

# THE STUDENT DIGITAL PRIVACY AND PARENTAL RIGHTS ACT

CONGRESSMAN LUKE MESSER (R-IN) AND CONGRESSMAN JARED POLIS (D-CO)

Every day, teachers and school leaders are using educational technology in new, innovative ways, and they are harnessing the power of good data to develop and implement meaningful strategies and reforms. But as data is being collected, it is important that student data be kept safe, secure, and only used to promote learning.

In 2014, Congressmen Messer and Polis convened a diverse working group to address the issue of student data privacy. That group produced the [Student Data Privacy Pledge](#), a set of self-imposed principles to ensure students' collected information is kept private and secure. The Messer/Polis bill builds on the work that began with the Student Data Privacy Pledge and reflects conversations with a wide variety of stakeholders, including teachers, school leaders, parents, privacy advocates, and industry leaders. In addition, this legislation reflects the important work being done at the state level, and tracks with the [Student Data Principles](#) released recently that were supported by 38 education nonprofits and associations.

The goal of this legislation is to encourage innovation, while also providing parents and educators with the certainty that operators cannot misuse student data. By codifying provisions of the Pledge and the Student Data Principles, and strengthening them, the bill provides for the security, privacy, and integrity of a student's personal information. This legislation only applies to school service providers and is not intended to create additional burdens on schools or teachers.

## THE STUDENT DIGITAL PRIVACY AND PARENTAL RIGHTS ACT:

### PROTECTS STUDENT PRIVACY

- Prohibits operators from advertising to students based on information collected from a student's online behavior or use of the provided service
- Prohibits operators from selling a student's information to third parties
- Prohibits operators from creating a personal profile on a student for a non-educational purpose

### EMPOWERS PARENTS

- Gives parents the ability to authorize disclosure of student information for a non-educational purpose
- Allows parents to delete a student's information that is no longer required to be maintained by the school
- Provides parents and schools access to information, including the ability to correct information
- Directs operators to clearly disclose on their websites and directly to schools the types of information being collected and how that information will be used
- Allows parents and students to download, create, and use any student-created data

### ENCOURAGES INNOVATION

- Permits operators to use information for personalized and adaptive student learning purposes
- Allows operators to use aggregated and de-identified data to improve their products

### ENSURES STRONG ACCOUNTABILITY

- Provides the FTC with enforcement authority over the requirements of this bill
- Requires operators, in compliance with existing law, to notify the FTC and all potential victims of a data breach involving unauthorized acquisition of or access to a student's information
- Requires the FTC to collaborate with the Department of Education when carrying out any provision of this Act that directly affects a school