

1 HB569
2 159399-1
3 By Representative Fincher
4 RFD: Education Policy
5 First Read: 04-MAR-14

2
3
4
5
6
7
8 SYNOPSIS: This bill would prohibit an entity that
9 provides cloud computing services to public or
10 nonpublic K-12 schools from using student data for
11 any secondary purpose that may benefit the cloud
12 computing service provider or a third party for
13 commercial purposes.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to student data; to prohibit an entity that
20 provides cloud computing services to public or nonpublic K-12
21 schools from using student data for any secondary purpose that
22 may benefit the cloud computing service provider or a third
23 party for commercial purposes.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited
26 as the K-12 Student Privacy and Cloud Computing Act.

1 Section 2. (a) The Legislature hereby finds and
2 declares the following:

3 (1) Cloud computing services enable convenient,
4 on-demand network access to a shared pool of configurable
5 computing resources, including networks, servers, storage,
6 applications, and services, that can be rapidly provisioned
7 and released with minimal management effort or service
8 provider interaction.

9 (2) Cloud computing services offer tremendous
10 potential to educational institutions in terms of helping
11 consolidate technical infrastructure, reducing energy and
12 capital costs, increasing collaboration through
13 "anytime-anywhere" access to applications and information, and
14 realizing efficiencies, network resilience, and flexible
15 deployment.

16 (3) Cloud computing service providers hold the
17 potential to invade the privacy of students by tracking
18 students' online activities for commercial purposes, such as
19 delivering behaviorally targeted advertising or otherwise
20 improving advertising services that the service provider may
21 offer in connection with or separate from the services it
22 offers to the educational institution.

23 (b) In light of the foregoing, the Legislature deems
24 it necessary to ensure that when an educational institution
25 engages a cloud computing service provider to process student
26 data, the service provider uses student data only for the

1 benefit of the educational institution and does not use such
2 data for the service provider's own commercial purposes.

3 Section 3. For purposes of this act, the following
4 words shall have the following meanings:

5 (1) CLOUD COMPUTING SERVICES. A service that enables
6 convenient, on-demand network access to a shared pool of
7 configurable computing resources to provide a student,
8 teacher, or staff member account-based productivity
9 applications, such as e-mail, document storage, and document
10 editing, that can be rapidly provisioned and released with
11 minimal management effort or cloud computing service provider
12 interaction.

13 (2) CLOUD COMPUTING SERVICE PROVIDER. An entity,
14 other than an educational institution, that operates a cloud
15 computing service.

16 (3) EDUCATIONAL INSTITUTION. Any public or nonpublic
17 school, charter school, or school system serving students in
18 grades K-12.

19 (4) PERSON. An individual, partnership, corporation,
20 association, company, or other legal entity.

21 (5) PROCESS or PROCESSING. To use, access,
22 manipulate, scan, modify, transform, disclose, store,
23 transmit, transfer, retain, aggregate, or dispose of student
24 data.

25 (6) STUDENT DATA. Any information or material in any
26 medium or format created or provided by a student in the
27 course of the student's use of the cloud computing service or

1 by an employee or agent of the applicable educational
2 institution. In each case the term student data shall include,
3 but not be limited to, any of the following as it relates to a
4 student, including any aggregations or derivatives thereof:

- 5 a. Name.
- 6 b. Electronic mail address.
- 7 c. Postal address.
- 8 d. Phone number.
- 9 e. Electronic message.
- 10 f. Word processing document.
- 11 g. Unique identifier.
- 12 h. Metadata.

13 Section 4. Any person, with knowledge that student
14 data will be processed, that provides a cloud computing
15 service to an educational institution is prohibited from using
16 that cloud computing service to process student data for any
17 secondary uses that benefit the cloud computing service
18 provider or any third party, including but not limited to,
19 online behavioral advertising, creating or correcting an
20 individual or household profile primarily for the benefit of
21 the cloud computing service provider or a third party, the
22 sale of the data for any commercial purpose, or any other
23 similar commercial for-profit activity; provided, however, a
24 cloud computing service may process or monitor student data
25 solely to provide cloud computing service to the educational
26 institution and maintain the integrity of that service.

1 Section 5. Any person that enters into an agreement
2 to provide a cloud computing service to an educational
3 institution must certify in writing to the educational
4 institution that it shall comply with the terms and conditions
5 set forth in Section 4 of this act.

6 Section 6. The State Board of Education may
7 promulgate such rules and regulations as may be necessary for
8 the timely implementation of this act.

9 Section 7. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.