

1st Sub. H.B. 358
STUDENT PRIVACY AMENDMENTS

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

1. Page 12, Lines 346 through 349:

- 346 (i) information that is:
347 (A) related to an IEP or needed to provide special needs services; and
348 (B) ~~{is}~~ not necessary student data;
349 (ii) biometric information; and

2. Page 18, Line 546:

- 546 (iii) except as required in Subsection ~~{(2)(b)}~~ **(3)**, as determined by the education entity;

3. Page 21, Line 631 through Page 22, Line 647:

- 631 53A-1-1410. Third-party contractors -- Use and protection of student data --
632 Contract requirements -- Completion of contract -- Restrictions on use of student data.
633 (1) ~~{(a)}~~ A third-party contractor shall use student data received through a contract with
634 an education entity strictly for the purpose of providing the contracted product or service.
635 ~~{(b) A third-party contractor shall maintain and protect student data in accordance with~~
636 ~~this part and board rule.~~
637 ~~(i) If a third-party contractor collects student data, the third-party contractor shall abide~~
638 ~~by the same provisions as an education entity under Section 53A-1-1406.~~
639 ~~(ii) If a third-party contractor shares student data outside of the education entity, the~~
640 ~~third-party contractor shall work with the student data manager to fulfill the requirements of~~
641 ~~Section 53A-1-1409.~~
642 (2) When contracting with a third-party contractor, an education entity shall require the
643 following provisions in the contract:
644 ~~{(a) requirements and restrictions on the use of student data by the third-party~~
645 ~~contractor, including an acknowledgment that the third-party contractor will abide by~~
646 ~~Subsection (1);~~ =
(a) requirements and restrictions related to collection, use, storage, or sharing of student data by the
third-party contractor that are necessary for the education entity to ensure compliance with the
provisions of this part and board rule;
647 (b) a prohibition on the sharing of student data with any entity or affiliate of the