

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1331

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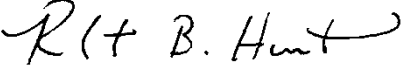
H.P. 959

House of Representatives, March 19, 2019

### An Act To Amend the Student Information Privacy Act

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative FECTION of Augusta.

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

2 **Sec. 1. 20-A MRSA §953, sub-§1, ¶¶C and D**, as enacted by PL 2015, c. 256,  
3 §1, are amended to read:

4 C. Sell student data. This prohibition does not apply to the purchase, merger or other  
5 type of acquisition of an operator by another entity as long as the operator or  
6 successor entity continues to be subject to the provisions of this section with respect  
7 to previously acquired student data subject to this chapter;

8 D. Except as provided in subsection 3, disclose student personally identifiable  
9 information, unless the disclosure is made:

10 (1) To advance the kindergarten to grade 12 school purposes of the website,  
11 service or application, as long as the recipient of the student data disclosed:

12 (a) May not further disclose the student data except to allow or improve  
13 operability and functionality of the website, service or application within that  
14 student's classroom or school; and

15 (b) Is legally required to comply with the requirements of this chapter;

16 (2) To ensure legal or regulatory compliance or protect against liability;

17 (3) To respond to or participate in judicial process;

18 (4) To protect the security or integrity of the operator's website, service or  
19 application;

20 (5) To protect the safety of users or others; or

21 (6) To a service provider, as long as the operator contractually:

22 (a) Prohibits the service provider from using any student data for any  
23 purpose other than providing the contracted service to, or on behalf of, the  
24 operator;

25 (b) Requires the service provider to impose the restrictions of this subsection  
26 on its own service providers; and

27 (c) Requires the service provider to implement and maintain reasonable  
28 security procedures and practices as provided in subsection 2;

29 **Sec. 2. 20-A MRSA §953, sub-§1, ¶¶E to H** are enacted to read:

30 E. Disclose student data obtained by the operator through a survey. An operator  
31 shall notify the student's parent or the eligible student at least 24 hours prior to  
32 disclosure under this paragraph. The notification must include the name of the  
33 person to whom the student data will be disclosed and the reason for the disclosure;

34 F. Disclose student data that is biometric or medical information. An operator shall  
35 notify the student's parent or the eligible student at least 24 hours prior to disclosure  
36 under this paragraph. The notification must include the name of the person to whom  
37 the student data will be disclosed and the reason for the disclosure;

