

Effective 7/1/2022

53B-28-501 Definitions.

As used in this part:

- (1) "Advisory group" means the institution of higher education privacy advisory group established by the state privacy officer under Section 53B-28-502.
- (2) "Aggregate data" means data that:
 - (a) are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and
 - (b) do not reveal personally identifiable student data.
- (3) "Data breach" means an unauthorized release of or unauthorized access to personally identifiable student data that an education entity maintains.
- (4) "Data governance plan" means an education entity's comprehensive plan for managing education data that:
 - (a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
 - (b) describes the role, responsibility, and authority of the board or an institution privacy officer;
 - (c) provides for necessary technical assistance, training, support, and auditing;
 - (d) describes the process for sharing student data between the education entity and another person;
 - (e) describes the education entity's data expungement process, including how to respond to requests for expungement;
 - (f) describes the data breach response process; and
 - (g) is published annually and available on the institution's website or the Utah System of Higher Education's website.
- (5) "Education entity" means the Utah Board of Higher Education or an institution.
- (6) "Higher education privacy officer" means a privacy officer that the board designates under Section 53B-28-503.
- (7) "Institution" means an institution of higher education described in Section 53B-1-102.
- (8) "Minor" means a person younger than 18 years old.
- (9)
 - (a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student.
 - (b) "Personally identifiable student data" includes:
 - (i) a student's first and last name;
 - (ii) the first and last name of a student's family member;
 - (iii) a student's or a student's family's home or physical address;
 - (iv) a student's email address or other online contact information;
 - (v) a student's telephone number;
 - (vi) a student's social security number;
 - (vii) a student's biometric identifier;
 - (viii) a student's health or disability data;
 - (ix) a student's education entity student identification number;
 - (x) a student's social media user name and password or alias;
 - (xi) if associated with personally identifiable student data, the student's persistent identifier, including:
 - (A) a customer number held in a cookie; or
 - (B) a processor serial number;

- (xii) a combination of a student's last name or photograph with other information that together permits a person to contact the student online;
 - (xiii) information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and
 - (xiv) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- (10) "State privacy officer" means the state privacy officer described in Section 67-3-13.
- (11) "Student" means an individual enrolled in an institution.
- (12)
- (a) "Student data" means information about a student at the individual student level.
 - (b) "Student data" does not include aggregate or de-identified data.
- (13) "Third-party contractor" means a person who:
- (a) is not an institution or an employee of an institution; and
 - (b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

Enacted by Chapter 461, 2022 General Session