

HOUSE RESEARCH

Bill Summary

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This bill requires state governmental entities to obtain the consent of an eligible student, parent, or guardian before the entity may disseminate personally identifiable information about the student to a third party or other governmental entity not under the control over the state of Minnesota, a school district, or a school.

These requirements apply to schools (section 1), as well as entities participating in the P-20 Partnership (section 2). The P-20 Partnership is additionally required to obtain annual consent before disclosing directory information about a student.

These requirements are in addition to the existing requirement that a Tennesen Warning be provided when a government entity collects data that will be classified as private, and do not supercede any laws governing law enforcement activates. A "Tennesen Warning" informs the data subject of, among other things, the data classification, the ways in which the data will be used, and the consequences of not providing the data.

"Personally identifiable information" is defined in federal regulations and includes:

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.