

BY ELECTRONIC MAIL to FOIL@schools.nyc.gov

November 18, 2021

Joseph Baranello
Records Access Officer
NYC Department of Education
52 Chambers Street, Room 308
New York, NY 10007

RE: DOE Contracts with GoGuardian

Dear Records Access Officer Baranello:



125 Broad Street
19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Wendy Stryker
President

It has come to our attention that the New York City Department of Education (“DOE”) has partnered with GoGuardian, a company that produces online surveillance systems for school-issued devices. GoGuardian has publicly touted its partnership with the DOE¹ yet there is no publicly available information about this relationship or the capabilities of the software that the DOE has procured.² As you may know, GoGuardian and other similar products purport to monitor all online student activity “under the guise of student safety” yet these products raise concerns regarding student and family privacy and racial bias inherent in such surveillance programs.³

The NYCLU, the state affiliate of the ACLU, is the oldest and largest defender of civil rights and liberties in New York, with more than 200,000 members and supporters, and 9 offices statewide. We have a long history of vigorously defending students’ rights, including access to education and privacy rights. Through our leading work to address concerns with the use of face surveillance in New York schools, our commitment is that civil liberties are enhanced rather than compromised by technological innovation.

We hereby request the following records⁴ created or obtained between March 2020 and the present:

¹ GoGuardian lists the NYC DOE logo prominently on its home page, <https://www.goguardian.com/>.

² Priya Anand and Mark Bergen, *Big Teacher is Watching: How AI Spyware Took Over Schools*, Bloomberg Businessweek, October 28, 2021, <https://www.bloomberg.com/news/features/2021-10-28/how-goguardian-ai-spyware-took-over-schools-student-devices-during-covid> (“New York City, the nation’s largest district, recently signed a similar contract with the company, bringing GoGuardian’s potential reach to more than 23 million students.”); <https://twitter.com/SIBOD31/status/1423037951274110978?s=20>, Aug. 4, 2021 (“Come September, all schools on the <http://schools.nyc.gov> domain will receive free access to GoGuardian Teacher & @PearDeck. Engage students, manage your classroom, gather insights + more! Stay tune [sic] for more details and professional developments.”).

³ Letter from Senators Elizabeth Warren, Edward J. Markey, and Richard Blumenthal, September 29, 2021, <https://www.warren.senate.gov/imo/media/doc/2021.09.29%20Shinde%20-%20EdTech%20letter.pdf>.

⁴ This request applies to records created or obtained by the DOE or any of its employees, contractors, or subsidiaries, including schools, at or relating to any and all of its existing or proposed locations. The term “record(s)” is to be construed in its broadest sense in accordance with New York FOIL to include anything upon which information is recorded, including all documents, papers, letters, email correspondence, maps, books, tapes, photographs, films, recordings or other material, and electronic records, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. N.Y. PUB. OFF. LAW § 86(4).



ACLU of New York

125 Broad Street
19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Wendy Stryker
President

1. All records reflecting contracts or agreements between the DOE and:
 - a. GoGuardian;
 - b. Pear Deck⁵; and/or
 - c. Liminex⁶;
2. All records regarding the DOE's use of GoGuardian products, including but not limited to "Teacher" and "Beacon"⁷;
3. All records regarding the parameters for the use of GoGuardian, Pear Deck, and/or Liminex products outside of school hours, on personal devices, and the use of webcam capabilities;
4. All records regarding which funding streams the DOE utilized to purchase GoGuardian, Pear Deck, and/or Liminex products, including the American Rescue Plan⁸;
5. All records regarding the installation and updates for all GoGuardian, Pear Deck, and/or Liminex products;
6. All records regarding teacher, staff, or administrator training on GoGuardian, Pear Deck, and/or Liminex products; and
7. All records reflecting communications to students and families regarding the use of GoGuardian, Pear Deck, and/or Liminex products.

As you know, FOIL requires a response within five business days of your receipt of this letter. Please provide an estimated timeframe within which the requested records are to be produced. If for any reason any portion of this request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed. If you determine that any portion of the requested records is exempt from disclosure pursuant to FOIL, please redact only the material claimed as exempt, inform us of the basis for the exemption claim, and furnish copies of those portions of the records that you determine not to be exempt.

We request to be notified of any fees associated with this request over \$25.00. To the extent that records are available in electronic format, we request that they be provided in that format.

⁵ GoGuardian & Pear Deck Are Teaming Up to Transform Digital Learning, November 19, 2020, <https://www.goguardian.com/blog/pear-deck-merger>.

⁶ Liminex, Inc. does business as GoGuardian, <https://www.goguardian.com/policies/privacy>.

⁷ GoGuardian "Beacon" is a tool to "identify students who are at risk of suicide or possible harm to others through threats, violence, and bullying." <https://www.goguardian.com/beacon>.

⁸ <https://www.goguardian.com/funding-resource-hub>.

Please send responsive records to:

Stefanie Coyle
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, NY 10004
scoyle@nyclu.org

Thank you for your prompt attention to this matter. Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely,



A handwritten signature in black ink, appearing to read "Stefanie D. Coyle".

Stefanie D. Coyle
Deputy Director
Education Policy Center

125 Broad Street
19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Wendy Stryker
President