

## Hampton Susan

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**Subject:** FW: Support HB 2426 with Chief Privacy Officer advising

**From:** kris alman [mailto:kris.alman@gmail.com]

**Sent:** Wednesday, February 27, 2013 1:09 AM

**To:** Rep Gelser; Rep Reardon; Rep Sprenger; Rep Fagan; Rep Gomberg; Rep Gorsek; Rep Huffman; Rep Parrish; Rep Whisnant; Sen Hass; Rep Frederick; Rep Harker; Sen Roblan

**Cc:** Kear Lea; Hampton Susan

**Subject:** Support HB 2426 with Chief Privacy Officer advising

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Chair Gelser and members of the House Education Committee,

I am supportive of HB 2426 since we must harness technology and innovations in Oregon classrooms. However, this bill insufficiently addresses the potential harms of mobile technologies—specifically data breaches and targeted advertising.

I list examples below to illustrate concerns I have about the complexity of children using mobile technologies. Technology is moving faster than privacy policy.

In that regard, I hope this committee will have a hearing for HB 2863[1] to appoint a Chief Privacy Officer. (The Senate Education and Workforce Committee will have a hearing for similar bill—SB 567[2]—on Feb. 28.) I believe these bills should be amended to expand the role the CPO, similar to what Ohio has done.[3] As a result, state and local agencies can better inform parents and students about internet safety.

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- Oregon was the first state in the nation to implement Google Apps for Education[4]. (Sadly, the largest k-12 data breach in Oregon last year was on that platform.[5]) MA Bill 311 stops cloud service providers from monetizing their services by targeting ads based upon a student’s digitally expressed thoughts or ideas.[6] This is a policy Oregon should explore.
- The Children’s Online Privacy Protection Act was updated this past year. “(S)ites and services that target children only as a secondary audience” ... “will be required to provide notice and obtain parental consent only for those users who identify themselves as being younger than 13. **No parental notice and consent is required when an operator collects a persistent identifier for the sole purpose of supporting the website or online service’s internal operations, such as contextual advertising, frequency capping, legal compliance, site analysis, and network communications.** Without parental consent, such information may never be used or disclosed to contact a specific individual, including through behavioral advertising, to amass a profile on a specific individual, or for any other purpose.[7]
- Consequently, the popular Khan Academy is weighing in on this new ruling.[8]
- The FTC’s ruling does not apply to Apple's App Store or Google Play, because they "merely offer the public access to child-directed apps." [9] Just last year, New Jersey Attorney General Jeffrey Chiesa sued 24x7digital LLC (which develops “TeachMe Apps for the iPhone, iPad and iPod Touch[10]) for collecting information about children — including their names and a code that can be used to identify the children — and allegedly sending the information to a third party. This lawsuit was settled after the company stopped collecting the kids’ information and directed the analytics company to which it transmitted children’s personal information to destroy the data.

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[1] <http://www.leg.state.or.us/13reg/measpdf/hb2800.dir/hb2863.intro.pdf>

[2] <http://www.leg.state.or.us/13reg/measpdf/sb0500.dir/sb0567.intro.pdf>

[3] <http://www.privacy.ohio.gov>

[4] <http://readwrite.com/2010/04/28/oregon-first-to-go-statewide-w>

[5] <http://www.registerguard.com/web/newslocalnews/28642349-41/computer-district-carlson-youth-eugene.html.csp> (link no longer active) On June 11, the boy sent e-mails to three district security employees, taunting them with news that he had breached their computer system. He directed them to the middle school student’s district Google Apps account, where he had posted a spreadsheet of confidential information on thousands of Eugene students receiving free or discounted school lunches.

[6] <http://www.wired.com/insights/2013/02/mass-bill-to-ban-data-mining-of-student-emails/>

[7] <http://www.ftc.gov/opa/2012/12/coppa.shtm>

[8] <http://khanacademy.desk.com/customer/portal/articles/420040-privacy-concerns>

[9] <http://appleinsider.com/articles/12/12/19/updated-ftc-laws-require-parental-ok-for-apps-to-collect-childrens-personal-info>

[10] [http://www.northjersey.com/news/Mobile\\_app\\_maker\\_will\\_stop\\_collecting\\_kids\\_personal\\_data\\_under\\_NJ\\_settlement.html?page=all](http://www.northjersey.com/news/Mobile_app_maker_will_stop_collecting_kids_personal_data_under_NJ_settlement.html?page=all) The company's apps were educational games marketed at young children. They include "TeachMe: Toddler," "TeachMe: Kindergarten," "TeachMe: 1st Grade" and "TeachMe: 2nd Grade."

*Kris Alman*