

Your Question:

You asked about state policies on data privacy, specifically policies regarding a student's online privacy when using online resources.

Our Response:

As the collection and use of individual data expands, both generally and in education, the public continues to voice more questions and concerns about data privacy. The chief concerns coming from parents, students, educators and administrators revolve around information technology security and the inappropriate sharing or use of data. Parents and other individuals want to know that the collected student information is secure. Public concerns also exist around the idea that companies might misuse and profit from data by selling certain information to advertisers for targeted marketing.

Data Privacy Policies

In policies addressing the collection and use of data, many states have developed rules on data sharing and privacy or established a data governance board to oversee access and privacy issues. Additionally, states have attempted to safeguard student data by introducing legislation focused on increasing data privacy. According to the Data Quality Campaign, 36 states introduced 110 bills on data privacy in 2014, followed by 182 bills in 46 states in 2015 and 112 bills in 34 states in 2016.

State Policy Examples

Of the aforementioned data privacy bills, some have been specifically focused on protecting student privacy when using online resources. We have provided summaries of some of the more recent bills below.

Illinois [H.B. 5064](#) (Pending, 2018)

Amends the Student Online Personal Protection Act. Allows national assessment providers to sell or rent a student's information if the provider secures express written consent from the student or the student's parent or guardian and if the information is used only to provide access to employment, financial aid or other postsecondary opportunities.

Illinois [S.B. 599](#) (Pending, 2018)

Creates the Higher Education Student Online Personal Information Act. Prohibits the operator of a website, online service or online application used and marketed primarily for higher education purposes from engaging in targeted advertising, using information gathered by the site, selling a student's information or disclosing protected information without the student's consent.

Rhode Island [S.B. 2644](#) (Pending, 2018)

Includes several provisions to protect student privacy on school-owned or take-home technology. Allows for voluntary participation in take-home technology programs, requiring opt-in consent from parents or guardians. Prohibits schools or third parties from accessing a take-home technology device or the data stored on it after it is

Additional Resources

Data Quality Campaign,
[Student Data Privacy Legislation: A Summary of 2016 State Legislation](#)

Data Quality Campaign,
[Education Data Legislation Review: 2017 State Activity](#)

Education Commission of the States, [Examining SLDS Development and Utility](#)

provided to a student. Requires educational institutions to erase all stored data from devices used by students when they are permanently returned.

Texas [H.B. 2087](#) (Enacted, 2017)

Establishes rules regarding the use of student data by the operator of a website, online service or online application. Sets guidelines for how operators must protect and delete collected student data. Prohibits the sale of student data and the use of student data for targeted advertising.

Uniform Laws in Multiple States

Three states (Hawaii, Minnesota and New York) have introduced identical legislation from the Uniform Law Commission titled the [Uniform Employee and Student Online Privacy Protection Act](#). These bills address postsecondary institutions' ability to access the social media accounts of students or prospective students. The companion bills in each of those states are:

- **Hawaii** [H.B. 814](#) / [S.B. 2233](#)
- **Minnesota** [H.F. 2591](#) / [S.F. 2320](#)
- **New York** [A.B. 5995](#) / [S.B. 7808](#)