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**SUBSTITUTE HOUSE BILL 1495**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Education (originally sponsored by Representatives Reykdal, Magendanz, Springer, S. Hunt, Pollet, and Stanford)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to the student user privacy in education rights  
2 act; adding new sections to chapter 28A.600 RCW; and creating a new  
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 student user privacy in education rights act or SUPER act.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout sections 2 through 8 of this act unless the context  
9 clearly requires otherwise.

10 (1) "Behaviorally targeting advertisements" means delivering  
11 advertisements to a student where the advertisement is selected based  
12 on information obtained or inferred from that student's online  
13 behavior or usage of applications.

14 (2) "School service" means a web site, mobile application, or  
15 online service that: (a) Is designed and marketed for use in United  
16 States elementary or secondary educational institutions; (b) is used  
17 at the direction of teachers or other employees of an elementary or  
18 secondary educational institution; and (c) collects, maintains, or  
19 uses student personal information. A "school service" does not  
20 include a web site, mobile application, or online service that is

1 designed and marketed for use by individuals or entities generally,  
2 even if also marketed to United States elementary or secondary  
3 educational institutions.

4 (3) "School service provider" means an entity that operates a  
5 school service.

6 (4) "Students" refer to students of United States elementary and  
7 secondary schools.

8 (5) "Student personal information" means information collected  
9 through a school service that identifies an individual student or  
10 that is linked to information that identifies an individual student.

11 NEW SECTION. **Sec. 3.** (1) School service providers must provide  
12 clear and easy to understand information about the types of student  
13 personal information they collect and about how they use and share  
14 the student personal information.

15 (2) School service providers must provide prominent notice before  
16 making material changes to their privacy policies for school  
17 services.

18 (3) School service providers must facilitate access to and  
19 correction of student personal information by students or their  
20 parent or guardian either directly or through the relevant  
21 educational institution or teacher.

22 (4) Where the school service is offered to an educational  
23 institution or teacher, information required by subsections (1) and  
24 (2) of this section may be provided to the educational institution or  
25 teacher.

26 NEW SECTION. **Sec. 4.** (1) School service providers may collect,  
27 use, and share student personal information only for purposes  
28 authorized by the relevant educational institution or teacher, or  
29 with the consent of the student or the student's parent or guardian.

30 (2) School service providers may not sell student personal  
31 information.

32 (3) School service providers may not use or share any student  
33 personal information for purposes of behaviorally targeting  
34 advertisements to students.

35 (4) School service providers may not use student personal  
36 information to create a personal profile of a student other than for  
37 supporting purposes authorized by the relevant educational

1 institution or teacher, or with the consent of the student or the  
2 student's parent or guardian.

3 (5) School service providers must obtain consent before using  
4 student personal information in a manner that is inconsistent with  
5 the provider's privacy policy for the applicable school service in  
6 effect at the time of collection. Where the student personal  
7 information was collected directly from students, the school service  
8 provider must obtain consent from the student or the student's parent  
9 or guardian. In all other cases, consent may be obtained from the  
10 educational institution or teacher.

11 NEW SECTION. **Sec. 5.** (1) School service providers must maintain  
12 a comprehensive information security program that is reasonably  
13 designed to protect the security, privacy, confidentiality, and  
14 integrity of student personal information. The information security  
15 program should make use of appropriate administrative, technological,  
16 and physical safeguards.

17 (2) School service providers may not knowingly retain student  
18 personal information beyond the time period authorized by the  
19 relevant educational institution or teacher unless the school service  
20 provider has obtained student consent or the consent of the student's  
21 parent or guardian.

22 (3) School service providers must obligate any third parties  
23 involved on the providers' behalf in the supply of school services to  
24 adhere to and implement the obligations imposed under this section  
25 and sections 3 and 4 of this act.

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

30 NEW SECTION. **Sec. 6.** Nothing in sections 2 through 6 of this  
31 act is intended to prohibit the use of student personal information  
32 for purposes of adaptive learning or customized education.

33 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act adopt and  
34 do not modify existing law regarding consent, including consent from  
35 minors and employees on behalf of educational institutions.

1        NEW SECTION.    **Sec. 8.**    If a school service provider entered into  
2 a signed, written contract with an educational institution or teacher  
3 before the effective date of this section, the school service  
4 provider is not liable for the requirements of sections 2 through 6  
5 of this act with respect to that contract until the next renewal date  
6 of the contract.

7        NEW SECTION.    **Sec. 9.**    Sections 2 through 8 of this act are each  
8 added to chapter 28A.600 RCW.

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