

PROTECTING STUDENT PRIVACY ACT OF 2014
JULY 30, 2014
SENATORS EDWARD J. MARKEY (D-MA) AND ORRIN G. HATCH (R-UT)

As data analytics companies increasingly play a role in the education area, Congress must act to ensure that safeguards are in place for student data that is shared with third parties. As a result, Senators Markey and Hatch introduced legislation that takes steps to ensure that students are better protected in this increasingly interconnected world.

Background

Recent changes to the Family Educational Rights and Privacy Act (FERPA) have allowed for the increased sharing and use of student data in the private sector. The student data shared with private companies may vary from information such as grades, test scores, and attendance records, to other data such as disabilities, family relationships, and disciplinary data. The privacy rights of parents and students could be put at risk when this sensitive student information is shared with third parties.

The Legislation

The Protecting Student Privacy Act of 2014 takes a number of steps to ensure that the educational records of students are protected. The legislation:

- 1) Requires that data security safeguards be put in place to protect sensitive student data that held is by private companies;
- 2) Prohibits the use of students' personally identifiable information to advertise or market a product or service;
- 3) Provides parents with the right to access the personal information about their children – and amend that information if it's incorrect -- that is held by private companies;
- 4) Makes transparent the name of all outside parties that have access to student information;
- 5) Minimizes the amount of personally identifiable information that is transferred from schools to private companies;
- 6) Ensures private companies cannot maintain dossiers on students in perpetuity by requiring them to delete personally identifiable information when the information is no longer for its specified purpose.