1 **STUDENT DATA PROTECTION AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jacob L. Anderegg**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9   This bill modifies provisions of the Student Data Protection Act.

10 **Highlighted Provisions:**

11   This bill:

12   ▸ repeals an incorrect cross reference; and

13   ▸ makes technical corrections.

14 **Money Appropriated in this Bill:**

15   None

16 **Other Special Clauses:**

17   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20   **53A-1-1406**, as enacted by Laws of Utah 2016, Chapter 221

21

22 *Be it enacted by the Legislature of the state of Utah:*

23   Section 1. Section **53A-1-1406** is amended to read:

24   **53A-1-1406. Collecting student data -- Prohibition -- Student data disclosure**

25 **statement -- Authorization.**

26   (1) An education entity shall comply with this section beginning with the 2017-18

27 school year.

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28   (2) An education entity may not collect a student's:

29   (a) social security number; or

30   (b) except as required in Section 78A-6-112, criminal record.

31   (3) An education entity that collects student data into a cumulative record shall, in

32 accordance with this section, prepare and distribute to parents and students a student data

33 disclosure statement that:

34   (a) is a prominent, stand-alone document;

35   (b) is annually updated and published on the education entity's website;

36   (c) states the necessary and optional student data the education entity collects;

37   (d) states that the education entity will not collect the student data described in

38 Subsection (2);

39   (e) states the student data described in Section 53A-1-1409 that the education entity

40 may not share without a data authorization;

41   [(f) states that students and parents are responsible for the collection, use, or sharing of

42 student data as described in Section 53A-1-1405;]

43   [(g)] (f) describes how the education entity may collect, use, and share student data;

44   [(h)] (g) includes the following statement:

45   "The collection, use, and sharing of student data has both benefits and risks. Parents

46 and students should learn about these benefits and risks and make choices regarding student

47 data accordingly.";

48   [(i)] (h) describes in general terms how the education entity stores and protects student

49 data; and

50   [(j)] (i) states a student's rights under this part.

51   (4) An education entity may collect the necessary student data of a student into a

52 cumulative record if the education entity provides a student data disclosure statement to:

53   (a) the student, if the student is an adult student; or

54   (b) the student's parent, if the student is not an adult student.

55   (5) An education entity may collect optional student data into a cumulative record if

56 the education entity:

57   (a) provides, to an individual described in Subsection (4), a student data disclosure

58 statement that includes a description of:

59   (i) the optional student data to be collected; and

60   (ii) how the education entity will use the optional student data; and

61   (b) obtains a data authorization to collect the optional student data from an individual

62   described in Subsection (4).

63   (6) An education entity may collect a student's biometric identifier or biometric

64   information into a cumulative record if the education entity:

65   (a) provides, to an individual described in Subsection (4), a biometric information

66   disclosure statement that is separate from a student data disclosure statement, which states:

67   (i) the biometric identifier or biometric information to be collected;

68   (ii) the purpose of collecting the biometric identifier or biometric information; and

69   (iii) how the education entity will use and store the biometric identifier or biometric

70   information; and

71   (b) obtains a data authorization to collect the biometric identifier or biometric

72   information from an individual described in Subsection (4).

Legislative Review Note
Office of Legislative Research and General Counsel