

**Effective 5/10/2016**

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

- (1) An education entity shall comply with this section beginning with the 2017-18 school year.
- (2) An education entity may not collect a student's:
  - (a) social security number; or
  - (b) except as required in Section 78A-6-112, criminal record.
- (3) An education entity that collects student data into a cumulative record shall, in accordance with this section, prepare and distribute to parents and students a student data disclosure statement that:
  - (a) is a prominent, stand-alone document;
  - (b) is annually updated and published on the education entity's website;
  - (c) states the necessary and optional student data the education entity collects;
  - (d) states that the education entity will not collect the student data described in Subsection (2);
  - (e) states the student data described in Section 53A-1-1409 that the education entity may not share without a data authorization;
  - (f) states that students and parents are responsible for the collection, use, or sharing of student data as described in Section 53A-1-1405;
  - (g) describes how the education entity may collect, use, and share student data;
  - (h) includes the following statement: "The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.";
  - (i) describes in general terms how the education entity stores and protects student data; and
  - (j) states a student's rights under this part.
- (4) An education entity may collect the necessary student data of a student into a cumulative record if the education entity provides a student data disclosure statement to:
  - (a) the student, if the student is an adult student; or
  - (b) the student's parent, if the student is not an adult student.
- (5) An education entity may collect optional student data into a cumulative record if the education entity:
  - (a) provides, to an individual described in Subsection (4), a student data disclosure statement that includes a description of:
    - (i) the optional student data to be collected; and
    - (ii) how the education entity will use the optional student data; and
  - (b) obtains a data authorization to collect the optional student data from an individual described in Subsection (4).
- (6) An education entity may collect a student's biometric identifier or biometric information into a cumulative record if the education entity:
  - (a) provides, to an individual described in Subsection (4), a biometric information disclosure statement that is separate from a student data disclosure statement, which states:
    - (i) the biometric identifier or biometric information to be collected;
    - (ii) the purpose of collecting the biometric identifier or biometric information; and
    - (iii) how the education entity will use and store the biometric identifier or biometric information; and
  - (b) obtains a data authorization to collect the biometric identifier or biometric information from an individual described in Subsection (4).

Enacted by Chapter 221, 2016 General Session

