

Subject Educational data: student privacy and educational technology

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Overview

This bill makes changes to the section of the Minnesota Government Data Practices Act that governs private “educational data” on students. It imposes new student privacy protections on “technology providers,” i.e. companies that contract with schools to provide technological devices (laptops, tablets, etc.) for student use and that receive educational data as a result of that contract. It also imposes new student privacy protections for school-issued technological devices. Postsecondary institutions are exempt from these new provisions, but — in a unique addition to this section of law — private K-12 schools (excluding home schools) are subject to the new provisions.

Summary

Section	Description
1	Definitions. Adds new definitions for “parent,” “school-issued device,” and “technology provider.” Makes conforming changes to the existing definition of “educational data.”
2	Technology providers. Places transparency obligations and privacy-protective restrictions on technology providers with regard to educational data that the technology provider creates, receives, or maintains as part of its contract with a school. Among other provisions, technology providers are prohibited from selling or disseminating educational data, and are prohibited from using the educational data for any commercial purposes. Schools are also required to notify parents and students of contracts with technology providers regarding curriculum, testing, or assessment and provide the parent or student an opportunity to opt-out of the associated program or activity.

Section	Description
3	School-issued devices. Prohibits a government entity or technology provider from accessing or monitoring a student's school-issued device, subject to the exceptions enumerated in paragraph (b). Requires notice to students or parents if monitoring occurs pursuant to an exception.
4	Application to nonpublic schools; exemption. Exempts postsecondary institutions from sections 2 and 3 of the bill. Requires a private school (and technology providers contracting with a private school) to comply with sections 2 and 3 of the bill as if the private school were a public school. Private schools under this section do not include homeschools.



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