute lesson, a number of her students reveal deeply private sexuality. During the information about their physical development and sexual activity. Several days after the lesson, the phone containing the recording disappears from Ms. White's desk.

### Issues Raised by This Scenario

---

#### Should the teacher have used her personal smartphone to record the lesson?

Given the highly personal nature of the lesson she recorded, Ms. White has a professional duty to use the utmost care in the storage of the recording.

The first step Ms. White should have taken was to consult with her district's IT staff about the best way to make the recording. Ideally, her district would have equipment that would allow Ms. White to record the lesson and then store the recording in a secure location. That secure location might be a locked closet or vault if it is a cassette recording, or in a password-protected directory on the district's computer network if it is a digital file.

After consulting with her district's IT staff, Ms. White still may have been authorized to use her phone to make the recording. Other equipment might be unavailable or the audio quality of Ms. White's phone might be superior to any equipment owned by the district. Ms. White's consultation, however, would have given the IT staff an opportunity to review the district's procedures with Ms. White and make arrangements for the proper handling of sensitive information.

Regardless of how the recording is made, the best practice would be for Ms. White to promptly deliver the recording to her district's IT staff for proper electronic storage. However, if circumstances prevent that from happening, Ms. White should still take steps to protect the privacy of her students.

#### Did the teacher take reasonable steps to protect the physical security of her phone?

Regardless of whether Ms. White was authorized to use her phone or simply did so, she had an obligation to protect the physical security of the device so long as it contained private student information.

The simplest and most secure option would be to leave the device at home until such time as the recording can be stored in a secure digital location. However, assuming that Ms. White (like most people) wants to have her phone available during the day, then her next best option would be to make sure that the device is under lock and key during the school day, apart from those times when she is actually using it. There are a number of alternatives: a locked drawer in her desk, a locked cabinet or storage locker, a secure closet or vault, and so on. But if she simply leaves it on her desk, that suggests a lack of reasonable care.

#### Did the teacher take reasonable steps to protect the digital security of the recorded lesson?

In addition to ensuring the physical security of her phone, Ms. White also had an obligation to take reasonable steps to make sure no one could access the sensitive student information on it. Again, the best option would be for her to allow her district's IT staff to keep it on the district's network. However, failing that, there are multiple layers of protection that should be implemented on Ms. White's phone. The first and most obvious is to require a passcode in order to access any information on it. Next, Ms. White should be sure to use a recording program that can be locked with a password, or which allows individual recordings to be password-protected. Third, Ms. White should immediately upload the recording to a password-protected cloud service and delete the recording from her phone.

#### Is the teacher responsible for any negative consequences resulting from the theft of the recording?

If someone gained access to the recording (particularly another student), there is a significant possibility that the information could be used to bully or harass one or more of Ms. White's students. Whether Ms. White or her school district would bear any legal responsibility for any harm that resulted (emotional, physical, or otherwise) would depend on whether Ms. White made reasonable efforts to protect the security of the recording.