



General Assembly

Amendment

January Session, 2015

LCO No. 9353



Offered by:

REP. GENTILE, 104th Dist.

REP. ROJAS, 9th 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 Strike lines 70 and 71 in their entirety and insert "(d) Any provision
14 of any contract that conflicts with any provision of this section shall be
15 void." in lieu thereof

16 After line 71, insert the following:

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

24 (f) Not later than five business days after executing a contract
25 pursuant to this section, a local or regional board of education shall
26 provide notice to any student, parent or legal guardian of a student
27 affected by the contract. The notice shall state that the contract was
28 executed and provide a brief description of the contract and the
29 purpose of the contract."

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

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

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

38 (2) "School purposes" means purposes that customarily take place at
39 the direction of a teacher or a local or regional board of education, or
40 aid in the administration of school activities, including, but not limited
41 to, instruction in the classroom, administrative activities and
42 collaboration among students, school personnel or parents or legal

43 guardians of students;

44 (3) "Student information" means personally identifiable information
45 regarding a student that is (A) created or provided by a student, parent
46 or legal guardian of a student, to the operator in the course of the
47 student, parent or legal guardian using the operator's Internet web site,
48 online service or mobile application for school purposes, (B) created or
49 provided by an employee or agent of a local or regional board of
50 education to an operator for school purposes, or (C) gathered by an
51 operator through the operation of the operator's Internet web site,
52 online service or mobile application and identifies a student, including,
53 but not limited to, information in the student's records or electronic
54 mail account, first or last name, home address, telephone number, date
55 of birth, electronic mail address, discipline records, test results, grades,
56 evaluations, criminal records, medical records, health records, Social
57 Security number, biometric information, disabilities, socioeconomic
58 information, food purchases, political affiliations, religious affiliations,
59 text messages, documents, student identifiers, search activity,
60 photographs or voice recordings;

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

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

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

72 (b) An operator shall (1) implement and maintain reasonable
73 security procedures and practices, in accordance with current industry

74 standards, to protect student information from unauthorized access,
75 destruction, use, modification or disclosure, and (2) delete a student's
76 information if a student, parent or legal guardian of a student or the
77 local or regional board of education requests deletion of such student
78 information.

79 (c) An operator shall not knowingly:

80 (1) Engage in targeted advertising on the operator's Internet web
81 site, online service or mobile application, or on any other Internet web
82 site, online service or mobile application;

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

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

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

105 subsection (b) of this section.

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

110 (e) An operator may use de-identified student information (1) to
111 develop or improve the operator's Internet web site, online service or
112 mobile application, or other Internet web sites, online services or
113 mobile applications owned by the operator, or (2) to demonstrate or
114 market the effectiveness of the operator's Internet web site, online
115 service or mobile application.

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

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

137 apply to Internet web sites, online services or mobile applications that
138 are designed and marketed for use by individuals generally, even if
139 the account credentials created for an operator's Internet web site,
140 online service or mobile application may be used to access Internet
141 web sites, online services or mobile applications that are designed and
142 marketed for use by individuals generally."