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**Student Consent Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Stephanie Gricius

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to a student's educational data and informed consent.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ enacts certain rights regarding student data;
- ▶ requires an education entity and institution of higher education to:
  - disclose student data under certain circumstances;
  - offer a secure, digital mechanism for obtaining informed consent; and
  - follow certain procedures when obtaining a student's informed consent;
- ▶ allows an education entity and an institution of higher education to impose certain limitations;
- ▶ prohibits an education entity and an institution of higher education from:
  - restricting a student's ability to grant informed consent;
  - requiring a student to waive certain rights; or
  - imposing certain limitations on a student's informed consent;
- ▶ requires a parent to provide informed consent on behalf of the parent's minor student;
- ▶ creates a private right of action; and
- ▶ allows the State Board of Education and the Utah Board of Higher Education to issue best practices for informed consent.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **53E-9-311**, Utah Code Annotated 195331 **53H-7-1001**, Utah Code Annotated 195332 **53H-7-1002**, Utah Code Annotated 1953

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34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **53E-9-311** is enacted to read:36 **53E-9-311 . Disclosure of educational data -- Informed consent -- Access and**  
37 **disclosure.**38 (1) As used in this section:39 (a) "Educational data" means a student's:40 (i) transcript data;41 (ii) enrollment information;42 (iii) course history; and43 (iv) academic credentials.44 (b) "Informed consent" means the same as that term is defined in Section 53H-7-1001.45 (2) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.46 1232g, this chapter, and other relevant state and federal privacy laws, a student who is47 currently enrolled in, or has previously been enrolled in, an education entity, or a parent48 if the student is under 18 years old, has the right to:49 (a) access the student's educational data; and50 (b) authorize access to the student's educational data in accordance with this section.51 (3) An education entity shall:52 (a) subject to Subsection (9), disclose a student's educational data;53 (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary  
54 method for obtaining informed consent under this section;55 (c) allow informed consent in written form if a digital or electronic mechanism is not  
56 reasonably available to the student;57 (d) when obtaining a student's consent through a digital or electronic consent mechanism:58 (i) allow the student to review all consent information before authorization; and59 (ii) prohibit the bundling of unrelated terms or conditions with the consent request;60 and61 (e) regarding a limitation imposed under Subsection (5)(b):

- 62           (i) clearly disclose the limitation at the time the entity grants access; and  
63           (ii) provide a reasonable mechanism that allows a student to re-access educational  
64           data after the expiration of a time-based or session-based limitation.
- 65   (4) An education entity may impose reasonable time-based or session-based limitations on  
66   a student's technical method of access to educational data.
- 67   (5) An education entity may not:
- 68       (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
69       with this section;
- 70       (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
71       of granting informed consent; and
- 72       (c) impose a limitation under Subsection (5)(b) that:
- 73           (i) restricts the student's underlying right to access the student's educational data;  
74           (ii) prevents the student from requesting renewed access; or  
75           (iii) limits the student's ability to provide informed consent for disclosure of the  
76           student's educational data.
- 77   (6)(a) If a student is under 18 years old and the disclosure is to a party other than the  
78   student, an education entity shall obtain the parent's consent in accordance with this  
79   section.
- 80       (b) The restrictions described in Subsection (5) apply to a parent of a student if the  
81       student is under 18 years old.
- 82   (7) This section does not alter, limit, or supersede any right or obligation under:
- 83       (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;  
84       (b) this chapter; or  
85       (c) any other applicable state or federal privacy law.
- 86   (8) The state board may issue nonbinding guidance regarding best practices for consent  
87   mechanisms that comply with the requirements of this section.
- 88   (9) Except as provided in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
89   1232g, an education entity shall disclose a student's educational data to a third party  
90   under this section only:
- 91       (a) with the informed consent of the student;  
92       (b) according to the terms of the document expressing the student's informed consent;  
93       and  
94       (c) subject to the agreement of the third party receiving the student's educational data:  
95           (i) to use the student's educational data only as provided in the document expressing



- 130 (1) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
131 1232g, and other relevant state and federal privacy laws, a student who is currently  
132 enrolled in, or has previously been enrolled in, an institution has the right to:
- 133 (a) access the student's educational data; and
  - 134 (b) authorize access to the student's educational data in accordance with this section.
- 135 (2) An institution shall:
- 136 (a) subject to Subsection (3), disclose a student's educational data;
  - 137 (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary  
138 method for obtaining informed consent under this section;
  - 139 (c) allow informed consent in written form if a digital or electronic mechanism is not  
140 reasonably available to the student;
  - 141 (d) when obtaining a student's informed consent:
    - 142 (i) allow the student to review all consent information before authorization;
    - 143 (ii) allow the student to revoke consent at any time; and
    - 144 (iii) prohibit the bundling of unrelated terms or conditions with the consent request;  
145 and
  - 146 (e) regarding a limitation imposed under Subsection (5)(b):
    - 147 (i) clearly disclose the limitation at the time the institution grants access; and
    - 148 (ii) provide a reasonable mechanism that allows a student to re-access educational  
149 data after the expiration of a time-based or session-based limitation.
- 150 (3) Except as provided in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
151 1232g, an institution shall disclose a student's educational data under this section only:
- 152 (a) with the informed consent of the student;
  - 153 (b) according to the terms of the document expressing the informed consent of the  
154 student; and
  - 155 (c) subject to the agreement of the third party receiving the student's educational data:
    - 156 (i) to use the student's educational data only as provided in the document expressing  
157 the informed consent of the student to the disclosure; and
    - 158 (ii) to not redisclose the student's educational data to any other party.
- 159 (4) A third party that receives the educational data of more than 10 students is subject to:
- 160 (a) data privacy requirements the Utah Board of Higher Education makes under  
161 Subsection 53H-14-502(5); and
  - 162 (b) policies regarding the protection of student data the institution adopts under  
163 Subsection 53H-14-502(1).

- 164 (5) An institution may impose reasonable time-based or session-based limitations on a  
165 student's technical method of access to educational data.
- 166 (6) An institution may not:
- 167 (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
168 with this section;
- 169 (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
170 of granting informed consent; and
- 171 (c) impose a limitation under Subsection (5)(b) that:
- 172 (i) restricts the student's underlying right to access the student's educational data;  
173 (ii) prevents the student from requesting renewed access; or  
174 (iii) limits the student's ability to provide informed consent for disclosure of the  
175 student's educational data.
- 176 (7) This section does not alter, limit, or supersede any right or obligation under:
- 177 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; or  
178 (b) any other applicable state or federal privacy law.
- 179 (8) The Utah Board of Higher Education may issue nonbinding guidance regarding best  
180 practices for consent mechanisms that comply with the requirements of this section.
- 181 (9)(a) A student whose educational data is shared as a result of a violation of a third  
182 party's failure to comply with the requirements of this section has a private right of  
183 action against the third party.
- 184 (b) A student described in Subsection (9)(a) does not have a private right of action  
185 against the institution.
- 186 Section 4. **Effective Date.**
- 187 This bill takes effect on July 1, 2026.