

274 (1) A third-party contractor shall use personally identifiable student data received  
275 under a contract with an education entity strictly for the purpose of providing the contracted  
276 product or service within the negotiated contract terms.

277 (2) When contracting with a third-party contractor, an education entity, or a  
278 government agency contracting on behalf of an education entity, shall:

279 (a) ensure that the contract terms comply with the standards the board establishes under  
280 Subsection 53B-28-502(5); and

281 (b) require the following provisions in the contract:

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

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

287 (iii) provisions that, at the request of the education entity, govern the deletion of the  
288 student data received by the third-party contractor;

289 (iv) except as provided in Subsection (4) and if required by the education entity,  
290 provisions that prohibit the secondary use of personally identifiable student data by the  
291 third-party contractor; and

292 (v) an agreement by the third-party contractor that, at the request of the education entity  
293 that is a party to the contract, the education entity or the education entity's designee may audit  
294 the third-party contractor to verify compliance with the contract.

295 (3) As authorized by law or court order, a third-party contractor shall share student data  
296 as requested by law enforcement.

297 (4) A third-party contractor ~~H→~~ [~~, as authorized by contract,~~] ~~←H~~ may:

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

299 (b) market an educational application or product to a student if the third-party  
300 contractor does not use student data, shared by or collected on behalf of an education entity, to  
301 market the educational application or product;

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

303 (i) content that relates to learning or employment, within the third-party contractor's  
304 application, if the recommendation is not motivated by payment or other consideration from