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Legal Frameworks Governing Digital Education: A Review of Data Privacy, Intellectual Property, and Student Rights

Dennis P. Petri

Faculty of Social Sciences, Latin American University of Science and Technology,
San José, Costa Rica

Abstract

The rapid expansion of digital education has transformed teaching and learning by integrating online platforms, artificial intelligence (AI), cloud computing, and data-driven educational technologies into contemporary educational systems. While these innovations have enhanced accessibility, flexibility, and instructional efficiency, they have also generated complex legal challenges concerning data privacy, intellectual property, and the protection of student rights. This narrative review examines the evolving legal frameworks governing digital education by synthesizing current literature on international regulatory standards, national legislative approaches, and emerging governance practices. The review explores legal mechanisms for protecting educational data, regulating AI-enabled learning systems, safeguarding intellectual property in digital content creation, and ensuring students' rights to privacy, accessibility, inclusion, academic freedom, and procedural fairness. It further evaluates emerging regulatory challenges associated with cross-border digital education, cybersecurity, automated decision-making, and adaptive legal governance. The findings indicate that fragmented regulatory approaches are insufficient to address the multidimensional legal implications of rapidly advancing educational technologies. Instead, effective governance requires harmonized international standards, rights-based educational policies, transparent AI regulation, and integrated institutional compliance strategies. The review concludes that legally robust and ethically grounded governance frameworks are essential for promoting secure, equitable, and accountable digital education ecosystems while supporting sustainable technological innovation. These insights provide valuable guidance for policymakers, educational institutions, technology developers, and researchers

seeking to strengthen future legal governance in digitally connected learning environments.

Keywords: Digital education, data privacy, intellectual property, student rights, legal governance

1. Introduction

Digital education has seen a revolution in the way teaching and learning is done in school, university and vocational training institutions, with the introduction of new methods of teaching and learning through technology. Digital education has transformed the teaching and learning process through the flexible education that can be provided via technology between schools, universities and vocational training institutions. The adoption of online learning management systems (LMS), cloud computing, artificial intelligence (AI) and digital communication systems have enhanced access to education and changed the way education is provided. Digital education is not done in addition to the way teachers work, but it is an inherent part of the way teachers teach, such as personalized learning, real-time sharing, automatic evaluation and data-informed decision making. These developments are good, but the challenges of governance, accountability, privacy, IP rights and protecting student rights have become complex, and it is evident that strong legal structures are necessary to effectively govern the quickly evolving digital learning context (Greenhow et al., 2022; Govea et al., 2023).

The fast-paced change in teaching and learning towards a digital age, especially in the aftermath of the COVID-19 pandemic, revealed substantial gaps in the legal readiness of educational institutions and of governments. Many countries rapidly developed online learning infrastructure, and adopted digital platforms to guarantee educational continuity, but the evolution of legal and regulatory frameworks was not as swift. The issues surrounding cross-border education, institutional responsibility, the regulation of platforms, cybersecurity and compliance with national and international laws were increasingly significant. Therefore, both public and private entities – such as policy makers and educational systems – have acknowledged that contemporary digital education demands governance frameworks that must ensure technological innovation, legal responsibility, moral duty, and safeguarding the fundamental values of education (Salakhova et al., 2021; AlAddam et al., 2025).

Ensuring the security of educational information is one of the most important legal concerns. Digital learning platforms regularly gather and process extensive amounts of information that is personal, academic, behavioural, assessment, and communication based. The advent of AI and learning analytics has extended the range of data collected, thereby triggering questions about informed consent, transparency, algorithmic profiling, cyber security and institutional responsibility. For this reason, it is imperative to have effective legal frameworks in place to achieve responsible data governance and to foster trust in digital education systems (Li & Zhang, 2025; Nwaimo et al., 2023).

Another major legal aspect of digital education has come to the fore of discussion and usage: intellectual property. The production, dissemination, and sharing of digital

learning resources, digital lectures, media resources and AI-generated content has brought about a questioning of traditional copyright concepts and copyright ownership. At the same time, students' privacy, accessibility, equality, academic freedom and procedural fairness need to be better protected in technology mediated learning environments in which automated systems have become a growing influence on the educational process. The digital education governance issues above highlight the necessity of multi-dimensional governance policies to support innovation and respect individual rights, as opposed to merely technical solutions (Li & Zhang, 2025; Mark & Morison, 2025).

Although digital education has gained momentum in scholarly literature, the existing literature tends to focus on privacy issues, intellectual property, educational governance and student rights separately, with little understanding of the interaction between the rights and the legality of these issues. This narrative review therefore aims to compile and condense the most up-to-date literature on the legal frameworks that regulate digital education, focusing on the overlaps in the areas of data privacy, intellectual property and student rights. The review will leverage this holistic approach to identify existing regulations, new legal issues, and governance needs for the digital education ecosystem that will support secure, equitable, and legally compliant learning environments.

Research Objectives

- To examine the legal frameworks regulating digital education across major jurisdictions.
- To evaluate legal issues relating to data privacy, intellectual property, and student rights in digital learning environments.
- To identify emerging regulatory challenges and future directions for strengthening digital education governance.

2. Global Legal Frameworks for Digital Education

Governments and international bodies have needed to create legal mechanisms to facilitate the use of technology in education, while ensuring that the quality of learning is maintained, learners' rights are respected and educational institutions are held accountable. Traditionally, educational laws and policies were concerned with standards and requirements for school curricula, accreditation and governance for traditional educational institutions. Incorporation of online learning platforms, artificial intelligence (AI), cloud computing, and digital assessment systems have widened the legal front to cover issues of data governance, cyber security, accessibility, intellectual property, and ethical use of technology. Consequently, digital education governance has shifted from being merely about educational regulation to a more holistic approach that incorporates legal frameworks that safeguard accountability and public confidence as they relate to technological innovation (Li & Zhang, 2025; Skiba, 2018).

It has been one of the key roles of international organizations to help shape this regulatory development. UNESCO supports inclusive, equitable and ethical digital

education by advocating for inclusive policies by member states to protect learners' rights and enhancing digital literacy and responsible use of AI. In the same way, the Organisation for Economic Co-operation and Development (OECD) promote the concepts of trustworthy AI, accountable data management, transparency of institutions and lifelong learning in its policy guidance, which has guided the education reforms of many countries. The global commitment, for example, to equitable access to quality education through digital innovation, as stated in the United Nations Sustainable Development Goal 4; and the human rights principles that encourage non-discrimination, and educational inclusion as stated in other processes, including the UN Sustainable Development Goal 10 (Thakur & Mittal, 2025; Sule et al., 2024; Pulimeno et al., 2020), further supports these international initiatives.

Legislatively, at the national level, different strategies are adopted in various countries in the function of common policy and legal traditions but are now increasingly converging on shared policy goals and targets of governance. There are sector specific regulations that focus on the educational privacy, accessibility and institutional responsibility in the United States, and a focus on comprehensive educational data protection and transparency in the European Union, such as the General Data Protection Regulation (GDPR). Other countries such as the United Kingdom, Australia, Canada, Singapore, India and Finland have further developed governance over digital education, creating national education policies to include cybersecurity, AI governance, digital literacy and quality assurance. While there are differences in how these laws are applied, they all reflect a world-wide move towards more comprehensive legal frameworks which support innovation and at the same time help ensure that learners are protected, legal compliance is met and equity in Education is upheld in digitally connected learning contexts (Li & Zhang, 2025; Thakur & Mittal, 2025). Table 1 provides an overview of key international and national laws and policy frameworks affecting digital education compared to their focus of regulation and ways they support effective governance of digital education.

Table 1. Major Legal Frameworks Governing Digital Education

Organization	Primary Focus	Key Contribution
UNESCO	Inclusive and ethical digital education	Promotes equitable access and responsible AI use
OECD	Digital governance and AI policy	Supports trustworthy AI and data governance

GDPR (European Union)	Data privacy and protection	Regulates collection and processing of student data
FERPA (United States)	Educational records privacy	Protects confidentiality of student records
National Digital Education Policies	AI, cybersecurity, and quality assurance	Strengthen governance of digital learning systems

References: Thakur & Mittal (2025); Li & Zhang (2025); Sule et al. (2024).

3. Data Privacy and Protection in Digital Education

In today's digital age, the security and privacy of data have emerged as one of the most pressing legal issues in the field of education. Schools gather a wide range of personal data on a regular basis – from student identities, through attendance, assessment results, communication records and system generated behavioral data from learning management systems and digital platforms. The adoption of cloud computing, learning analytics, and artificial intelligence (AI) has led to a much larger and more complex amount of educational data being processed, which has introduced fresh dangers of unauthorised access, data breaches, identity theft and misuse of sensitive information. Therefore, protection of educational information is essential to build learners trust and hold the institutions liable and comply with legislation in digital learning environments (Watini et al., 2024; Reidenberg & Schaub, 2018).

In response to these issues, some jurisdictions have developed broad-ranging laws and regulations that regulate the collection, storage, processing and dissemination of educational data. GDPR is one of the stricter privacy regimes in Europe, putting a greater focus on personal data processing, consent, transparency, minimisation of data and the rights of the data subject. Protection of privacy is provided in the United States via sectoral regulations, such as the California Consumer Privacy Act (CCPA), the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA) and ongoing debates about a national privacy law. All these are legal documents that are looking to improve institutional responsibility and to define the limits of privacy in the use of educational technologies (Jamison, 2019; Watini et al., 2024).

This, along with the growing adoption of AI, has contributed to the challenges of data governance in education. The use of continuous data capture and analysis of learner data is becoming integral to the implementation of AI-powered learning analytics, intelligent tutoring systems, automated assessment, and online proctoring technologies to provide personalized learning experiences and to track academic

performance. These technologies will make learning go further, but create concerns about algorithmic profiling, automated surveillance, face recognition and algorithmic bias in decision-making. The way forward for ethical AI governance is to ensure that the algorithms are transparent, data collection is equitable, cybersecurity is robust, and regulation is in place to avoid any infringement on students' privacy and rights as technology evolves. The principles of data minimization, secure cloud data storage and privacy by design are essential to ensure the security and balance between educational innovation development and responsible legal data governance in the digital era of education (Yan et al., 2025; Verma et al., 2024; Zeng et al., 2021). Education Data Governance is a dynamic landscape that involves interweaving privacy laws, AI tools used in education, cybersecurity measures, and the part of institutions in protecting educational data. The figure displays the interdependent nature of privacy laws, AI tools in education, cybersecurity protocols, and institutional responsibilities in educational data governance, as highlighted in Legal Landscape of Educational Data Governance (Figure 1).

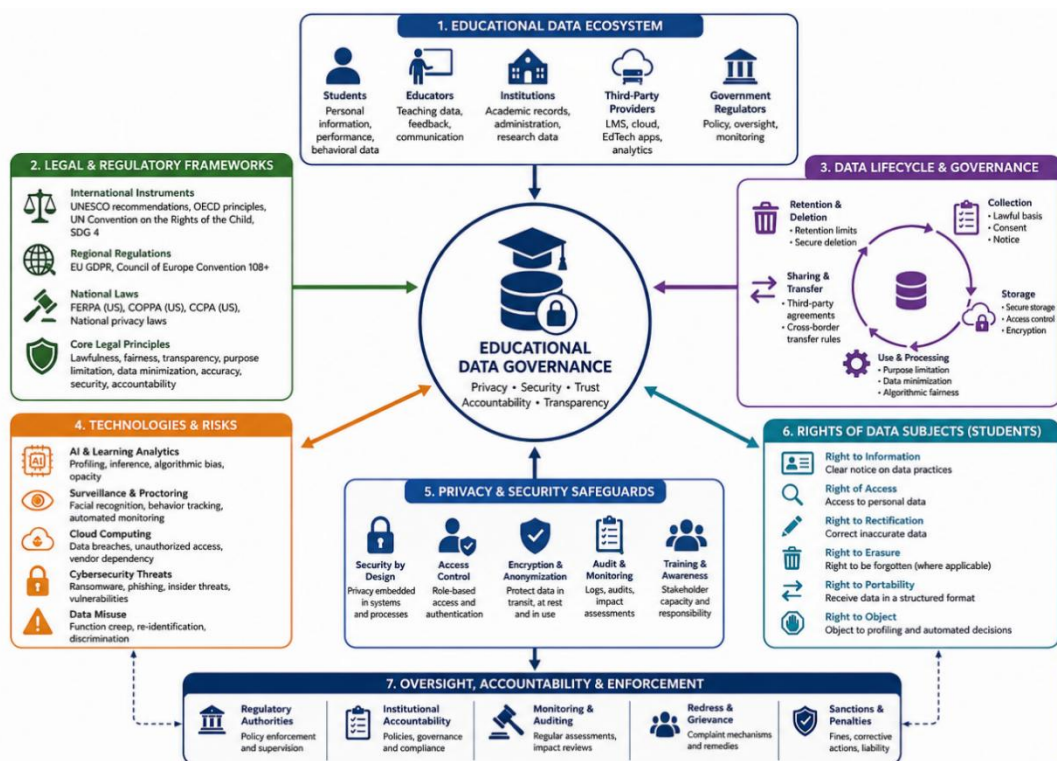


Figure 1. Legal Ecosystem of Educational Data Governance in Digital Learning Environments

4. Intellectual Property Rights in Digital Learning

The rapid development of digital education has fundamentally changed the production, dissemination and use of educational materials, leading to the emergence of issues surrounding protection of intellectual property (IP) in education as a growing concern of educational governance. Digital learning environments enable the wide dissemination of lectures, electronic textbooks, multimedia materials, online test, and interactive teaching materials, even across institutional and national boundaries. These technologies have the advantage of improving the sharing of knowledge and making learning more possible, but they also have the disadvantage of making it easier to copy, plagiarize, breach copyright and illegally share educational materials. This has led to the importance of effective intellectual property regulation to protect the rights of the creators, while fostering innovation and collaborative learning in digital education ecosystems (Lazariuc, 2021; Vishnu, 2025).

Artificial Intelligence (AI) is another development that has added to the IP governance challenges. To create lecture notes, teaching videos, quizzes, images and other educational resources, AI-assisted teaching tools and generative AI applications are increasingly being applied. While providing efficiencies and opportunities for personalisation of instructional content, these technologies also create complex legal questions of ownership, originality and copyright eligibility. The current legal context across different jurisdictions remains uncertain, and no definitive guidelines have been set forth regarding the applicability of existing copyright laws and who should be entitled to the copyright, the creator of the learning document (educator or institution), the AI developer, or the AI service provider. The uncertainties underscore the need for adaptive legal policies that strive to harmonise technological innovation with respect for IP rights (Bozkurt 2023, Zhang 2025).

Meanwhile, the notion of Open Educational Resources (OER) and open educational practices has ushered in the exciting prospect of significantly expanding opportunities for knowledge sharing in a collaborative manner with flexible tools, such as Creative Commons licensing. The licensing models enable the teacher to make use of, modify and share educational resources, subject to the criteria of attribution and respect to the rights of creators. However, it is crucial that institutions ensure that educators and students are informed of the conditions of the licences, of the exceptions on 'fair use', and of education exceptions, so that copyright mistakes are avoided. Therefore, it is essential to foster intellectual property awareness, which can be achieved through legal education, institutional policies and programs on digital literacy, in order to ensure responsible use of digital educational resources and to facilitate sustainable innovation in online learning. As the field of digital education continues to grow and expand into increasingly AI-powered learning environments (Courtney, 2025; Trencheva et al., 2020; AbdulSadek & Al-Tourah, 2022), an integrated legal framework must continue to support the equal enjoyment of digital education by all, while simultaneously allowing for innovation, creativity, self-expression, and collaboration. Table 2 presents an overview of the key

IP problems faced in digital education and the legal tools used to safeguard education content and foster innovation and legitimate knowledge sharing.

Table 2. Intellectual Property Challenges and Legal Responses in Digital Education

Intellectual Property Challenge	Legal Response	Educational Implication	Key References
Copyright infringement of digital learning materials	Copyright protection and institutional IP policies	Protects original educational content	Vishnu (2025); Zhang (2025)
Ownership of AI-generated educational content	Development of AI-specific copyright and authorship regulations	Clarifies ownership and accountability	Bozkurt (2023); Zhang (2025)
Reuse of Open Educational Resources (OER)	Creative Commons licensing and open licensing frameworks	Promotes lawful sharing and collaboration	Bozkurt (2023); Lazariuc (2021)
Fair use and educational exceptions	Fair use doctrines and educational licensing provisions	Enables limited lawful educational use	Courtney (2025); AbdulSadek & Al-Tourah (2022)

Low intellectual property awareness	IP education, institutional guidelines, and compliance training	Encourages responsible use of digital resources	Trencheva et al. (2020); Lazariuc (2021)
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5. Student Rights and Legal Protections

With the proliferation of digital education, there arises a need to safeguard the legal rights of students in technology mediated learning environments. Schools gather a wealth of personal and academic data with learning management systems, online tests, communication platforms, and AI learning tools. The confidentiality of student records and legitimate data practices have thus become lawful cornerstones. Students should also be given information on how data will be collected, the purpose of the collection, how long the data will be stored and who will have access to the data, and institutions should take appropriate measures to ensure that the collection is not used for purposes other than its intended use and that sensitive information is not disclosed to others. The challenge of ethical education governance also involves navigating the need for learning analytics in schools against the students' rights to privacy and confidentiality and to be informed about their participation in digital learning spaces (Huang, 2023; Pring, 2024).

Equality, accessibility and inclusion in digital education are also protected by law. It is essential that online learning can offer equitable opportunities for education irrespective of the physical ability, socioeconomic status or location of the learner. Digital accessibility standards, inclusive instructional design, and assistive technologies are factors which are integral in minimizing barriers to learning for students with disabilities and disadvantaged learners. Enabling policies on affordability and digital inclusion contribute to reducing inequalities related to unequal technological access, and principles of Universal Design for Learning (UDL) promote flexible learning materials that support a variety of learning needs. These measures enhance equity in education because they make digital transformation inclusive for all learners as opposed to deepening inequalities that already exist in the education system (Tan, 2019; Guzman & Oviedo, 2018).

In addition to Privacy and Accessibility, digital education should also protect academic freedom, freedom of expression and procedural fairness of students. The use of automated decision making, AI assisted assessment, plagiarism detection and online disciplinary processes also have raised novel legal issues around transparency, accountability and due process. Students should be able to question the automated decisions, be given adequate explanation of actions taken by the institution and have a fair representation in the disciplinary processes. Platform governance should thus

ensure open dialogue within academia while simultaneously fostering respectful learning environments by establishing transparent policies and guidelines and doing so in a timely fashion. Improving legal safeguards in these areas can help build trust, accountability, and responsible governance in the digital space in more technologically complex educational environments and help maintain students' basic rights in such contexts (AbdulSadek & Al-Tourah, 2022; Zhang, 2025; Courtney, 2025). The connections between student rights within a digital learning environment (privacy, access, academic freedom, procedural fairness, institutional legal responsibilities) are represented in Figure 2 below as a framework for integration.

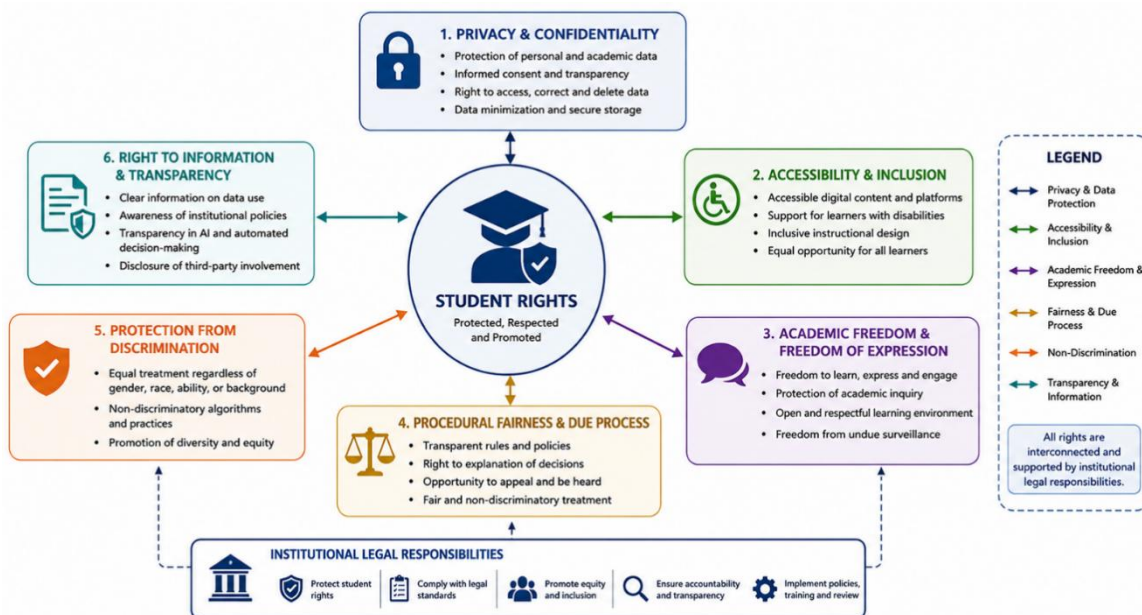


Figure 2. Integrated Framework of Student Rights in Digital Learning Environments

6. Emerging Legal Challenges and Regulatory Gaps

With the continuous development of digital education technologies, the related legal problems are also constantly evolving, which is not fully covered by the laws and regulations. However, in the education sector, Artificial Intelligence (AI) has been increasingly embraced in various forms such as intelligent tutoring systems, automation of assessment tasks, adaptive learning, and predictive analytics. These technologies have some advantages such as learning efficiency and scalability, but concerns that there are algorithmic biases, lack of transparency, explainability and accountability. Algorithms can be developed from biased data or poorly managed and may be used to discriminate against some learners. In turn, legal structures need to be updated to mandate transparency in AI systems, educational accountability, and

processes for explaining AI decisions, ensuring that students are not left vulnerable to unfair or discriminatory educational results, and foster responsible technological innovations (Alsharif, 2025; Akpobome, 2024).

The rapidly expanding cross-border digital training is another new problem that arises. There are educational activities taking place online in several countries, carried out by online universities, international learning partnerships and transnational learning platforms, which pose questions about accreditation, consumer protection, intellectual property rights and the national laws that apply. Cross-border data transfers, for educational institutions, add to the compliance hurdles as they are required to comply with different privacy regimes and data protection rules. However, cross-border differences in laws and policies can lead to jurisdictional disputes and problems, necessitating international cooperation and the harmonization of regulations to guarantee legal safeguards for students and educational service providers in the international digital learning environment (Zhu et al., 2025).

With growing reliance on networked digital systems, cybersecurity has also become a key legal concern for schools. Cybercriminals are keen to exploit LMS, cloud-based learning platforms and AI-driven applications as they contain significant amounts of highly personal and educational data. Institutions are thus legally obligated to have strong cybersecurity, cyber resilience, regular cyber security audits, cyber incident management and response plans. If student information is not safeguarded, it could lead to legal liability, fines, loss of reputation and loss of student confidence if information is leaked. These regulatory gaps can only be addressed through a co-ordinated approach to governance, that integrates AI regulation, cross-border legal cooperation and comprehensive cybersecurity policies, to ensure that digital education is safe, transparent, and legally responsible in a more connected educational landscape (Hodgins, 2025; Pring, 2024). Table 3 presents the main legal issues that are shaping digital education, as well as gaps in the regulatory frameworks and legislative agendas for the further development of the governance framework of digital education.

7. Future Directions for Digital Education Governance

The future of digital education governance is going to rely on the creation of coherent legal structures that are able to deal with the constantly changing dynamic between education and new technologies. International data protection laws, policies and regulations need to be more harmonized to mitigate regulatory differences for cross-border educational services, data protection, and accreditation, as digital learning becomes an integral part of the educational experience to the extent that it is becoming a global reality. Establishing the interoperability between international organizations, governments, and educational institutions can help foster uniform regulatory approaches that support innovation and provide equal legal safeguards for learners' rights across different jurisdictions (Zhu et al., 2025; Akpobome, 2024).

Future governance should also embrace a rights-based perspective which puts learners at the heart of education policy. Digital education policies need to ensure

privacy, equality, accessibility, inclusion and academic freedom; and that new forms of discrimination or digital exclusion do not emerge with the use of technology. Policies should promote the use of digital learning resources for all students, support students who have diverse learning needs, and ensure the confidentiality and procedural fairness of institutional procedures. Incorporating human rights principles in educational laws and policies will foster trust and help create more equitable and inclusive digital learning environments (Pring, 2024; Tan, 2019; Guzman & Oviedo, 2018).

As AI becomes increasingly prevalent in the field of education, there is a need for regulatory frameworks that ensure ethical, transparent, and accountable use of AI in teaching and learning. Future legislation should provide clear regulation for algorithmic explainability, human oversight, fairness and accountability in AI-aided assessment, learning analytics and automated decision making. Institutions should establish governance processes to periodically assess the performance of their AI, and monitor for bias and ensure that technological systems continue to meet their educational goals and legal requirements. As a result, ethical AI regulation will be crucial to the governance of responsible digital education (Alsharif, 2025; Akpobome, 2024).

At an institutional level, improving compliance and governance models will be vital too. It is recommended that schools create an all-encompassing policy that combines data protection, cyber security, IP management, and compliance regulation as an integrated policy under one governance structure. Frequent legal audits, risk assessments, interdisciplinary partnerships between educators, legal professionals, and technology experts will strengthen institutional resilience and accountability. Going forward, studying the success of new legal frameworks, gaining better insight into the long-term effects of AI governance on educational outcomes, and exploring more flexible regulatory models that can accommodate future technological advancements and continue to protect the rights and integrity of the education process could be valuable research areas (Hodgins, 2025; Zhu et al., 2025).

8. Conclusion

Education has undergone significant changes in its delivery and management with the digitalization of the teaching profession and the necessity to provide broad legal support to develop learning environments that are responsible, safe and equal. This review demonstrates that good governance is not merely technology, but also robust data privacy, IP and student rights protection. The regulatory measures need to respond to the emerging challenges, which are brought by algorithmic accountability, cyber security, ownership of digital contents and cross-border legal aspects in educational institutions, considering the latest advancements in artificial intelligence, cloud computing, learning analytics and cross-border digital platforms in education. Promoting access, inclusion, privacy, academic freedom and procedural fairness through the implementation of rights-based approaches to governance is also essential and educational innovation needs to be promoted. Laws aimed at harmonization of laws through international cooperation to reduce discrepancies

and improve the accountability of institutions in a more interdependent education system will be important, as will adaptive regulatory models. In addition, embedding ethical AI governance, comprehensive cybersecurity measures, and effective IP protection into educational policies will help to achieve sustainable digital transformation without violation of learners' fundamental rights. The possibilities of new technologies and new practices in education should be further explored, as should the implications of the changes considering the new legislation and governance models. In the context of global, sustainable, and quality education for all education communities, strengthening governance in education to be more robust, legal, transparent, and student-focused can play a part in building more innovative, trusted, and quality education ecosystems.

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