

# 1st Sub. H.B. 358

## STUDENT PRIVACY AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 4, 2016 10:18 AM

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

1. *Page 12, Lines 347 through 349:*

- 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, Lines 545 through 547:*

- 545 (ii) three years; and  
546 (iii) except as required in Subsection ~~{(2)(b)}~~ **(3)**, as determined by the education entity;  
547 (b) the types of student data that may be expunged, including:

3. *Page 20, Lines 587 through 590:*

- 587 in Section 53A-1-1403.  
588 (4) (a) Except as provided in this section **or required by federal law**, a student data manager may  
not share,  
589 outside of the education entity, personally identifiable student data from a cumulative record  
590 without a data authorization.

4. *Page 21, Lines 629 through 630:*

- 629 purpose of external research or evaluation.  
= **(10) (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.**  
**(b) A person who receives personally identifiable student data under Subsection (10)(a) may not use the personally identifiable student data outside of the use described in the subpoena.**  
**(11) (a) In accordance with board rule, a student data manager may share personally identifiable information that is directory information.**  
**(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:**  
**(i) define directory information; and**  
**(ii) determine how a student data manager may share personally identifiable information that is directory information.**

630 Section 12. Section **53A-1-1410** is enacted to read:

5. 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