

The University of the Future – Privacy challenges and Discrimination Risks

A Legal Analysis of Automated Decision-Making in the Higher Education System

The digital transformation has reached the higher education landscape and will change it permanently. Even though most lecturers are still human beings and at least in Germany it is hard to imagine lecture halls without chalk and blackboard, there are already numerous examples of what the university of the future could look like. Automated decision-making systems play a special role in this transformation process. For example, they already support the allocation of study places or offer students personalized course selection. However, the vision of a "University 4.0" not only promises more efficient administrative processes and more individual advice at mass universities, but also entails risks for the privacy and the equal treatment of (soon-to-be) students. To put it pointedly: Will tomorrow's students be just numbers to be used in a calculation of their future?

My presentation would like to examine this development using two cases from France and the United States. The legal framework of my analysis is – even if the competence for education policy lies mainly with the Member States (cf. Art. 165 and Art. 166 TEU) – the General Data Protection Regulation.