



**Testimony of Becky Straus, Legislative Director
In Support of HB 4062
House Committee on Education
February 3, 2014**

Chair Gelser and Members of the Committee:

Thank you for the opportunity to submit comments in support of HB 4062. The bill is, in many ways, a common sense proposal to address protection of student privacy amidst a complex web of information collected, technology to store it, and laws regulating it. Thank you for your consideration of this bill and your attention to this important issue.

Identifiable versus de-identified data

In regard to almost all privacy issues, but particularly in the context of student records, it is important to recognize the distinction between personally identifiable information about students – such as identifiable records of student grades, discipline and other personal and private information – and non-identifiable information. We do not oppose general collection of information about students when it is non-identifiable. The collection of aggregate information on students is, in fact, a critical tool for civil rights enforcement and in promoting policies that provide every student equal access to a high quality education.

We are highly concerned about what happens with *identifiable* information – data that can be directly associated with a specific student – when schools collect, retain, and share it on a routine basis. HB 4062 takes steps forward to better protect against potential harm of such practices.

Risks of long-term data collection and retention

The privacy implications of sharing personally identifiable information about students are two-fold: educational records are very detailed and sensitive, and increased access to records inevitably leads to increased risk of data breaches and data loss. These are issues that should be of concern to every student and every parent across Oregon.

HB 4062 is a smart proposal in the interest of both privacy and security of information collected about students. Technical assistance to schools regarding how to navigate the complexity of privacy laws and regulations will positively impact the security of the information (Section 1(7)). And so too will mandating risk assessments (Section 1(8)). It is time for Oregon to make a commitment to the privacy of student records by institutionalizing a check on large-scale collection of personally identifiable information.

Privacy roadmap

The need to update our privacy laws in response to increased data collection and advancing technology is not unique to the area of student records. Whether the issue is surveillance by law enforcement, collection and aggregation of personal health information, or in this case student education records, the ACLU urges members of the public and policymakers alike to ask the same set of questions meant to outline a consistently protective Privacy Roadmap:

- **Usage.** What type of information is being collected and about whom? In what instances and with what limitations may the collection take place?
- **Sharing and Retention.** What happens to the data after it is collected? Can it be shared? How long is it kept?
- **Control.** Do individuals have the opportunity to know what information is collected about them and correct any inaccuracies?
- **Accountability.** Are there auditing mechanisms in place to ensure compliance with privacy policy and effectiveness of the data collection practices?
- **Transparency.** How can the public stay informed of usage and policy changes?

By setting out new details to guide the State Board of Education on how to best comply with the current requirement about rulemaking on student education records, HB 4062 helps school districts to begin following the Privacy Roadmap. Doing so helps the Oregon education system take important steps forward in pursuit of privacy-protective data collection practices.

We urge swift passage of HB 4062 to the Ways & Means Committee.

Thank you for the opportunity to show our support. Please feel free to be in touch at any time with questions.