

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 5 of Chapter 14 of Title 22.1 a section*  
3 *numbered 22.1-289.01, relating to school service providers; student personal information.*

4 [H 1612]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 22.1 a**  
8 **section numbered 22.1-289.01 as follows:**9 **§ 22.1-289.01. School service providers; student personal information.**10 *A. For the purposes of this section:*11 *"School service" means a website, mobile application, or online service that (i) is designed and*  
12 *marketed solely for use in elementary or secondary schools; (ii) is used at the direction of teachers or*  
13 *other employees at elementary or secondary schools; and (iii) collects and maintains, uses, or shares*  
14 *student personal information. "School service" does not include a website, mobile application, or online*  
15 *service that is designed and marketed for use by individuals or entities generally, even if it is also*  
16 *marketed for use in elementary or secondary schools.*17 *"School service provider" means an entity that operates a school service pursuant to a contract with*  
18 *a local school division in the Commonwealth.*19 *"Student personal information" means information collected through a school service that identifies*  
20 *an individual student or is linked to information that identifies an individual student.*21 *B. Each school service provider shall:*22 *1. Provide clear and easy-to-understand information about the types of student personal information*  
23 *it collects through any school service and how it maintains, uses, or shares such student personal*  
24 *information;*25 *2. Maintain a policy for the privacy of student personal information for each school service and*  
26 *provide prominent notice before making material changes to its policy for the privacy of student*  
27 *personal information for the relevant school service;*28 *3. Maintain a comprehensive information security program that is reasonably designed to protect the*  
29 *security, privacy, confidentiality, and integrity of student personal information and makes use of*  
30 *appropriate administrative, technological, and physical safeguards;*31 *4. Facilitate access to and correction of student personal information by each student whose student*  
32 *personal information has been collected, maintained, used, or shared by the school service provider, or*  
33 *by such student's parent, either directly or through the student's school or teacher;*34 *5. Collect, maintain, use, and share student personal information only with the consent of the student*  
35 *or his parent or for the purposes authorized in the contract between the school division and the school*  
36 *service provider;*37 *6. When it collects student personal information directly from the student, obtain the consent of the*  
38 *student or his parent before using student personal information in a manner that is inconsistent with its*  
39 *policy for the privacy of student personal information for the relevant school service, and when it*  
40 *collects student personal information from an individual or entity other than the student, obtain the*  
41 *consent of the school division before using student personal information in a manner that is inconsistent*  
42 *with its policy for the privacy of student personal information for the relevant school service; and*43 *7. Ensure that any successor entity or third party with whom it contracts abides by its policy for the*  
44 *privacy of student personal information and comprehensive information security program before*  
45 *accessing student personal information.*46 *C. No school service provider shall:*47 *1. Use or share any student personal information for the purpose of behaviorally targeting*  
48 *advertisements to students;*49 *2. Use or share any student personal information to create a personal profile of a student other than*  
50 *for supporting purposes authorized in the contract between the school division and the school service*  
51 *provider, with the consent of the student or his parent, or as otherwise authorized in the contract*  
52 *between the school division and the school service provider;*53 *3. Knowingly retain student personal information beyond the time period authorized in the contract*  
54 *between the school division and the school service provider, except with the consent of the student or*  
55 *his parent; or*56 *4. Sell student personal information.*

57     *D. Nothing in this section shall be construed to prohibit school service providers from using student*  
58     *personal information for purposes of adaptive learning or customized education.*  
59     **2. That no school service provider in operation on June 30, 2015, shall be subject to the provisions**  
60     **of this act until such time as the contract to operate a school service is renewed.**