

Effective 5/14/2019

53E-9-305 Collecting student data -- Prohibition -- Student data collection notice -- Written consent.

- (1) An education entity may not collect a student's:
 - (a) social security number; or
 - (b) except as required in Section 78A-6-112, criminal record.
- (2) An education entity that collects student data shall, in accordance with this section, prepare and distribute, except as provided in Subsection (3), to parents and students a student data collection notice statement that:
 - (a) is a prominent, stand-alone document;
 - (b) is annually updated and published on the education entity's website;
 - (c) states the student data that the education entity collects;
 - (d) states that the education entity will not collect the student data described in Subsection (1);
 - (e) states the student data described in Section 53E-9-308 that the education entity may not share without written consent;
 - (f) includes the following statement:

"The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.";
 - (g) describes in general terms how the education entity stores and protects student data; and
 - (h) states a student's rights under this part.
- (3) The state board may publicly post the state board's collection notice described in Subsection (2).
- (4) An education entity may collect the necessary student data of a student if the education entity provides a student data collection notice to:
 - (a) the student, if the student is an adult student; or
 - (b) the student's parent, if the student is not an adult student.
- (5) An education entity may collect optional student data if the education entity:
 - (a) provides, to an individual described in Subsection (4), a student data collection notice that includes a description of:
 - (i) the optional student data to be collected; and
 - (ii) how the education entity will use the optional student data; and
 - (b) obtains written consent to collect the optional student data from an individual described in Subsection (4).
- (6) An education entity may collect a student's biometric identifier or biometric information if the education entity:
 - (a) provides, to an individual described in Subsection (4), a biometric information collection notice that is separate from a student data collection notice, which states:
 - (i) the biometric identifier or biometric information to be collected;
 - (ii) the purpose of collecting the biometric identifier or biometric information; and
 - (iii) how the education entity will use and store the biometric identifier or biometric information; and
 - (b) obtains written consent to collect the biometric identifier or biometric information from an individual described in Subsection (4).
- (7) Except under the circumstances described in Subsection 53G-8-211(2), an education entity may not refer a student to an evidence-based alternative intervention described in Subsection 53G-8-211(3) without written consent.

Amended by Chapter 136, 2019 General Session
Amended by Chapter 175, 2019 General Session
Amended by Chapter 186, 2019 General Session