

FIRST REGULAR SESSION

SENATE BILL NO. 546

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2384S.011

AN ACT

To amend chapter 160, RSMo, by adding thereto seven new sections relating to the privacy of student information.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto seven new sections, to be known as sections 160.2200, 160.2205, 160.2210, 160.2215, 160.2220, 160.2225, and 160.2230, to read as follows:

160.2200. Sections 160.2200 to 160.2230 shall be known and may be cited as the "Student User Privacy in Education Rights Act" or "SUPER Act".

160.2205. For purposes of sections 160.2200 to 160.2230, the following terms shall mean:

(1) "School service", a website, mobile application, or online service that:

(a) Is designed and marketed for use in United States elementary or secondary educational institutions;

(b) Is used at the direction of teachers or other employees of an elementary or secondary educational institution; and

(c) Collects, maintains, or uses student personal information;

A "school service" does not include a website, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if also marketed to United States elementary or secondary educational institutions;

(2) "School service provider", an entity that operates a school service;

(3) "Student personal information", information collected through a school service that identifies an individual student or that is linked

18 to information that identifies an individual student;

19 (4) "Students", students of United States elementary and
20 secondary schools.

160.2210. 1. School service providers shall provide clear and
2 easy to understand information about the types of student personal
3 information they collect and about how they use and share such
4 student personal information.

5 2. School service providers shall provide prominent notice before
6 making material changes to their privacy policies for school services.

7 3. School service providers shall facilitate access to and
8 correction of student personal information by students or their parent
9 or guardian either directly or through the relevant educational
10 institution or teacher.

11 4. Where the school service is offered to an educational
12 institution or teacher, information required by subsections 1 and 3 of
13 this section may be provided to the educational institution or teacher.

160.2215. 1. School service providers may collect, use, and share
2 student personal information only for purposes authorized by the
3 relevant educational institution or teacher, or with the consent of the
4 student or their parent or guardian.

5 2. School service providers shall not sell student personal
6 information.

7 3. School service providers shall not use or share any student
8 personal information for purposes of behaviorally targeting
9 advertisements to students.

10 4. School service providers shall not use student personal
11 information to create a personal profile of a student other than for
12 supporting purposes authorized by the relevant educational institution
13 or teacher, or with the consent of the student or their parent or
14 guardian.

15 5. School service providers shall obtain consent before using
16 student personal information in a manner that is inconsistent with the
17 provider's privacy policy for the applicable school service in effect at
18 the time of collection. Where the student personal information was
19 collected directly from students, the school service provider shall
20 obtain consent from the student or their parent or guardian. In all
21 other cases, consent may be obtained from the educational institution

22 or teacher.

160.2220. 1. School service providers shall maintain a
2 comprehensive information security program that is reasonably
3 designed to protect the security, privacy, confidentiality, and integrity
4 of student personal information. Such information security program
5 should make use of appropriate administrative, technological, and
6 physical safeguards.

7 2. School service providers shall not knowingly retain student
8 personal information beyond the time period authorized by the
9 relevant educational institution or teacher, unless the school service
10 provider has obtained student consent or the consent of the student's
11 parent or guardian.

12 3. School service providers shall obligate any third parties
13 involved on the providers' behalf in the supply of school services to
14 adhere to and implement the obligations imposed under sections
15 160.2210, 160.2215, and 160.2220 of this act.

16 4. Before permitting a successor entity to access student
17 personal information, a school service provider shall ensure that the
18 successor entity will abide by all privacy and security commitments
19 related to previously collected student personal information.

160.2225. Nothing in sections 160.2200 to 160.2230 is intended to
2 prohibit the use of student personal information for purposes of
3 adaptive learning or customized education.

160.2230. If a school service provider entered into a signed,
2 written contract with an educational institution or teacher prior to the
3 effective date of sections 160.2200 to 160.2230, the school service
4 provider shall not be liable for the requirements of sections 160.2200 to
5 160.2230 with respect to that contract until the next renewal date of the
6 contract.

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