



May 27, 2015

Honorable Margaret Doherty  
Chair, House Committee on Education  
900 Court St. NE, H-282  
Salem, Oregon 97301

Re: SB 187 – Oregon Student Information Protection Act

Dear Chairwoman Doherty and members of the Education Committee,

Common Sense Kids Action opposes the recently proposed amendment to SB 187, as introduced on May 26<sup>th</sup>. Industry representatives are seeking amendments that would allow K-12 ed tech companies to use or share a students' personal information for commercial, non-school purposes – under the misleading pretense of “consent.” Industry is also seeking to allow for “recommendation engines.” Common Sense OPPOSES these amendments.

Typically schools and teachers choose the websites, apps and other online services students and parents must use. Parents have no real choice but to “consent” when they “click through” the terms of service or check the box “agreeing” to the privacy policy (which they probably didn't read or understand). Parents may assume that the school already has fully vetted the service and its privacy and security practices, or feel “forced” to consent to anything so their children can participate and won't be left out. Meanwhile, schools may not always have the resources or savvy to carefully review the products, or may agree to certain practices to obtain free or discounted or highly desired products. And students as young as 12 may lack the maturity and understanding level necessary to give meaningful consent.

Recommendation engines pose similar concerns about the commercial, non-educational use of student data. Industry seeks the ability to “recommend additional content or services to students related to educational, learning or job opportunities” based on sensitive student information. This is a very broad loophole. SB 187 already permits “contextual” advertising to students. Now, it seems industry wants to look at past downloads, purchases, and other behavior and activity, and then recommend products the algorithm thinks the user might like. It is better for the educator to recommend what's best for a particular K-12 student — not some computer algorithm that's trying to sell or promote more products, some of which may not be helpful or appropriate, and could be quite costly. In the health context, no one wants online companies trolling children's medical records and recommending health products and treatments — we want the doctor to recommend what's best. And in school, the teacher is in the best position to recommend what's best suited for the student. Students should be able to focus on learning rather than wading through marketing pitches.

Common Sense opposes these industry-backed amendments related to consent and recommendation engines, and likely opposes the numerous other last-minute industry amendments submitted late yesterday. Common Sense would like the opportunity to



consider these new amendments further and will provide additional comments after review.

While Common Sense Kids Action believes every child should have access to technology and the opportunity that access brings, that should not have to mean sacrificing their privacy.

Today, we stand with Oregon families and urge their leaders to do what's right and ensure our kids have the protection they deserve. When it comes to online school services, we need clear rules that bar inappropriate commercial, non-educational uses of student data outright, without creating cracks and loopholes — this helps create a trusted online environment where students, families and educators can focus on learning rather than worry about commercial data mining.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JR Starrett", is positioned below the text "Respectfully submitted,".

JR Starrett  
Advocacy Director  
Common Sense Kids Action