



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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March 10, 2015

Mr. President:

The Economic Development and Workforce Services Committee reports a favorable recommendation on **3rd Sub. H.B. 68**, STUDENT PRIVACY ACT, by Representative J. Anderegg, with the following amendments:

1. *Page 9, Lines 269 through 270:*

269 (23) "Third party contractor" means a person, other than an education entity, that :
 (a) enters into a contract or written agreement with an education entity to
 provide a service or product; and
270 (b) receives student data from {an} the education entity pursuant to
 {a} the contract or written agreement.

2. *Page 10, Lines 294 through 295:*

294 (b) Beginning with the 2016-17 school year, all requests for a student's personally
295 identifiable information shall be :
 (i) handled by a student records manager {-} ; and
 (ii) governed by a contract or agreement related to the personally identifiable
 information.

3. *Page 11, Lines 314 through 315b*

House Floor Amendments

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3-6-2015:

- 314 (6) ~~Beginning with the 2016-17 school year, a student records manager~~ An
education
314a entity or school official ~~may~~ release
315 ~~Aggregate~~ student data to a person if the student data is ~~de-~~
315a ~~(a) de-identified; or~~
315b ~~(b)~~ provided to the person in ~~the~~ aggregate form .

4. Page 16, Lines 462 through 464

House Floor Amendments

3-6-2015:

- 462 (G) the parent's and adult student's rights related to the student's student data,
including
463 the information described in Subsection 53A-13-301(2) ~~is~~ ; and
(iii) includes a disclosure that:
(A) the education entity does not manage, control, or regulate the access,
collection, or use of student data, including personally identifiable information,
related to a student's access to a general audience application, software, website or
service; and
(B) a student's access or use of a general audience application, software,
website, or service may include marketing or advertising as part of the student's
access or use of the general audience application, software, website, or service.
464 (b) Beginning with the 2016-17 school year, in addition to providing a written
student

5. Page 19, Lines 577 through 578:

- 577 (c) sell student data.
(5)(a) Nothing in this part shall be construed to prohibit the use or disclosure
of student data, including personally identifiable information, if a student or
student's parent self-initiates access or use of a general audience application,

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software, website, or service.

(b) A student or student's parent, may access or use a general audience application, software, website, or service.

(c) If a student or student's parent accesses or uses a general audience application, software, website, or service, the student or parent maintains the responsibility for agreeing or consenting to the third party's use of student data that may be shared as part of the student's or parent's access or use of the general audience application, software, website, or service.

(d) A general audience application, software, website, or service may allow for sales, marketing, or advertising if:

(i) a student or student's parent accesses or uses the general audience application, software, website, or service; and

(ii) the student or student's parent consents to the sales, marketing, or advertising.

578 Section 7. Section **53A-13-305** is enacted to read:

Respectfully,

Aaron Osmond
Committee Chair

Voting: 5-0-2

3 HB0068.SCI.WPD benchristensen/BNC AOS/TAS 3/10/15 3:04 pm

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