1   **STUDENT PRIVACY STUDY**

2   2015 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Jacob L. Anderegg**

5   Senate Sponsor: Howard A. Stephenson

6

7 **LONG TITLE**

8 **General Description:**

9   This bill requires the State Board of Education to develop a student privacy funding

10 proposal and make recommendations to the Legislature.

11 **Highlighted Provisions:**

12   This bill:

13   ▸ requires the State Board of Education to develop a funding proposal and make

14 recommendations to the Legislature on how the State Board of Education and the

15 Legislature can update student privacy laws in statute and in board rule;

16   ▸ requires the State Board of Education to designate a chief privacy officer; and

17   ▸ requires the State Board of Education and the chief privacy officer to report to the

18 Public Education Appropriations Subcommittee.

19 **Money Appropriated in this Bill:**

20   This bill appropriates in fiscal year 2016:

21   ▸ to the State Board of Education - State Office of Education - Assessment and

22 Accountability, as an ongoing appropriation:

23   • from the Education Fund, $180,000; and

24   ▸ to the State Board of Education - State Office of Education - Assessment and

25 Accountability, as a one-time appropriation:

26   • from the Education Fund, One-time, $5,000.

27 **Other Special Clauses:**

28   This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30   ENACTS:

31   **53A-1-710**, Utah Code Annotated 1953

32   ═══

33   *Be it enacted by the Legislature of the state of Utah:*

34   Section 1. Section **53A-1-710** is enacted to read:

35   **53A-1-710.   State Board of Education student privacy study -- Chief privacy**

36   **officer.**

37   (1) For purposes of this section:

38   (a) "Board" means the State Board of Education.

39   (b) "Chief privacy officer" means the chief privacy officer designated by the board in

40   Subsection (4).

41   (c) "Education entity" means:

42   (i) the board;

43   (ii) a local school board or charter school governing board;

44   (iii) a school district;

45   (iv) a public school; or

46   (v) the Utah Schools for the Deaf and the Blind.

47   (d) "Third party service provider" means a person, other than an education entity, that:

48   (i) enters into a contract or written agreement with an education entity to provide a

49   service or product; and

50   (ii) receives student data from the education entity pursuant to the contract or written

51   agreement.

52   (2) (a) The board shall develop a funding proposal and make recommendations to the

53   Legislature on how the board and the Legislature can update student privacy laws in statute and

54   in board rule.

55   (b) The board shall consider input from education entities, parents, and other

56   stakeholders as the board develops the funding proposal and recommendations described in

57   Subsection (2)(a).

58   (3) The board shall consider the following issues as the board develops the funding
59 proposal and recommendations described in Subsection (2)(a):
60   (a) how an education entity can better maintain, secure, and safeguard student data,
61 including using industry best practices to maintain, secure, and safeguard the student data;
62   (b) how to provide disclosures to parents and students on how student data will be
63 collected, maintained, and used;
64   (c) the process to release student data to an education entity or to a person, including to
65 the following:
66   (i) another education entity;
67   (ii) a government entity:
68   (A) within the state; or
69   (B) outside of the state; and
70   (iii) a private third party;
71   (d) how to allow a student to expunge the student's data;
72   (e) how to manage a contract with a third party service provider to ensure that a
73 contract entered into between an education entity and a third party service provider includes:
74   (i) provisions requiring specific restrictions on the use of student data;
75   (ii) specific dates governing the destruction of student data given to a third party
76 service provider;
77   (iii) provisions that prohibit a third party service provider from using personally
78 identifiable information for a secondary use, including sales, marketing, or advertising;
79   (iv) provisions limiting a third party service provider's use of student data strictly for
80 the purpose of providing services to the education entity; and
81   (v) provisions requiring a third party service provider to maintain, secure, and
82 safeguard all student data by using industry best practices to maintain, secure, and safeguard
83 the student data; and
84   (f) the penalties for:
85   (i) an unauthorized release of student data; or

86   (ii) failing to maintain, secure, and safeguard student data.

87   (4) (a) The board shall designate a chief privacy officer.

88   (b) The chief privacy officer shall:

89   (i) oversee the administration of student privacy laws; and

90   (ii) work with the board to develop the funding proposal and recommendations

91   described in Subsection (2)(a).

92   (5) On or before January 31, 2016, the board and the chief privacy officer shall present

93   the funding proposal and recommendations described in Subsection (2)(a) to the Public

94   Education Appropriations Subcommittee.

95   Section 2. **Appropriation.**

96   Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

97   the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

98   are appropriated from resources not otherwise appropriated, or reduced from amounts

99   previously appropriated, out of the funds or accounts indicated. These sums of money are in

100 addition to any amounts previously appropriated for fiscal year 2016.

101   To State Board of Education - State Office of Education - Assessment and

102 Accountability

103   From Education Fund $180,000

104   From Education Fund, One-time $5,000

105   Schedule of Programs:

106   Assessment and Accountability $185,000

107   The Legislature intends that:

108   (1) the State Board of Education use the appropriation under this section as described

109 in Section 53A-1-710; and

110   (2) $180,000 of the appropriation under this section be:

111   (a) ongoing; and

112   (b) non-lapsing.

113   Section 3. **Effective date.**

114   (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

115   (2) Uncodified Section 2, Appropriation, takes effect on July 1, 2015.