

## **S.F. No. 1980 – Student-User Privacy in Education Rights**

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This bill regulates the practices of certain online educational services that are used for school purposes. It prohibits targeted advertising, the creation of student profiles, and the sale or disclosure of protected information. An operator of a service must implement and maintain reasonable security procedures and practices to protect information from unauthorized access, destruction, use, modification, or disclosure.

### **Section 1. Student-User Privacy in Education Rights.**

**Subd. 1. Definitions.** Paragraph (b) defines “online education service” as a Web site, online service or application, or mobile application that a student or parent can access via the Internet for school purposes.

Paragraph (c) defines “operator” as a person who operates an online educational service with actual knowledge that it is used primarily for educational purposes and was designed and marketed for those purposes. Includes a vendor (person under contract with a school) as an operator.

Paragraph (d) defines “protected information” as personally identifiable information or material in any media or format that:

- (1) is created or provided by a student or parent to an operator during the use of the operator’s site, service, or application for school purposes;
- (2) is created or provided by an employee or agent of the school to the operator; or
- (3) is gathered by an operator through the operation of an online educational service and personally identifies a student.

Paragraph (e) defines “school purposes” as purposes that are directed by or customarily take place at the direction of the school, teacher, or school district or aid in the administration of school activities, or are for the use and benefit of the school.

Paragraph (f) defines “student” as a student in prekindergarten through grade 12.

Paragraph (g) defines “vendor” as a person who enters into a contract with a school to provide an online educational service.

Paragraph (h) defines “targeted advertising” as presenting advertisements based on student behavior, usage of applications, or covered information.

**Subd. 2. Prohibited Activities; Targeted Advertising; Creation of Student Profiles; Sale or Unauthorized Disclosure of Information.** Prohibits an operator from knowingly engaging in the following:

- (1) (i) targeted advertising on the operator’s online educational service; or  
  
    (ii) targeted advertising on any other site, service, or application when the advertising is based on information that the operator has acquired or created because of the use of that online educational service;
- (2) gather, use, or share information acquired or created by the operator’s online educational service to create a profile about a student;
- (3) sell a student’s information; or
- (4) disclose protected information, unless the disclosure is made for specified purposes.

**Subd. 3. Security Procedures and Practices.** Directs an operator to:

- (1) implement and maintain reasonable security practices and procedures to protect protected information from unauthorized access, destruction, use, modification, or disclosure; and
- (2) delete a student’s protected information within a reasonable period of time and in any case within 45 days if the school requests deletion of data under the control of the school.

**Subd. 4. Permissible Disclosures.** Allows an operator to disclose protected student information:

- (1) if other provisions of federal or state law require the operator to disclose the information;
- (2) for legitimate research purposes under specified conditions; and
- (3) to a state or local educational agency for school purposes.

**Subd. 5. Use of Information by Operator.** This section does not prohibit an operator from:

- (1) using protected information within the operator’s site, service, or application or other sites, services, or applications owned by the operator to improve educational products;

- (2) using protected information to demonstrate the effectiveness of the operator's products or services;
- (3) sharing aggregate information to improve sites;
- (4) using recommendation engines for specified purposes; or
- (5) responding to a student request for information or feedback.

**Subd. 6. Certain Activities not Affected.** Paragraph (a) states a law enforcement agency may obtain information from an operator as authorized by law or pursuant to a court order.

Paragraph (b) permits an operator to use student information for adaptive learning or customized student learning.

Paragraph (c) excludes general audience Web sites, online services, online applications, or mobile applications from this section.

Paragraph (d) states that the section does not limit an Internet service provider from providing Internet connectivity to schools, students, or their families.

Paragraph (e) states that this section does not prohibit the general marketing of educational products to parents as long as the marketing did not result from the use of protected information obtained through services governed by this section.

Paragraph (f) states that a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications does not have a duty to review or enforce compliance with this section.

Paragraph (g) states that a provider of an interactive computer service does not have a duty to review or enforce compliance with this section by third-party content providers.

Paragraph (h) states that the section does not impede the ability of students to download, export, or otherwise save or maintain their own data or documents.