

SUPPORT HB 3606: STUDENT DATA PROTECTION

What does this bill do? HB 3606 gives parents more control over and transparency about the data collected on their children in public schools.

CONTROL	SECURITY	TRANSPARENCY
<p>—Parents have right to inspect, correct, and have their child’s data deleted no matter who holds that data</p>	<p>—Operators and schools must meet or exceed reasonable industry security standards</p> <p>—Operators and schools have to follow specific breach procedures. Parents will be notified within 30 days of breach of school-held data, & 60 days of a breach of operator-held data.</p> <p>—Operators and schools must include in written agreement terms for how costs of any breach are to be allocated.</p>	<p>—Schools and the State Board can't transfer data without a written agreement</p> <p>—Schools need a policy on which employees can authorize written agreements</p> <p>—Schools and the State Board need to publish inventory of data elements they are collecting and maintaining</p> <p>—Schools and the State Board need to post on their websites: disclosure of what student info is being shared and with whom, including list of operators and their subcontractors and copies of written agreements</p>
OVERSIGHT		
<p>—The State Board needs to create sample notification forms and guidance on security standards and practices for districts</p>		
COMMERCIAL USE		
<p>—Schools and the State Board can’t sell data</p> <p>—Loophole in prohibition on targeted advertising closed</p>		

What doesn't this bill do?

- **Prevent schools from sharing data.** Schools still have very wide-ranging ability to share data with companies and other third-parties. The difference under HB 3606 will be that in most situations schools will need to have written agreements with parties they are disclosing data to, and they'll need to make info about those agreements public (with the ability to redact sensitive information)
- **Require additional consent from parents to share student data.** Existing notification and consent requirements in state and federal law will be unchanged. Parents will have additional clearly specified rights to review and have corrected or deleted data no matter whether it is held by schools, companies or the State Board. Currently, only schools and school districts have the ability to request deletion of student data from operators.

Why do we need this bill? Don't other laws already cover the new provisions in HB 3606?

- The IL Personal Information Protection Act doesn't cover most types of student data, so **most student data breaches don't require any notification of breach victims currently.** The existing language in the Student Online Privacy Protection Act doesn't cover breaches.
- The federal Family Educational Rights and Privacy Act and the IL School Student Records Act were written over 40 years ago before widespread use of tech in schools. **Parent and student rights and school duties with respect to digital data need clarification and updating.**

