

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1780

S.P. 707

In Senate, February 18, 2014

**An Act To Prohibit Providers of Cloud Computing Service to
Elementary and Secondary Educational Institutions from
Processing Student Data for Commercial Purposes**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative BERRY of Bowdoinham and

Senator: THOMAS of Somerset, Representatives: BECK of Waterville, MacDONALD of Boothbay, NELSON of Falmouth, POULIOT of Augusta.

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 privacy and cloud computing**

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

6 A. "Cloud computing service" means a service that enables convenient, on-demand
7 network access to a shared pool of configurable computing resources to provide a
8 student, teacher or staff member with account-based productivity applications such as
9 e-mail, document storage and document editing that can be rapidly accessed and
10 made available with minimal management effort or interaction by a cloud computing
11 service provider.

12 B. "Cloud computing service provider" means a person, other than an educational
13 institution, that operates a cloud computing service.

14 C. "Educational institution" means any public, private or charter school or school
15 administrative unit serving students in kindergarten to grade 12.

16 D. "Person" means an individual, partnership, corporation, association, company or
17 any other legal entity.

18 E. "Process" means to use, access, manipulate, scan, modify, transform, disclose,
19 store, transmit, transfer, retain, aggregate or dispose of student data.

20 F. "Student data" means any information or materials in any media or format created
21 or provided by:

22 (1) A student in the course of the student's use of a cloud computing service; or

23 (2) An employee or agent of an educational institution, if the information or
24 materials are related to a student.

25 "Student data" includes, but is not limited to, the name, e-mail address, postal
26 address, telephone number, unique identifier or metadata or any e-mail message or
27 word processing document of a student.

28 **2. Prohibition on the use of student data.** A cloud computing service provider
29 that, with knowledge that student data will be processed, provides a cloud computing
30 service to an educational institution may not use that cloud computing service to process
31 student data for any secondary use that benefits the cloud computing service provider or
32 any 3rd party, including, but not limited to:

33 A. Collecting information relating to a student's online activity;

34 B. Creating or correcting an individual or household profile primarily for the benefit
35 of the cloud computing service provider or any 3rd party;

36 C. Selling the student data for any commercial purpose; or

37 D. Providing for any other similar commercial for-profit activity, except that a cloud
38 computing service may process or monitor student data solely to provide the cloud

