

Effective 5/12/2015

Repealed 5/10/2016

53A-1-711 State Board of Education student privacy study -- Chief privacy officer.

- (1) For purposes of this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Chief privacy officer" means the chief privacy officer designated by the board in Subsection (4).
 - (c) "Education entity" means:
 - (i) the board;
 - (ii) a local school board or charter school governing board;
 - (iii) a school district;
 - (iv) a public school; or
 - (v) the Utah Schools for the Deaf and the Blind.
 - (d) "Third party service provider" means a person, other than an education entity, that:
 - (i) enters into a contract or written agreement with an education entity to provide a service or product; and
 - (ii) receives student data from the education entity pursuant to the contract or written agreement.
- (2)
 - (a) The board shall develop a funding proposal and make recommendations to the Legislature on how the board and the Legislature can update student privacy laws in statute and in board rule.
 - (b) The board shall consider input from education entities, parents, and other stakeholders as the board develops the funding proposal and recommendations described in Subsection (2)(a).
- (3) The board shall consider the following issues as the board develops the funding proposal and recommendations described in Subsection (2)(a):
 - (a) how an education entity can better maintain, secure, and safeguard student data, including using industry best practices to maintain, secure, and safeguard the student data;
 - (b) how to provide disclosures to parents and students on how student data will be collected, maintained, and used;
 - (c) the process to release student data to an education entity or to a person, including to the following:
 - (i) another education entity;
 - (ii) a government entity:
 - (A) within the state; or
 - (B) outside of the state; and
 - (iii) a private third party;
 - (d) how to allow a student to expunge the student's data;
 - (e) how to manage a contract with a third party service provider to ensure that a contract entered into between an education entity and a third party service provider includes:
 - (i) provisions requiring specific restrictions on the use of student data;
 - (ii) specific dates governing the destruction of student data given to a third party service provider;
 - (iii) provisions that prohibit a third party service provider from using personally identifiable information for a secondary use, including sales, marketing, or advertising;
 - (iv) provisions limiting a third party service provider's use of student data strictly for the purpose of providing services to the education entity; and

- (v) provisions requiring a third party service provider to maintain, secure, and safeguard all student data by using industry best practices to maintain, secure, and safeguard the student data; and
- (f) the penalties for:
 - (i) an unauthorized release of student data; or
 - (ii) failing to maintain, secure, and safeguard student data.
- (4)
 - (a) The board shall designate a chief privacy officer.
 - (b) The chief privacy officer shall:
 - (i) oversee the administration of student privacy laws; and
 - (ii) work with the board to develop the funding proposal and recommendations described in Subsection (2)(a).
- (5) On or before January 31, 2016, the board and the chief privacy officer shall present the funding proposal and recommendations described in Subsection (2)(a) to the Public Education Appropriations Subcommittee.