

Testimony Opposed to Amendment -3 SB 187A
Siobhan Burke
May 18, 2015

Dear Education Committee Chair Doherty and House Committee Members,

I am writing to express opposition to Amendment -3 of SB 187A. As a parent I was surprised and saddened to hear that FERPA had been weakened in past years to allow for 3rd party access to student data. Data protection should be understandable and transparent to users. We need better privacy law from the federal level down. FERPA loopholes make state legislation necessary.

Experts from Common Sense Media and Oregon Save Our Schools have advised that -3 creates loopholes the bill (according to its intent) sets out to eliminate.

The Oregon law was meant to copy California's law. Here is a list of problems cited concerning the California law. Below find an extended quote from the group Parent Coalition for Student Privacy regarding the California legislation.

"Here is a summary of the gaps and weaknesses in the California student privacy bill, which the President said should serve as a model for a federal law:

- Bans vendors using personally identifiable information (PII) student data to target advertising or selling of data, but not in case of merger or acquisitions, or presumably in case of bankruptcy, as in the recent ConnectedU case. The President's proposal would be even weaker, as it would apparently allow the sale of student data for unspecified "educational purposes";
- Only regulates online vendors but not the data-sharing activities of schools, districts or states;
- Provides no notification requirements for parents, nor provides them with the ability to correct, delete, or opt out of their child's participation in programs operated by data-mining vendors;
- Unlike HIPAA, sets no specific security or encryption standards for the storage or transmission of children's personal information, but only that standards should be "reasonable";
- Allows tech companies to use children's PII to create student profiles for "educational" purposes or even to improve products;
- Allows tech companies to share PII with additional and unlimited "service" providers, without either parent or district/school knowledge or consent – as long as they abide by similarly vague "reasonable" security provisions;

- Allows tech companies to redisclose PII for undefined “research” purposes to unlimited third parties, without parental knowledge or consent –without requiring ANY sort of security provisions for these third parties or even that they have recognized status as actual researchers;
- Contains no enforcement or oversight mechanisms;
- Would not have stopped inBloom or other similar massive “big data” schemes designed to hand off PII to data-mining vendors – and like inBloom, would also be able to charge vendors or “service providers” fees to access the data, as long as states/districts consented."

Source: Student Privacy Matters website, <http://www.studentprivacymatters.org/press-release-1-12-15/> accessed May 18, 2015

As a parent and non-lawyer I reviewed the -3 amendment. In terms of compliance what is the standard? The problem seems that there is no "reasonable" standard (yet) in the US on student data. Second, what course of action does a parent have if student data is used in violation of this new legislation? If my student's data does get into the wrong hands can I sue for damages? I don't see that but perhaps I am missing it. If not then what can a parent do?

As a state we have the opportunity to lead on this issue and create legislation that sets us ahead on protecting student data. I know we can do better than this amendment and perhaps this bill, but I am glad that you are taking this issue on. It is so important to parents and their students' future!

Thanks in advance for your consideration.

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Parent