

212 (a) the state student data officer; or

213 (b) an individual designated as a student data manager by an education entity under  
214 Section 53A-1-1404.

215 ~~Ĥ→ [(25) (a) "Targeted advertising" means [advertising to a student on an internal or~~  
216 ~~external application, if the advertisement is based on information or student data the third-party~~  
217 ~~contractor collected or received under the third-party contractor's contract with an education~~  
218 ~~entity] presenting advertisements to a student on an internal or external application where the~~  
219 ~~advertisement is selected based on information obtained or inferred from student data, the~~  
220 ~~student's online behavior, or usage of applications.~~

221 ~~———— (b) "Targeted advertising" does not include advertisements presented to a student on an~~  
222 ~~internal or external application:~~

223 ~~———— (i) where the advertisement is selected based upon the student's current visit to or~~  
224 ~~single search query on a site, software, service, or application; or~~

225 ~~———— (ii) for a nonprofit institution of higher education or scholarship provider.]~~

226 (25) (a) "Targeted advertising" means presenting advertisements to a student where  
226a the advertisement is selected based on information obtained or inferred over time from that  
226b student's online behavior, usage of applications, or student data.

226c (b) "Targeted advertising" does not include advertising to a student:

226d (i) at an online location based upon that student's current visit to that location; or

226e (ii) in response to that student's request for information or feedback, without retention  
226f of that student's online activities or requests over time for the purpose of targeting subsequent  
226g ads. ←Ĥ

226h (26) "Third-party contractor" means a person who:

227 (a) is not an education entity; and

228 (b) pursuant to a contract with an education entity, collects or receives student data in  
229 order to provide a product or service, as described in the contract, if the product or service is  
230 not related to school photography, yearbooks, graduation announcements, or a similar product  
231 or service.

232 Section 2. Section 53A-1-1406 is amended to read:

233 **53A-1-1406. Collecting student data -- Prohibition -- Student data disclosure**  
234 **statement -- Authorization.**

235 (1) An education entity shall comply with this section beginning with the 2017-18  
236 school year.

237 (2) An education entity may not collect a student's:

238 (a) social security number; or

274 (a) provides, to an individual described in Subsection (4), a biometric information  
275 disclosure statement that is separate from a student data disclosure statement, which states:

276 (i) the biometric identifier or biometric information to be collected;  
277 (ii) the purpose of collecting the biometric identifier or biometric information; and  
278 (iii) how the education entity will use and store the biometric identifier or biometric  
279 information; and

280 (b) obtains a data authorization to collect the biometric identifier or biometric  
281 information from an individual described in Subsection (4).

282 Section 3. Section **53A-1-1410** is amended to read:

283 **53A-1-1410. Third-party contractors -- Use and protection of student data --**  
284 **Contract requirements -- Completion of contract -- Required and allowed uses of student**  
285 **data -- Restrictions on the use of student data -- Exceptions.**

286 (1) A third-party contractor shall use personally identifiable student data received  
287 under a contract with an education entity strictly for the purpose of providing the contracted  
288 product or service ~~Ĥ~~→ within the negotiated contract terms ←Ĥ .

289 (2) When contracting with a third-party contractor, an education entity shall require the  
290 following provisions in the contract:

291 (a) requirements and restrictions related to the collection, use, storage, or sharing of  
292 student data by the third-party contractor that are necessary for the education entity to ensure  
293 compliance with the provisions of this part and board rule;

294 (b) a description of a person, or type of person, including an affiliate of the third-party  
295 contractor, with whom the third-party contractor may share student data;

296 (c) provisions that, at the request of the education entity, govern the deletion of the  
297 student data received by the third-party contractor;

298 (d) except as provided in Subsection (4) and if required by the education entity,  
299 provisions that prohibit the secondary use of personally identifiable student data by the  
300 third-party contractor; and

301 (e) an agreement by the third-party contractor that, at the request of the education entity  
302 that is a party to the contract, the education entity or the education entity's designee may audit  
303 the third-party contractor to verify compliance with the contract.

304 (3) As authorized by law or court order, a third-party contractor shall share student data

305 as requested by law enforcement.

306 (4) A third-party contractor may:

307 (a) use student data for adaptive learning or customized student learning purposes;

308 (b) market an educational application or product to a parent or legal guardian of a  
309 student if the third-party contractor did not use student data, shared by or collected on behalf of  
310 an education entity, to market the educational application or product;

311 (c) use a recommendation engine to recommend to a student:

312 (i) content that relates to learning or employment, within the third-party contractor's  
313 internal application, if the recommendation is not motivated by payment or other consideration  
314 from another party; or

315 (ii) services that relate to learning or employment, within the third-party contractor's  
316 internal application, if the recommendation is not motivated by payment or other consideration  
317 from another party;

318 (d) respond to a student request for information or feedback, if the content of the  
319 response is not motivated by payment or other consideration from another party; ~~or~~

320 (e) use student data to allow or improve operability and functionality of the third-party  
321 contractor's internal application~~[-]; or~~

322 (f) identify for a student nonprofit institutions of higher education or scholarship  
323 providers that are seeking students who meet specific criteria:

324 (i) regardless of whether the identified nonprofit institutions of higher education or  
325 scholarship providers provide payment or other consideration to the third-party contractor; and

326 (ii) ~~H~~→ **except as provided in Subsection (5),** ~~←H~~ only if the third-party contractor  
326a obtains written consent:

327 (A) of a student's parent or legal guardian through the student's school or LEA; or

328 (B) for a student who is age 18 or older or an emancipated minor, from the student.

328a **~~H~~→ (5) A third-party contractor is not required to obtain written consent under Subsection**

328b **(4)(f)(ii) if the third-party contractor:**

328c **(a) is a national assessment provider; and**

328d **(b)(i) secures the express written consent of the student or the student's parent; and**

328e **(ii) the express written consent is given in response to clear and conspicuous notice that**

328f **the national assessment provider requests consent solely to provide access to information on**

328g **employment, educational scholarships, financial aid, or postsecondary educational**

328h **opportunities.**

329 ~~(5)~~ **(6)** ~~←H~~ At the completion of a contract with an education entity, if the contract has not

330 been renewed, a third-party contractor shall:

331 (a) return ~~H~~→ [all personally identifiable student data to the education entity; or

332 ~~———— (b) as reasonable, delete all personally identifiable student data related to the~~

333 ~~third-party contractor's work.] or delete upon the education entity's request all personally~~

333a ~~identifiable student data under the control of the education entity unless a student or the~~

333b ~~student's parent consents to the maintenance of the personally identifiable student data.~~

334 [~~(6)~~] (7) ←~~H~~ (a) A third-party contractor may not:

335 (i) except as provided in ~~H~~→ [~~Subsection (6)(b)~~] Subsections (5) and (7)(b) ←~~H~~ , sell

335a student data;

336 (ii) collect, use, or share student data, if the collection, use, or sharing of the student  
337 data is inconsistent with the third-party contractor's contract with the education entity; or

338 (iii) use student data for targeted advertising.

339 (b) A person may obtain student data through the purchase of, merger with, or  
340 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance  
341 with this section.

342 ~~Ĥ~~→ [(7)] (8) ←~~Ĥ~~ A provider of an electronic store, gateway, marketplace, or other means of  
343 purchasing an external application is not required to ensure that the external application  
344 obtained through the provider complies with this section.

345 ~~Ĥ~~→ [(8)] (9) ←~~Ĥ~~ The provisions of this section do not:

346 (a) apply to the use of an external application, including the access of an external  
347 application with login credentials created by a third-party contractor's internal application;

348 (b) apply to the providing of Internet service; or

349 (c) impose a duty on a provider of an interactive computer service, as defined in 47  
350 U.S.C. Sec. 230, to review or enforce compliance with this section.

351 Section 4. Section **53B-17-108** is amended to read:

352 **53B-17-108. Utah Futures.**

353 (1) As used in this section:

354 (a) "Education provider" means:

355 (i) a Utah institution of higher education as defined in Section 53B-2-101; or

356 (ii) a nonprofit Utah provider of postsecondary education.

357 (b) "Student user" means:

358 (i) a Utah student in kindergarten through grade 12;

359 (ii) a Utah post secondary education student;

360 (iii) a parent or guardian of a Utah public education student; or

361 (iv) a Utah potential post secondary education student.

362 (c) "Utah Futures" means a career planning program developed and administered by  
363 the Utah Futures Steering Committee.

364 (d) "Utah Futures Steering Committee" means a committee of members designated by  
365 the governor to administer and manage Utah Futures.

366 (2) The Utah Futures Steering Committee shall ensure, as funding allows and is