



DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

**SB 187 - Oregon Student Information Protection Act (OSIPA)**  
**Dept. of Justice Analysis of SB 187 A4-A7 Proposed Amendments**

**BACKGROUND:** The Student Online Personal Information Protection Act (SOPIPA) passed in California in 2014. Senate Bill 187A, or OSIPA, is largely the product of a consensus negotiation process involving privacy advocates, educators, teachers, students and industry. Indeed, approximately 12 substantive changes were made to the bill in the Senate to accommodate the concerns of industry (exhibit attached?). What follows is a Dept. of Justice analysis of the remaining points of disagreement. The Attorney General thanks the coalition of industry partners represented by TechNet for their commitment to open, fair discussion of these legislative concepts.

**OVERVIEW: “K-12 purposes” vs “educational, job or learning opportunities.”**

- **This distinction is central to understanding the proposed amendments.** SB187A affords operators of internet educational sites broad discretion to amass and retain data as long as this is being done for “K-12 purposes” (SB187A, Sec 2(2)(b), p. 2, line 15-20), essentially purposes directed by and for the benefit of the school. These amendments expand this language to allow release for “educational, job or learning opportunities.” These would not be directed by and for the benefit of the school, but would represent partnership industries for the educational technology provider. The crucial question is whether these third-party businesses will be given access to student information, and under what circumstances.
- **“Educational, job or learning opportunities”** is not an otherwise defined term. Any business, application or website fairly able to describe itself under these broad categories would be eligible for broad exemptions under the proposed amendments.

**-A4 AMENDMENT: Modifies “Amassing a profile” language.**

- **This amendment is unnecessary.** Industry states this is necessary to allow students to “take ownership” of their educational content. At industry request, SB187A was amended to permit the amassing of a profile for “K-12 purposes.” It is unclear why the language in SB187-A4 is necessary.
- **Students are already given control of their data.** See Sec 2(7)(d), p. 4, line 25-26, allowing a student or parent the ability to “download, transfer export or otherwise save or maintain their data.”

**-A5 AMENDMENT: Permits parents and students 13 and older to “opt-out” for a purpose related to educational, learning or job opportunities upon “clear and conspicuous” notice.**

- **The opt out allows direct marketing to students in the classroom.** SB187-A5 allows, upon the consent of a student or parent, the release of otherwise protected student information to third party businesses for the purpose of in-classroom targeted advertising, as long as this advertising is being done for an “educational, learning or job opportunit[y]” purpose, including the amassing of a permanent profile used for marketing purposes and the



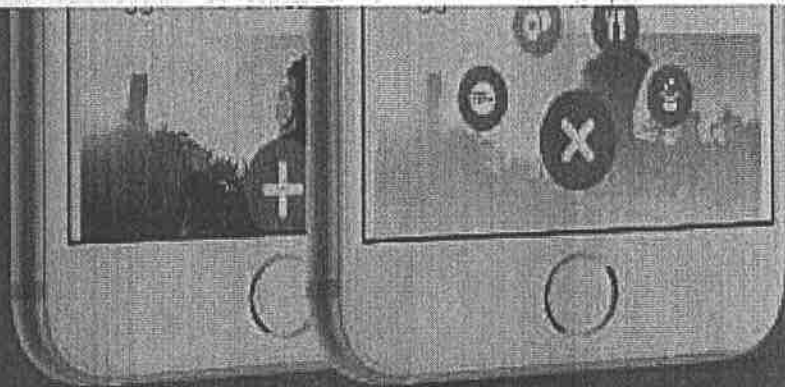
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