2nd Sub. S.B. 163
STUDENT INFORMATION AMENDMENTS

Representative **John Knotwell** proposes the following amendments:

1. *Page 10, Lines 285 through 289:*

285   data -- Restrictions on the use of student data -- Exceptions.

286   (1) A third-party contractor shall use personally identifiable student data received

287   under a contract with an education entity strictly for the purpose of providing the contracted

288   product or service   **within the negotiated contract terms** .

289   (2) When contracting with a third-party contractor, an education entity shall require the

2. *Page 11, Line 322 through Page 12, Line 336:*

322   (f) identify for a student nonprofit institutions of higher education or scholarship

323   providers that are seeking students who meet specific criteria:

324   (i) regardless of whether the identified nonprofit institutions of higher education or

325   scholarship providers provide payment or other consideration to the third-party contractor; and

326   (ii)   **except as provided in Subsection (5),** only if the third-party contractor obtains written consent:

327   (A) of a student's parent or legal guardian through the student's school or LEA; or

328   (B) for a student who is age 18 or older or an emancipated minor, from the student.

       (5) A third-party contractor is not required to obtain written consent under Subsection (4)(f)(ii) if the third-party contractor:

       (a) is a national assessment provider; and

       (b)(i) secures the express written consent of the student or the student's parent; and

       (ii) the express written consent is given in response to clear and conspicuous notice that the national assessment provider requests consent solely to provide access to information on employment, educational scholarships, financial aid, or postsecondary educational opportunities.

329   {~~(5)~~} **(6)** At the completion of a contract with an education entity, if the contract has not

330   been renewed, a third-party contractor shall:

331   (a) return   {~~all personally identifiable student data to the education entity; or~~

332   ~~(b) as reasonable, delete all personally identifiable student data related to the~~

333   ~~third-party contractor's work.~~ }   **or delete upon the education entity's request all personally identifiable student data under the control of the education entity unless a student or the student's parent consents to the maintenance of the personally identifiable student data.**

334   {~~(6)~~} **(7)** (a) A third-party contractor may not:

335   (i) except as provided in {~~Subsection (6)(b)~~} **Subsections (5) and (7)(b)** , sell student data;

336   (ii) collect, use, or share student data, if the collection, use, or sharing of the student

3.   *Page 12, Lines 341 through 346:*

341   with this section.

342   {(7)}   **(8)**   A provider of an electronic store, gateway, marketplace, or other means of

343   purchasing an external application is not required to ensure that the external application

344   obtained through the provider complies with this section.

345   {(8)}   **(9)**   The provisions of this section do not:

346   (a) apply to the use of an external application, including the access of an external