



General Assembly

Amendment

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LCO No. 8543



Offered by:

REP. FLEISCHMANN, 18th Dist.

SEN. SLOSSBERG, 14th Dist.

To: Subst. House Bill No. 7017

File No. 686

Cal. No. 451

"AN ACT CONCERNING STUDENT DATA PRIVACY."

1 In line 61, strike "and"

2 In line 65, strike "." and insert ";" in lieu thereof

3 After line 65, insert the following:

4 "(9) A choice of law provision that states that the laws of the state of
5 Connecticut shall govern the rights and duties of the contractor and
6 the local or regional board of education, the State Board of Education
7 or the Department of Education; and

8 (10) A statement that if any provision of the contract or the
9 application of the contract is held invalid by a court of competent
10 jurisdiction, the invalidity does not affect other provisions or
11 applications of the contract which can be given effect without the
12 invalid provision or application."

13 In line 70, strike "that conflicts with" and insert "with a provision
14 that is contrary to" in lieu thereof

15 After line 71, insert the following:

16 "(e) Any contract that does not include a provision required by
17 subsection (b) of this section shall be void, provided the local or
18 regional board of education, the State Board of Education or the
19 Department of Education has given reasonable notice to the contractor
20 and the contractor has failed within a reasonable time to amend the
21 contract to include the provision required by subsection (b) of this
22 section."

23 Strike section 2 in its entirety and insert the following in lieu thereof:

24 "Sec. 2. (NEW) (*Effective January 1, 2016*) (a) For the purposes of this
25 section:

26 (1) "Operator" means any person who (A) operates an Internet web
27 site, online service or mobile application with actual knowledge that
28 such Internet web site, online service or mobile application is used for
29 school purposes and was designed and marketed for school purposes,
30 and (B) collects, maintains or uses student information;

31 (2) "School purposes" means purposes that customarily take place at
32 the direction of a teacher or a local or regional board of education, or
33 aid in the administration of school activities, including, but not limited
34 to, instruction in the classroom, administrative activities and
35 collaboration among students, school personnel or parents or legal
36 guardians of students;

37 (3) "Student information" means personally identifiable information
38 regarding a student that is (A) created or provided by a student, parent
39 or legal guardian of a student, to the operator in the course of the
40 student, parent or legal guardian using the operator's Internet web site,
41 online service or mobile application for school purposes, (B) created or
42 provided by an employee or agent of a local or regional board of

43 education to an operator for school purposes, or (C) gathered by an
44 operator through the operation of the operator's Internet web site,
45 online service or mobile application and identifies a student, including,
46 but not limited to, information in the student's records or electronic
47 mail account, first or last name, home address, telephone number, date
48 of birth, electronic mail address, discipline records, test results, grades,
49 evaluations, criminal records, medical records, health records, Social
50 Security number, biometric information, disabilities, socioeconomic
51 information, food purchases, political affiliations, religious affiliations,
52 text messages, documents, student identifiers, search activity,
53 photographs or voice recordings;

54 (4) "Student" means a child that is a resident of the state of
55 Connecticut and enrolled in grades kindergarten to twelve, inclusive,
56 in public school under the jurisdiction of a local or regional board of
57 education;

58 (5) "De-identified student information" means any student
59 information that has been altered to prevent the identification of an
60 individual student; and

61 (6) "Targeted advertising" means presenting an advertisement to a
62 student where the selection of the advertisement is based on student
63 information or inferred from the usage of the operator's Internet web
64 site, online service or mobile application by such student.

65 (b) An operator shall (1) implement and maintain reasonable
66 security procedures and practices, in accordance with current industry
67 standards, to protect student information from unauthorized access,
68 destruction, use, modification or disclosure, and (2) delete a student's
69 information if a student, parent or legal guardian of a student or the
70 local or regional board of education requests deletion of such student
71 information.

72 (c) An operator shall not knowingly:

73 (1) Engage in targeted advertising on the operator's Internet web

74 site, online service or mobile application, or on any other Internet web
75 site, online service or mobile application;

76 (2) Use student information to create a profile of a student, except in
77 furtherance of school purposes;

78 (3) Sell student information, unless the sale is part of the purchase,
79 merger or acquisition of an operator by a successor operator and the
80 operator and successor operator continue to be subject to the
81 provisions of this section regarding student information; and

82 (4) Disclose student information, unless the disclosure is made (A)
83 in furtherance of school purposes of the Internet web site, online
84 service or mobile application, provided the recipient of the student
85 information uses such student information to improve the operability
86 and functionality of the Internet web site, online service or mobile
87 application and complies with subsection (b) of this section; (B) to
88 ensure compliance with federal and state law; (C) in response to
89 judicial process; (D) to protect the safety of users or others, or the
90 security of the Internet web site, online service or mobile application;
91 or (E) to an entity hired by the operator to provide services for the
92 operator's Internet web site, online service or mobile application,
93 provided the operator contractually (i) prohibits the entity from using
94 student information for any purpose other than providing the
95 contracted service to, or on behalf of, the operator, (ii) prohibits the
96 entity from disclosing student information provided by the operator to
97 subsequent third parties, and (iii) requires the entity to comply with
98 subsection (b) of this section.

99 (d) An operator may use student information (1) to maintain,
100 support, evaluate or diagnose the operator's Internet web site, online
101 service or mobile application, or (2) for adaptive learning purposes or
102 customized student learning.

103 (e) An operator may use de-identified student information (1) to
104 develop or improve the operator's Internet web site, online service or

105 mobile application, or other Internet web sites, online services or
106 mobile applications owned by the operator, or (2) to demonstrate or
107 market the effectiveness of the operator's Internet web site, online
108 service or mobile application.

109 (f) An operator may share aggregated de-identified student
110 information for the improvement and development of Internet web
111 sites, online services or mobile applications for school purposes.

112 (g) Nothing in this section shall (1) limit the ability of a law
113 enforcement agency to obtain student information from an operator as
114 authorized by law or pursuant to a court order, (2) limit the ability of a
115 student, parent or legal guardian of a student to download, transfer or
116 otherwise save or maintain student information, (3) impose a duty
117 upon a provider of an interactive computer service, as defined in 47
118 USC 230, as amended from time to time, to ensure compliance with
119 this section by third party information content providers, as defined in
120 47 USC 230, as amended from time to time, (4) impose a duty upon a
121 seller or provider of online services or mobile applications to ensure
122 compliance with this section with regard to such online services or
123 mobile applications, (5) limit an Internet service provider from
124 providing a student, parent or legal guardian of a student or local or
125 regional board of education with the ability to connect to the Internet,
126 (6) prohibit an operator from advertising other Internet web sites,
127 online services or mobile applications that are used for school
128 purposes to parents or legal guardians of students provided such
129 advertising does not result from use of student information, or (7)
130 apply to Internet web sites, online services or mobile applications that
131 are designed and marketed for use by individuals generally, even if
132 the account credentials created for an operator's Internet web site,
133 online service or mobile application may be used to access Internet
134 web sites, online services or mobile applications that are designed and
135 marketed for use by individuals generally."