2nd Sub. H.B. 68
STUDENT PRIVACY ACT

HOUSE FLOOR AMENDMENTS   AMENDMENT 1   MARCH 4, 2015 3:58 PM

Representative **Jacob L. Anderegg** proposes the following amendments:

1.   *Page 6, Lines 164 through 167:*

164   (v) English language learners;

         (w) information required to be collected pursuant to a vision screening required under Section
     53A-11-203;

165   {~~(w)~~}   **(x)**   discipline records in accordance with the requirements described in Subsection

166   53A-13-303(6); and

167   {~~(x)~~}   **(y)**   juvenile delinquency records.

2.   *Page 7, Line 197:*

197   (i)   **except for an immunization record or a record related to a vision screening described in**
     Subsection (3),   medical and health records;

3.   *Page 7, Lines 202 through 203:*

202   (v) biometric information in accordance with the requirements described in
         {~~Subsection~~}   **Section**

203   53A-13-303.

4.   *Page 8, Line 235:*

235   (i) except if required under Section 78A-6-112,   {~~a~~}   criminal record; and

5.   *Page 9, Lines 248 through 254:*

248   (iii) the student qualifies under the McKinney-Vento Homeless Education Assistance

249   Improvements Act of 2001, 42   {~~USC~~}   **U.S.C. Sec.**   11431, et seq.

250   (19) (a) "Student data" means student data contained in a record that is collected or

251   reported at the individual student level and may be included in a student's educational record.

252   (b) "Student data" includes:

253   (i) allowable student data; and

254   (ii) optional student data.

         (c) "Student data" does not include aggregate or de-identified data.

6.   *Page 10, Lines 287 through 288:*

287   (b)   {~~All~~}   **Beginning with the 2016-17 school year, all**   requests for a student's personally
identifiable information shall be handled by a
288   student records manager.

7.   *Page 11, Line 307:*

307   (6)   {~~A~~}   **Beginning with the 2016-17 school year, a**   student records manager may release
aggregate student data to a person.

8.   *Page 15, Lines 439 through 440:*

439   (3)   {~~Beginning with the 2016-17 school year, an~~}   **An**   education entity may not collect
440   prohibited student data.

9.   *Page 15, Lines 457 through 458:*

457   (b) Beginning with the 2016-17 school year, in addition to providing a written student
458   data disclosure described in Subsection (4)(a), an education entity that collects   {~~optional~~}   student

10. *Page 17, Lines 512 through 513:*

512   (a) maintain, secure, and safeguard all student data by using industry best practices to
513   maintain, secure, and safeguard the student data   **as defined by the board in rule**   :

11. *Page 18, Line 522:*

522   information for a secondary use, including sales, marketing, or advertising;   {~~and~~}

12. *Page 18, Lines 526 through 533:*

526   using industry best practices to maintain, secure, and safeguard the student data   **as defined by the board in
rule**   :   **and**
527   (d) require a third party contractor to use student data received under a contract with an
528   education entity strictly for the purpose of providing the contracted services to the education
529   entity   {~~; and~~}   **.**
530   {~~(e) in a contract with a third party vendor, provide that a contract with the third party~~}
531   ~~vendor is void if the third party vendor permits unauthorized release or use of student data.~~}
532   (2)   {~~The~~}   **On or before January 31, 2016, the**   board shall:
533   (a) create, publish, annually update, and make publicly available, a data inventory and

13. *Page 20, Lines 590 through 597:*

590   (2) (a) A third party contractor that knowingly or recklessly permits unauthorized
591   release or use of student data:

592   (i) except as provided in Subsection (2)(b), may not enter into a future contract with the
593   board or another education entity;
594   { (ii) may be found guilty of a class A misdemeanor; }
595   { (iii) }   **(ii)**   may be required by the board to pay a civil penalty of   **up to** $25,000; and
596   { (iv) }   **(iii)**   may be required to pay:
597   (A) the cost of notifying parents and students of the unauthorized release or use of

14. Page 20, Line 606 through Page 21, Line 616:

606   (c) The board may assess the civil penalty described in Subsection (2)(a)   { (iii) }   **(ii)**   in
607   accordance with Title 63G, Chapter 4, Administrative Procedures Act.
608   (d) The board may bring an action in the district court of the county in which the office
609   of the board is located, if necessary, to enforce payment of the civil penalty described in
610   Subsection (2)(a)   { (iii) }   **(ii)**   .
          (e) An individual who knowingly or intentionally permits unauthorized release or use of
          student data may be found guilty of a class A misdemeanor.
611   (3) (a) A parent or   { adult }   student may bring an action in a court of competent
612   jurisdiction for damages caused by violation of this part by   { an education entity or }   a third party
613   contractor.
614   (b) If the court finds that   { an education entity or }   **a**   third party contractor has violated this
615   part, the court shall award to the parent or   { adult }   student:
616   (i) damages;