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HOUSE BILL NO. 1114

Offered January 13, 2014

A *BILL to amend the Code of Virginia by adding in Article 5 of Chapter 14 of Title 22.1 a section numbered 22.1-289.01, relating to student data; cloud computing.*

Patrons—Yancey, Ramadan, Albo, Austin, Berg, Greason, Helsel, Lopez, Plum, Poindexter, Rasoul, Sickles and Surovell

Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 22.1 a section numbered 22.1-289.01 as follows:

§ 22.1-289.01. Student data; cloud computing.

A. For purposes of this section:

"Cloud computing service" means a service that enables convenient, on-demand network access to a shared pool of configurable computing resources to provide a student, teacher, or staff member account-based productivity applications such as email, document storage, and document editing that can be rapidly provisioned and released with minimal management effort or cloud computing service provider interaction.

"Cloud computing service provider" means an entity other than a public elementary or secondary school that operates a cloud computing service.

"Process" means to use, access, manipulate, scan, modify, transform, disclose, store, transmit, transfer, retain, aggregate, or dispose of student data.

"Student data" means any information in any media or format created or provided (i) by a student or (ii) by a school board employee and about a student in the course of using a cloud computing service, including the student's name, email address, postal address, email messages, documents, unique identifiers, and metadata.

B. Each cloud computing service provider that enters into a contract with a local school board to provide services shall only process and monitor student data according to the terms of its contract with the local school board. No cloud computing service provider shall use cloud computing services for any secondary purpose that benefits the service provider or a third party, including online behavioral advertising, creating or correcting an individual household profile, the sale of student data for any commercial purpose, or any other similar for-profit activity.

C. Each cloud computing service that enters into a contract with a local school board to provide services shall certify in writing that it shall comply with the provisions of this section.

INTRODUCED

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