



AT FORDHAM LAW SCHOOL

PRIVACY AND CLOUD COMPUTING IN PUBLIC SCHOOLS (2013)

Inventory of State Statutes Incorporating CLIP Recommendations

<http://law.fordham.edu/k12cloudprivacy>

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		CA (SB 1177) Student Online Personal Information Protection Act Cal. Bus. & Prof. Code § 22584	CA (AB 1584) Cal. Educ. Code § 49073.1	CO (HB 1294) An Act Concerning Student Data Collection Privacy Protections Administered by the Department of Education Colo. Rev. Stat. § 22-2-309	ID (SB 1372) Student Data Accessibility, Transparency and Accountability Act of 2014 ID ST § 33—133	KS (SB 367) Student Data Privacy Act K.S.A. 2013 Supp. 72--6214	KY (HB 232) An Act Relating to the Security of Personal Information KY ST 365.732 et seq.
Transparency	Existence and Identity of Cloud Service Providers Should Be Available on District Websites						
	Notice to Parents						
Contract Terms or Statutory Obligations on Cloud Service Providers	Specify the Purpose and Authority to Enter the Agreement			§22-2-309(3)(f)(I)		§3(c)(1)	
	Specify the Types of Data Transferred or Collected						
	Prohibit or Limit Re-disclosure of Student Data	§(b)(4) §(e)		§22-2-309(3)(g)			
	Prohibit or Limit the Sale or Marketing of Student Information Without Express Parental Consent	§(b)(3)	§(b)(9)		§33-133(3)(b)(vi)		§2(2)
	Assure Districts' Exclusive Control over Data Access and Mining	§(b)(1)-(2) §(l)	§(b)(1)-(3)	§22-2-309(3)(f)(II)-(III)	§33-133(3)(b)(i), (vi)	§3(c)(2)	§2(2)
	Prohibit the Imposition of New or Conflicting Privacy Terms when Parents are Required to Activate an Account for the School's Cloud Services						
	Allocate Responsibilities for Granting Parental Access and Correction Capabilities		§(b)(4)				
	Specify Whether Foreign Storage and Processing Is Permitted						
	Specify Whether Other Government Agencies May Have Access Without Parental Consent						
	Specify Data Security and Breach Notification	§(d)	§(b)(5)-(7)	§22-2-309(3)(f)(IV) §22-2-309(3)(g)	§33-133(3)(f)	§3(c)(3)-(4) §7	
	Prohibit Unilateral Modifications						
	Include a Right for the District to Audit and Inspect Vendors' Compliance		§b(8)				
Contracting Practices	Require Executed Agreements						§2(3)
	Require Complete Documentation						
Data Governance	District Policy for the Adoption of Cloud Services by Teachers and Staff.				§33-133(7)	§10(b)	
	District Policy on Using Student Data for Advertiser Supported Services when Not Prohibited by FERPA						
	State/District Chief Privacy Officer						

		KY (HB 5) An Act Relating to the Safety and Security of Personal Information Held by Public Agencies KY ST 61.931 et seq.	LA (HB 1076) La. Acts 837 LA R.S. 17:3913	LA (HB 1283) La. Acts 677 LA R.S. 17:3913	MO (HB 1490) MO ST 160.514 et seq.	NY (SB 6356) Budget Bill SUBPART L. Section 1.	RI (SB 2095) An Act Relating to Education and Labor- Social Media Privacy and Student Data- Cloud Computing Tit. 16, Ch. 103 et seq.
Transparency	The Existence and Identity of Cloud Service Providers Should Be Available on District Websites			§3913(C)(1), (5) §3913(D)			
	Notice to Parents					§2-d(3) §2-d(4)(g)	
Contract Terms or Statutory Obligations on Cloud Service Providers	Specify the Purpose and Authority to Enter the Agreement			§3913(C)(4)		§2-d(3)(c)(1)	
	Specify the Types of Data Transferred or Collected			§3913(C)(3)		§2-d(3)(b)(4)	
	Prohibit or Limit Re-disclosure of Student Data		§3913(F)(2)			§2-d(5)(f)(3)	
	Prohibit or Limit the Sale or Marketing of Student Information Without Express Parental Consent		§3913(J)		§161.096.1(6)	§2-d(3)(b)(1) §2-d(4)(f)	
	Assure Districts' Exclusive Control over Data Access and Mining		§3913(J)			§2-d(5)(f)(1)-(2)	§16-104.1(b)
	Prohibit the Imposition of New or Conflicting Privacy Terms when Parents are Required to Activate an Account for the School's Cloud Services						
	Allocate Responsibilities for Granting Parental Access and Correction Capabilities			§3913(C)(6)		§2-d(3)(b)(2), (5) §2-d(3)(c)(4)	
	Specify Whether Foreign Storage and Processing Is Permitted					§2-d(3)(c)(5)	
	Specify Whether Other Government Agencies May Have Access Without Parental Consent						
	Specify Data Security and Breach Notification	§2(2)	§3913(F)(3)		§161.096.1(6)	§2-d(3)(b)(3) §2-d(3)(c)(2)-(3), (5) §2-d(5)-(6)	
	Prohibit Unilateral Modifications						
	Include a Right for the District to Audit and Inspect Vendors' Compliance		§3913(F)(3)(c)				
Contracting Practices	Require Executed Agreements			§3913(C)(2)			§16-104.1(c)
	Require Complete Documentation.					§2-d(5)(d)-(e)	
Data Governance	District Policy for the Adoption of Cloud Services by Teachers and Staff.	§7	§3913(D)			§2-d(5)(c)	
	District Policy on Using Student Data for Advertiser Supported Services when Not Prohibited by FERPA				§161.096.1(6)		§16-104.1(b)
	State/District Chief Privacy Officers.					§2-d(2) §2-d(7)	