



February 25, 2015

Senator Arnie Roblan  
Chair, Senate Committee on Education  
900 Court St. NE, S-417  
Salem, OR 97301

Re: SB 187

Dear Chairman Roblan:

Common Sense Media is pleased to support SB 187, the Oregon Student Information Protection Act, introduced by Attorney General Ellen F. Rosenblum. This bill would provide much needed protection to Oregon schoolchildren, and ensure the privacy and security of their personal and academic data in 21<sup>st</sup> century classrooms, while enabling innovation and research.

Oregon schools are increasingly integrating computers, laptops, and tablets in the classroom, and relying on cloud computing services for a variety of academic and administrative functions. This technology, used wisely, has the vast potential to enhance and personalize student learning and to improve school efficiency. To realize this potential, we must ensure that students' personal information is protected. Through online platforms, mobile applications, digital courseware, and cloud computing, education technology providers collect massive amounts of sensitive data about students – including contact information, performance records, online activity, health information, behavior and disciplinary records, eligibility for free or reduced-price lunch – even cafeteria selections and whether or not students ride the bus to school. **This personal student information is at risk.**

Some online services have collected and analyzed personal details about students without clear limits on use of the student data for educational purposes.<sup>1</sup> Other online services have failed to adequately secure and encrypt students' personal information from potential misuse.<sup>2</sup> In fact, a study by Fordham Law School's Center on Law and Information Policy found that the majority of school district cloud service agreements have serious deficiencies in the protection of student information, "generally do not provide for data security and even allow vendors with alarming frequency to retain student information in perpetuity."<sup>3</sup>

Students shouldn't have to surrender their right to privacy and security at the schoolhouse door. We need clear rules of the road to ensure that schoolchildren's information is not exploited for commercial purposes and stays out of the wrong hands.

The bill would provide strong protections to safeguard and secure students' sensitive data. It would **prohibit** K-12 websites, online services, and mobile applications from:

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<sup>1</sup>See, e.g., Benjamin Herold, *Google Under Fire for Data-Mining Student Email Messages*, Education Week (Mar. 13, 2014), <http://www.edweek.org/ew/articles/2014/03/13/26google.h33.html?cmp=ENL-EU-NEWS2>.

<sup>2</sup> Natasha Singer, *Data Security Gaps in an Industry Pledge*, New York Times Bits Blog (Feb. 11, 2015), <http://bits.blogs.nytimes.com/2015/02/11/data-security-gaps-in-an-industry-student-privacy-pledge/?ref=topics>; Natasha Singer, *Uncovering Security Flaws in Digital Education Products for Schoolchildren*, New York Times (Feb. 8, 2015).

<sup>3</sup> Press Release, *Fordham Law National Study Finds Public School Use of Cloud Computing Services Causes Data Privacy Problems* (Dec. 13, 2013), <http://law.fordham.edu/32158.htm>; Natasha Singer, *Schools Use Web Tools, and Data is Seen at Risk*, New York Times (Dec. 12, 2013).

- o using students' personal information for targeted advertising;
- o using students' personal information for commercial profiling;
- o selling students' personal information; and
- o disclosing students' personal information (except as provided).

In addition, SB 187 would require these online companies to implement reasonable security for students' personal information, and to delete the information upon the school's request. The measure would apply to a broad range of K-12 directed websites, services, and apps, whether a contract exists or not.

Notably, SB 187 is also carefully drafted to help foster innovation and research, so industry may improve educational products and provide customized and digital learning for students.

The bill is based on a landmark California law, the Student Online Privacy and Information Protection Act (SOPIPA), which **passed unanimously** through both chambers of the California Legislature and was signed into law in September 2014. SOPIPA went through an extensive legislative process, with robust input from industry and other stakeholders.

SOPIPA has been widely acclaimed as one of the most comprehensive student privacy laws for the 21st century, both protecting students and permitting innovation. There is now a movement from coast-to-coast to introduce legislation similar to SOPIPA, with a number of states poised to enact such legislation.

The public overwhelmingly supports implementation of such policies and regulations to protect students' private information. A national poll conducted in 2014 found that 90 percent of adults – whether parents or not – are concerned about how non-educational interests are able to access and use students' personal information. Eighty-six percent agree that protecting children's safety and personal information should be the No. 1 priority, while only 11 percent believe that regulations would be overly burdensome and stifle innovation.<sup>4</sup>

Simply put, the school zone should be a privacy zone, a safe and trusted environment where our kids can learn and explore, where educators can harness technology to enrich their learning, and where their sensitive information is safe and secure.

We urge you to support SB 187 and create clear guidelines to prevent companies from misusing sensitive student information. We look forward to working with you on this critical issue.

Respectfully submitted,



James P. Steyer  
Founder and CEO  
Common Sense Media

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<sup>4</sup> Common Sense Media Press Release, *National Poll Commissioned by Common Sense Media Reveals Deep Concern for How Students' Personal Information Is Collected, Used, and Shared: Americans Overwhelmingly Support Reforms to Protect Students, Including Increased Transparency, Tighter Security Standards, and More Restrictions on Companies and Cloud Services* (Jan. 22, 2014), at <http://www.common Sense Media.org/about-us/news/press-releases/national-poll-commissioned-by-common-sense-media-reveals-deep-concern>.