

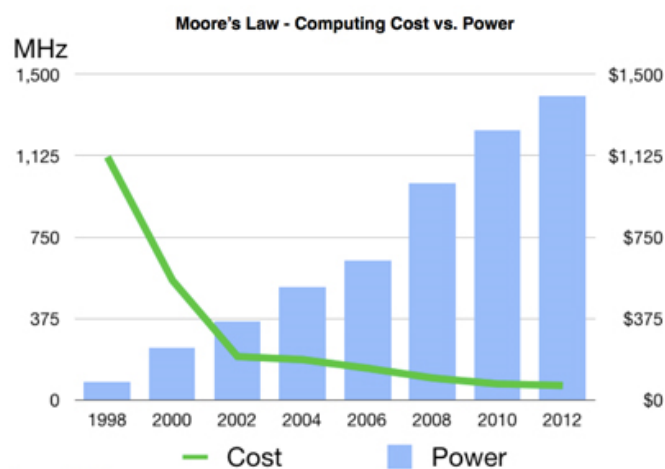
# Implementing the Oregon Student Information Protection Act

OSIPA – What you need to know

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## Why OSIPA? Why Now?



## Current Privacy Laws



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## Existing Privacy Laws Do Not Cover:

- Data collected by vendor systems from release or transfer and use of that information by third parties
- Student privacy when using vendor systems for accessing online education resources
- Ownership of student data in vendor systems
- Aggregation and reuse of data for non educational purposes

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## Data:

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- **Contact information:** Student's first and last name, home address, telephone numbers, e-mail address or other information that allows physical or online contact
- **School performance information:** student's discipline records, test results, special education data, juvenile dependency records, grades, evaluations

## Data:

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- **Other records:** criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photographs, voice recordings or geolocation information.

## Vendor Use

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- Data ownership questions
  - Data used to develop marketing profiles
  - Attached to a student for life
- Advertising targeted to students
  - Based on student activity
- Sales of student data
  - Not related to student education

## SB 187 - OSIPA

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- A common-sense law designed to ensure that students do not become victims of unwitting disclosure of sensitive personal information when using educational technology in our schools.
- Developed by Oregon's Attorney General
- Protects all K-12 students

## What Ed Tech Companies **Can't** Do

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- May not sell student information individually
- May not target advertising at students.
- Cannot use specific information collected about a student to serve them ads.
- May not create a profile on a student unless it is for school purposes.

## What Ed Tech Companies **Must** Do

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- Have reasonable security measures in place \*
- Must delete student information when the school asks them to delete it

## What Ed Tech Companies **Can** Do

- May disclose student information to make the technology work for school purposes
- May use anonymous student information for research purposes
- May use student information when responding to a student's request for information.
- May be allowed to use student information for other reasons – see Senate Bill 187 (2015)

## Implementation Timeline



## Best Practices for Schools & Districts

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- Update Policies & Procedures
  - Instructional materials and resources policies
  - Purchasing policies
  - Personally Identifiable Information, Confidentiality, other student records policies
  - Approval process for use of software
  - Software selection processes

## Best Practices

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- Update purchase contract language
- Include FERPA and OSIPA language in all IT contracts
- Sample language

## Sample Language

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- Possible contract language. This is not legal advice, this is just an example of what could be appropriate. Each entity should consult an attorney for legal advice.
- **Oregon Student Information Protection Act.** Contractor certifies that it is in full compliance with the Oregon Student Information Protection Act of 2015 and any implementing regulations ("OSIPA"). Contractor shall further ensure that all Work under this Contract complies with the requirements OSIPA. Although Contractor is not expected to provide any legal advice or interpretation of any state or federal laws or regulations, including OSIPA, in the performance of the Work, the parties recognize that performance of Contractor's duties under the Contract may necessarily involve some interpretation, rather than mere application, of those laws and regulations. Contractor is solely responsible to conduct the necessary research and gather all information needed to complete the Work in accordance with the requirements of the OSIPA, as well as any other applicable state or federal law.

## Best Practices

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- Maintain a list of approved vendors who are in compliance with OSIPA
- Maintain a list of vendors with whom you have specific contracts that cover OSIPA
- Student Privacy Pledge  
<https://studentprivacypledge.org/>



## Professional Development

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- Consider where this topic may fit into fall training
- What district staff need to know
- What to look for – how do you know if a company is misusing data?

## Enforcement

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- Why it matters
- Indicators that you should request enforcement/investigation
  - List indicators right here
  - Targeted advertising

## Enforcement

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- Consumer Hotline: 1-877-877-9392
- <http://www.doj.state.or.us/consumer/pages/index.aspx>



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## Resources

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- **ODE Information Security and Privacy Web Site**  
<http://www.ode.state.or.us/search/page/?id=3554>
- **US Department of Education, Privacy Technical Assistance Center**  
<http://ptac.ed.gov/>

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