

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 454

S.P. 183

In Senate, February 24, 2015

An Act To Enact the Student Information Privacy Act

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative POULIOT of Augusta and
Senators: LANGLEY of Hancock, MILLETT of Cumberland, Representatives: BATES of
Westbrook, HUBBELL of Bar Harbor, MAKER of Calais.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6006** is enacted to read:

3 **§6006. Student information privacy; school service providers**

4 This section may be known and cited as "the Student Information Privacy Act."

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms having the following meanings.

7 A. "Mobile application" means a software application designed to be downloaded to
8 and installed on a portable computing device.

9 B. "School service" means a website, mobile application or online service that:

10 (1) Is designed and marketed for use in elementary or secondary schools in the
11 State;

12 (2) Is used at the direction of teachers or other employees of an elementary or
13 secondary school; and

14 (3) Collects, maintains or uses student personal information.

15 "School service" does not include a website, mobile application or online service that
16 is designed and marketed for use by individuals or entities generally, even if it is also
17 marketed to elementary or secondary schools in the State.

18 C. "School service provider" means an entity that operates a school service.

19 D. "Student" means a student of an elementary or secondary school in the State.

20 E. "Student personal information" means information collected through a school
21 service that identifies an individual student or that is linked to information that
22 identifies an individual student.

23 **2. Transparency.** A school service provider may collect, use and share student
24 personal information only in accordance with this section.

25 A. A school service provider shall provide to schools and teachers that use the
26 provider's school service clear and easy-to-understand information about the types of
27 student personal information it collects and about how it uses and shares student
28 personal information.

29 B. A school service provider shall provide to schools and teachers that use the
30 provider's school service prominent notice before making material changes to its
31 privacy policies.

32 C. A school service provider shall facilitate access to and correction of a student's
33 personal information by a student or student's parent or guardian either directly or
34 through the student's school or teacher.

35 D. When a school service is offered to a school or teacher, a school service provider
36 may provide information required by paragraphs A and B to the school or teacher.

1 E. A school service provider may collect, use and share student personal information
2 only for purposes authorized by the student's school or teacher or with the consent of
3 the student or the student's parent or guardian.

4 F. A school service provider may not sell student personal information.

5 G. A school service provider may not use or share student personal information for
6 purposes of targeting advertisements to students based on students' online behaviors.

7 H. A school service provider may not use student personal information to create a
8 personal profile of a student other than for supporting purposes authorized by the
9 student's school or teacher or with the consent of the student or the student's parent or
10 guardian.

11 I. A school service provider must obtain consent before using student personal
12 information in a manner that is inconsistent with the provider's privacy policy for the
13 applicable school service in effect at the time of collection of the information. If the
14 student's personal information was collected directly from a student, the school
15 service provider must obtain consent from the student or the student's parent or
16 guardian. In all other cases, the school service provider may obtain consent from the
17 school or teacher.

18 J. A school service provider shall maintain a comprehensive information security
19 program that is reasonably designed to protect the security, privacy, confidentiality
20 and integrity of student personal information. The information security program
21 must use appropriate administrative, technological and physical safeguards.

22 K. A school service provider may not knowingly retain student personal information
23 beyond the time period authorized by the school or teacher, unless the school service
24 provider has obtained consent of the student or the student's parent or guardian.

25 L. A school service provider shall obligate any 3rd parties involved on the provider's
26 behalf in the providing of school services to meet the requirements of this subsection.

27 M. Before permitting a successor entity to access student personal information, a
28 school service provider shall ensure that the successor entity will abide by all privacy
29 and security commitments related to previously collected student personal
30 information.

31 **3. Construction.** Nothing in this Act may be construed to:

32 A. Prohibit the use of student personal information for purposes of customized
33 education; or

34 B. Authorize the dissemination of information in violation of section 6001.

35 **4. Rulemaking.** The commissioner may adopt rules to implement this section.
36 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
37 chapter 375, subchapter 2-A.

38 **Sec. 2. Transition.** If a school service provider, as defined in the Maine Revised
39 Statutes, Title 20-A, section 6006, enters into a signed, written contract with a school or
40 teacher prior to the effective date of this Act, that contract may remain in effect until the
41 next renewal date of the contract.

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SUMMARY

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This bill establishes requirements for providers of websites, mobile applications or

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online services that collect, maintain or use personal information of elementary or

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secondary school students.