

3rd Sub. H.B. 68
STUDENT PRIVACY ACT

Senator **Howard A. Stephenson** proposes the following amendments:

1. *Page 9, Lines 269 through 270:*

269 (23) "Third party contractor" means a person, other than an education entity, that :
(a) enters into a contract or written agreement with an education entity to provide a service or
product; and
270 (b) receives student data from ~~{an}~~ the education entity pursuant to ~~{a}~~ the
contract or written agreement.

2. *Page 10, Lines 294 through 295:*

294 (b) Beginning with the 2016-17 school year, all requests for a student's personally
295 identifiable information shall be :
(i) handled by a student records manager {·} ; and
(ii) governed by a contract or agreement related to the personally identifiable information.

3. *Page 11, Lines 314 through 315b*

House Floor Amendments

3-6-2015:

314 (6) ~~Ĥ→ [Beginning with the 2016-17 school year, a student records manager]~~ An education
314a entity or school official ←Ĥ may release
315 ~~Ĥ→ [aggregate] ←Ĥ~~ student data to a person ~~Ĥ→~~ if the student data is ~~{·}~~
315a ~~—— (a) de-identified; or~~
315b ~~—— (b)}~~ provided to the person in ~~{the}~~ aggregate form ~~←Ĥ~~ .

4. *Page 16, Lines 462 through 464*

House Floor Amendments

3-6-2015:

462 (G) the parent's and adult student's rights related to the student's student data, including
463 the information described in Subsection 53A-13-301(2) {·} ; and
(iii) includes a disclosure that:
(A) the education entity does not manage, control, or regulate the access, collection, or use of
student data, including personally identifiable information, related to a student's access to a general
audience application, software, website or service; and

(B) a student's access or use of a general audience application, software, website, or service may include marketing or advertising as part of the student's access or use of the general audience application, software, website, or service.

464 (b) Beginning with the 2016-17 school year, in addition to providing a written student

5. *Page 19, Lines 577 through 578:*

577 (c) sell student data.

(5)(a) Nothing in this part shall be construed to prohibit the use or disclosure of student data, including personally identifiable information, if a student or student's parent self-initiates access or use of a general audience application, software, website, or service.

(b) A student or student's parent, may access or use a general audience application, software, website, or service.

(c) If a student or student's parent accesses or uses a general audience application, software, website, or service, the student or parent maintains the responsibility for agreeing or consenting to the third party's use of student data that may be shared as part of the student's or parent's access or use of the general audience application, software, website, or service.

(d) A general audience application, software, website, or service may allow for sales, marketing, or advertising if:

(i) a student or student's parent accesses or uses the general audience application, software, website, or service; and

(ii) the student or student's parent consents to the sales, marketing, or advertising.

578 Section 7. Section **53A-13-305** is enacted to read: