

TABLE: PERSONAL INFORMATION PROTECTIONS BY LAW



RED = Exceptions / Limited Protections

<p>COPPA (under 13) FED Children’s Online Privacy Protection Act</p> <p>Enforced by: FTC Responsible: Web & App Operators</p>	<p>FERPA FED Family Educational Rights and Privacy Act</p> <p>Enforced by: Dept of Ed Responsible: SEA/LEA</p>	<p>PPRA FED Protection of Pupil Rights Act</p> <p>Enforced by: Dept of Ed Responsible: SEA/LEA</p>	<p>Health Info FED/CA HIPAA: Health Information Portability and Accountability Act + CA Welfare and Institutions Code 5328</p> <p>Enforced by: HHS Responsible: SEA/LEA & Operators</p>	<p>Data Breach FED/CA</p> <p>Enforced by: State/ Federal Gov Responsible: SEA/LEA & Operators</p>	<p>SOPIPA CA Student Online Personal Information Protection Act</p> <p>Enforced by: CA Attorney General Responsible: Web & App Operators</p>	<p>Contract Law (1584) CA Privacy of Pupil Records: 3rd Party Digital Storage & Education Software (Education Code section 49073.1)</p> <p>Enforced by: CA Attorney General Responsible: SEA/LEA & Operators</p>
<ul style="list-style-type: none"> • First and last name • Address • Email • Online contact information • Screen/username that functions as online contact information • Telephone number • Social security number • Persistent Identifiers that can be used to recognize a user over time and across different websites or online services • Photograph/ Video/Audio file of a child • Geolocation information (To ID Street/Town) • Info collected online combined with an identifier 	<p>“Education records* contain student info maintained by school (e.g., transcripts, class lists, student course schedules, health records, student financial information, and student disciplinary records)</p> <p>**“Education records” unless they fall within one of the six “carve-outs:”</p> <ul style="list-style-type: none"> • sole possession records • treatment records • law enforcement records • employment records • alumni records • peer grading records <p>*Parental right to review and limit dissemination of this information</p>	<p>Survey/testing/ examination info (About student or parent/family member):</p> <ul style="list-style-type: none"> • Political affiliations or beliefs • Mental/ psychological problems • Sexual behavior • Illegal/self-incriminating behavior • Family relationships • Legally-recognized privileged Relationships • Religious affiliations • Income (unless required for a program/financial assistance) <p>Parental consent needed</p> <p>*Policies required protecting personal info including items</p>	<p>“Individually identifiable/protected health information” surrounding:</p> <ul style="list-style-type: none"> • Physical or mental health (past/ present/future) • Healthcare information • Healthcare payment information (past/ present/future) • Non-FERPA • (FERPA takes precedent/covers health records) <p>Identifiers include:</p> <ul style="list-style-type: none"> • Name • Postal address • Dates • Telephone numbers • Fax numbers • Electronic email address • Social Security number • Medical Numbers • Account Number • Health plan beneficiary number 	<p>First or last name plus:</p> <ul style="list-style-type: none"> • Social security number • driver’s license/ID card number • Account number • Credit/Debit Card number with security code <p>Additional Personal information of California residents:</p> <ul style="list-style-type: none"> • Username • Email address • Password/security question to online account • Medical/insurance information <p>Does NOT include: (lawfully) Publicly available information</p>	<p>“Covered Information” (collected by “Covered Operators”):</p> <ul style="list-style-type: none"> • Info created by a student/parent/ guardian [in using a service] • Info created by an employee/ school agent • Educational records • First and last name • Home address, • Telephone number • Email address/ contact information • Discipline records, • Test results, • Special education data, • Juvenile dependency records, • Grades, evaluations, • Criminal records, • Medical records, • Health records, • Social security number, 	<p>Student Records</p> <ul style="list-style-type: none"> • Maintained by school • Info Created by a student • Acquired/Stored Digitally • To be accessed by a 3rd party for a service <p>Exceptions:</p> <ul style="list-style-type: none"> • De-identified information • Used by 3rd party for education • Used to market effectiveness of product • Used for development and improvement of education <p>Terms required in contracts:</p> <ul style="list-style-type: none"> • School owns student records • How students can control content for educational purposes, and then transfer to personal account • Prohibit 3rd parties from using info for outside purposes • How parents/students can review and correct personally identifiable info in records • Actions taken to ensure security of student data

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COPPA	FED	FERPA	FED	PPRA	FED	HIPAA	FED	Data Breach	FED/CA	SOPIPA	CA	Contract Law (1584)	CA
		limited protection of “directory” information” including: student’s name, address, telephone number, birthday place of birth, honors and awards dates of attendance		such as (not limited to): <ul style="list-style-type: none"> • First and last name • Address • Telephone number • Social security number • *collected for marketing Permissions for types of information gathered Restrictions and permissions to gather data Restriction and permissions when gathering information from or about students		<ul style="list-style-type: none"> • Certification/ license number • Vehicle identifiers and serial numbers, including license plates • Web universal resource locator • IP address • Biometric identifiers, including fingers and voice prints • Full face photographic images and any comparable images • Any other unique identification number, characteristic or code. *Ex: A public high school that employs a physician that bills Medicaid electronically for services provided to a student under the IDEA would be subject to HIPAA concerning transactions. **HHS and US Dept of Ed			<ul style="list-style-type: none"> • Biometric information, • Disabilities, • Socioeconomic information, • Food purchases, • Political affiliations, • Religious information, • Text messages, • Documents • Student identifiers • Search activity • Photos/voice recordings • Geolocation information. • IP address 		<ul style="list-style-type: none"> • Incident response notification procedures • Assurance that records will not be available to 3rd party post-contract (with enforcement method) • How school and 3rd parties will comply with FERPA • Prohibit 3rd parties from using information for advertising 		
Notes: Educators must use COPPA compliant products if they share protected data on children under 13.		Notes: Web & App Operators need to document how they help schools meet FERPA requirements		Notes: Companies that survey students about sensitive information must obtain consent from parents		Notes: HIPAA applies in cases where FERPA does not; FERPA supersedes HIPAA		Notes:		Notes: California schools must only use ed tech services that are SOPIPA compliant.		Notes: All new or renewing contracts must include the required information or the contract becomes “Null and void.”	