

# DRAFT

## SUMMARY

Requires school service providers that provide websites, mobile applications or online services to public elementary or secondary schools to protect student personal information.

Prohibits use or sale of student personal information without prior consent.

## A BILL FOR AN ACT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

Relating to student user privacy.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

**(a) “Educational institution” means a public elementary or secondary school in this state.**

**(b)(A) “School service” means a website, mobile application or online service that:**

**(i) Is designed and marketed for use in an educational institution;**

**(ii) Is used at the direction of a teacher or other employee of an educational institution; and**

**(iii) Collects, maintains or uses student personal information.**

**(B) “School service” does not include a website, mobile application or online service that is designed and marketed for use by individuals or entities generally, even if also marketed to educational institutions.**

**(c) “School service provider” means an entity that operates a school service.**

**(d) “Student” means a student of an educational institution.**

**(e) “Student personal information” means information collected**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 through a school service that identifies an individual student or that  
2 is linked to information that identifies an individual student.

3 (2) A school service provider may collect, use and share student  
4 personal information only as provided by this section and only for the  
5 purposes authorized by the relevant educational institution or teacher  
6 or with the consent of an individual student or the student's parent  
7 or guardian.

8 (3) A school service provider must:

9 (a) Provide clear and easy to understand information about the  
10 types of student personal information collected by the school service  
11 provider and how the provider will use and share the student personal  
12 information.

13 (b) Provide prominent notice before making material changes to the  
14 school service provider's privacy policy for school services.

15 (c) Obtain consent before using student personal information in a  
16 manner that is inconsistent with the school service provider's privacy  
17 policy for the applicable school service in effect at the time of col-  
18 lection. If the student personal information was collected directly from  
19 students, the school service provider must obtain consent from the  
20 student or the student's parent or guardian. When the student's per-  
21 sonal information was not collected directly from students, the school  
22 service provider must obtain consent from the educational institution  
23 or teacher.

24 (d) Facilitate access to and correction of student personal informa-  
25 tion by students or the parents or guardians of students directly or  
26 through an educational institution or a teacher.

27 (e) Maintain a comprehensive information security program that is  
28 reasonably designed to protect the security, privacy, confidentiality  
29 and integrity of student personal information and that uses appropri-  
30 ate administrative, technological and physical safeguards.

31 (f) Require any third parties involved on the school service

1 provider's behalf in the supply of school services to comply with and  
2 implement the requirements imposed under this section.

3 (g) Ensure that, prior to permitting any successor entity to access  
4 student personal information, the successor entity will abide by all  
5 privacy and security commitments related to previously collected stu-  
6 dent personal information.

7 (4) A school service provider may not:

8 (a) Sell student personal information.

9 (b) Use or share any student personal information for purposes of  
10 behaviorally targeting advertisements to students.

11 (c) Use student personal information to create a personal profile  
12 of an individual student other than for supporting purposes authorized  
13 by the relevant educational institution or teacher or with the consent  
14 of the individual student or the student's parent or guardian.

15 (d) Knowingly retain student personal information beyond the time  
16 period authorized by the relevant educational institution or teacher  
17 unless the school service provider has obtained the individual  
18 student's consent or the consent of the student's parent or guardian.

19 (5) When the school service is offered to an educational institution  
20 or a teacher, the information required to be provided under subsection  
21 (3)(a) and (b) of this section may be provided to the educational insti-  
22 tution or the teacher.

23 (6) Nothing in this section is intended to:

24 (a) Prohibit the use of student personal information for purposes  
25 of adaptive learning or customized education; or

26 (b) Modify any other law regarding consent, including consent from  
27 minors and employees on behalf of educational institutions.

28 **SECTION 2.** (1) The requirements of section 1 of this 2015 Act apply  
29 to school service providers that enter into contracts on or after the  
30 effective date of this 2015 Act.

31 (2)(a) Except as provided by paragraph (b) of this subsection, the

1 **requirements of section 1 of this 2015 Act do not apply to school ser-**  
2 **vice providers that entered into a signed written contract with an ed-**  
3 **ucational institution or teacher before the effective date of this 2015**  
4 **Act.**

5 **(b) The requirements of section 1 of this 2015 Act apply to school**  
6 **service providers that renew a signed written contract with an educa-**  
7 **tional institution or teacher on or after the effective date of this 2015**  
8 **Act.**

9

---