

House Bill 3440

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 Relating to student user privacy.

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

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

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

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

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

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

9 **and**

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

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

14 (c) **"School service provider" means an entity that operates a school service.**

15 (d) **"Student" means a student of an educational institution.**

16 (e) **"Student personal information" means information collected through a school service**
17 **that identifies an individual student or that is linked to information that identifies an indi-**
18 **vidual student.**

19 (2) **A school service provider may collect, use and share student personal information**
20 **only as provided by this section and only for the purposes authorized by the relevant educa-**
21 **tional institution or teacher or with the consent of an individual student or the student's**
22 **parent or guardian.**

23 (3) **A school service provider must:**

24 (a) **Provide clear and easy to understand information about the types of student personal**
25 **information collected by the school service provider and how the provider will use and share**
26 **the student personal information.**

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

29 (c) **Obtain consent before using student personal information in a manner that is incon-**
30 **sistent with the school service provider's privacy policy for the applicable school service in**
31 **effect at the time of collection. If the student personal information was collected directly**

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 from students, the school service provider must obtain consent from the student or the
2 student's parent or guardian. When the student's personal information was not collected
3 directly from students, the school service provider must obtain consent from the educational
4 institution or teacher.

5 (d) Facilitate access to and correction of student personal information by students or the
6 parents or guardians of students directly or through an educational institution or a teacher.

7 (e) Maintain a comprehensive information security program that is reasonably designed
8 to protect the security, privacy, confidentiality and integrity of student personal information
9 and that uses appropriate administrative, technological and physical safeguards.

10 (f) Require any third parties involved on the school service provider's behalf in the supply
11 of school services to comply with and implement the requirements imposed under this sec-
12 tion.

13 (g) Ensure that, prior to permitting any successor entity to access student personal in-
14 formation, the successor entity will abide by all privacy and security commitments related
15 to previously collected student personal information.

16 (4) A school service provider may not:

17 (a) Sell student personal information.

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

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

23 (d) Knowingly retain student personal information beyond the time period authorized by
24 the relevant educational institution or teacher unless the school service provider has ob-
25 tained the individual student's consent or the consent of the student's parent or guardian.

26 (5) When the school service is offered to an educational institution or a teacher, the in-
27 formation required to be provided under subsection (3)(a) and (b) of this section may be
28 provided to the educational institution or the teacher.

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

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

32 (b) Modify any other law regarding consent, including consent from minors and employ-
33 ees on behalf of educational institutions.

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

36 (2)(a) Except as provided by paragraph (b) of this subsection, the requirements of section
37 1 of this 2015 Act do not apply to school service providers that entered into a signed written
38 contract with an educational institution or teacher before the effective date of this 2015 Act.

39 (b) The requirements of section 1 of this 2015 Act apply to school service providers that
40 renew a signed written contract with an educational institution or teacher on or after the
41 effective date of this 2015 Act.

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