

Provision	House (H.F. 3315)	Senate (S.F. 3086)	Governor
<b>Student Data Privacy</b>	<b>House</b> bill places responsibility for student data privacy on local <b>school districts</b> .	<b>Senate</b> bill attempts to place responsibility for data practices on technology and software <b>providers</b> .	
<b>Terms Defined</b>	<p><i>Educational data</i> is not the technology provider’s property and if there is a breach of security, the provider <b>must</b> disclose all necessary information needed.</p> <p><b>Technology provider</b> is defined as someone who contracts with a school district to provide technical devices, provide access to software or online applications, and creates, maintains or receives educational data.</p>	<p><i>Covered information</i> is defined as personally identifiable information. It may be:</p> <ul style="list-style-type: none"> <li>•created or provided by a student or parent/guardian for school purposes;</li> <li>•created or provided by an operator by an employee or agent of the school; or</li> <li>•gathered by an operator for school purposes.</li> </ul> <p><b>Operator</b> is defined as the operator of an Internet website, online service, online application or mobile application used for school purposes and was designed and marketed for school purposes.</p>	
<b>Provider Roles and Responsibilities</b>	<p>A technology provider <b>must</b>:</p> <ul style="list-style-type: none"> <li>•destroy or return all educational data created, received or maintained within 30-days of contract expiration.</li> <li>•<b>establish written procedures to ensure appropriate security safeguards, including: only authorized employees or contractors have access; those authorized access only if necessary to fulfill official duties; and are recorded in a log-of-use that includes who accessed data and what was done. Logs must be retained for one year.</b></li> </ul>	<p>An operator <b>must</b>:</p> <ul style="list-style-type: none"> <li>•implement reasonable security procedures and practices; and</li> <li>•destroy or return a student’s covered information within 30 days or a request.</li> </ul>	

	<p>Technology provider <b>must</b> not:</p> <ul style="list-style-type: none"> <li>• sell, share or disseminate data or use data or any commercial purpose.</li> </ul>	<p>An operator is prohibited from:</p> <ul style="list-style-type: none"> <li>•engaging in targeted advertising;</li> <li>•<b>using information to amass a profile about a student;</b></li> <li>•selling or renting a student’s information;</li> <li>•disclosing information unless the it: <ul style="list-style-type: none"> <li>○ is in furtherance of the school purpose,</li> <li>○ ensures legal and regulatory compliance,</li> <li>○ protects the safety and integrity of users,</li> <li>○ responds to the judicial process;</li> <li>○ meets purposes requested by parent or guardian; or</li> <li>○ express consent has been provided.</li> </ul> </li> </ul> <p>An operator may disclose information if:</p> <ul style="list-style-type: none"> <li>•other provisions of federal or state law require;</li> <li>•there is a legitimate research; purpose as required by state or federal law; or,</li> <li>•a state or local education agency requests for school purposes.</li> </ul>	
<p><b>School District Roles and Responsibilities</b></p>	<p><b>School districts must:</b></p> <ul style="list-style-type: none"> <li>•at the start of each school year, notify parents directly of any technology provider contract affecting educational data. Notice <b>must</b> include: <ul style="list-style-type: none"> <li>○ technology provider</li> <li>○ data affected by provider and <b>opt-out rights</b></li> <li>○ complete copy of provider contract;</li> </ul> </li> </ul>		

	<ul style="list-style-type: none"> <li>• establish written procedures to ensure safeguards for data on district’s database, software application or cloud-based service. Procedures <b>must</b> include:             <ul style="list-style-type: none"> <li>○ only authorized persons can access data;</li> <li>○ a person is authorized only if necessary to fulfill official duties;</li> <li>○ <b>all actions are recorded in a log-of-use that includes the identity of the person interacting with the data and what action was performed. Logs must be retained for one year; and</b></li> </ul> </li> <li>• to the extent practicable, provide training for anyone with access to educational data within 90 days of the beginning of the school year.</li> </ul> <p>Government entities or technology providers <b>must</b> not:</p> <ul style="list-style-type: none"> <li>• access or monitor any location-tracking feature, any audio or visual feature or student interactions, such as keystrokes or web-browsing activity.</li> </ul>		
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