

- 276 (i) the student, if the student is an adult student; and
- 277 (ii) the student's parent; and
- 278 (b) obtains student authorization to collect the optional student data.
- 279 (3) An education entity may not collect prohibited student data.
- 280 (4) An education entity that collects student data shall prepare a written student data

281 disclosure for distribution to parents and adult students:

- 282 (a) (i) at the beginning of each school year; or
- 283 (ii) at the time the student enrolls with the education entity; and
- 284 (b) that includes a description of:
 - 285 (i) the allowable student data that the education entity collects;
 - 286 (ii) the optional student data that the education entity collects;
 - 287 (iii) the prohibited student data that the education entity may not collect;
 - 288 (iv) how the allowable and optional student data will be collected and used, shared, or

289 accessed;

- 290 (v) the consequences of authorizing the collection of allowable or optional student
- 291 data;

- 292 (vi) how the student data is stored and any security measures used to protect the student
- 293 data; and

- 294 (vii) the parent's and adult student's rights related to the student's student data,
- 295 including the information described in Subsection 53A-13-301(2).

296 (5) The board shall develop a model student data disclosure in accordance with
297 Subsection (4).

298 Section 5. Section **53A-13-304** is enacted to read:

299 **53A-13-304. Security requirements related to the collection, usage, and storage of**
300 **student data -- Board duties** ~~↔~~ **Third party contractor requirements.** ~~↔~~

301 The board shall:

- 302 (1) maintain, secure, and safeguard all student data with an equivalent PCI DSS, third
- 303 party verified compliant certification;

- 304 (2) create, publish, annually update, and make publicly available, a data inventory and
- 305 dictionary or index of data elements with definitions of student data fields currently in the
- 306 student data system, including:

338 (b) charter schools; and

339 (c) the Utah Schools for the Deaf and the Blind.

339a **Ĥ→ (7) (a) A third party contractor shall maintain, secure, and safeguard all student**
 339b **data with an equivalent PCI DSS, third party verified compliant certification.**

339c **(b) A third party contractor shall:**

339d **(i) use student data received under a contract with an education entity strictly for the**
 339e **purpose of providing the contracted services to the education entity; and**

339f **(ii) may not use student data received under a contract with an education entity for a**
 339g **use not described in the contract. ←Ĥ**

340 Section 6. Section 53A-13-305 is enacted to read:

341 **53A-13-305. Student privacy coordinator -- Reports of violations of student**
 342 **privacy laws -- Penalties.**

343 (1) (a) The board shall designate a State Office of Education student privacy
 344 coordinator.

345 (b) The student privacy coordinator shall:

346 (i) oversee the administration of student privacy laws, including the requirements of
 347 this part;

348 (ii) review complaints of:

349 (A) an unauthorized release of student data;

350 (B) an unauthorized collection of student data; or

351 (C) an unauthorized use of student data;

352 (iii) report any violations of this part to:

353 (A) the board;

354 (B) the applicable education entity; and

355 (C) the Education Interim Committee; and

356 (iv) work with the board to develop a model student data disclosure described in
 357 Subsection 53A-13-303(4).

358 (2) (a) A third party contractor that knowingly or recklessly permits unauthorized
 359 release or use of student data:

360 (i) may not enter into a future contract with the board or another education entity; and

361 (ii) may be required by the board to pay a civil penalty of \$25,000.

362 (b) The board may assess the civil penalty described in Subsection (2)(a)(ii) in
 363 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

364 (c) The board may bring an action in the district court of the county in which the office
 365 of the board is located, if necessary, to enforce payment of the civil penalty described in
 366 Subsection (2)(a)(ii).

367 (3) (a) A parent or adult student may bring an action in a court of competent
 368 jurisdiction for damages caused by violation of this part by an education entity or a third party