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**SENATE BILL 5598**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Rolfes, Nguyen, Carlyle, Frockt, Hasegawa, Hunt, Kuderer, and Saldaña

AN ACT Relating to student internet data privacy; amending RCW 28A.604.010 and 28A.604.901; adding a new section to chapter 28A.604 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature recognizes that the privacy of our children is critically important, especially in regard to their K-12 educational experiences. Schools are intended to be a safe environment, and an important component of maintaining security is ensuring student privacy and protecting student data. The legislature acknowledges that new technologies hold incredible promise for improving the educational experiences and outcomes of all of our students but also recognizes that it is vital to ensure companies take necessary steps to safeguard the privacy of our students when they use educational services as well as when students navigate away from these services. The legislature intends to ensure that all student data is safeguarded and that the privacy of students and parents is honored, respected, and protected.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.604 RCW to read as follows:

(1) The attorney general may bring an action in the name of the state, or on behalf of persons residing in the state, to restrain and prevent any act prohibited or declared to be unlawful in this chapter.

(2) For actions brought by the attorney general, the legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general, a violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW.

**Sec.**  RCW 28A.604.010 and 2015 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "School service" means a web site, mobile application, or online service that: (a) Is designed and marketed primarily for use in a K-12 school; (b) is used at the direction of teachers or other employees of a K-12 school; and (c) collects, maintains, or uses student personal information. ((~~A "school service" does not include a web site, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if also marketed to a United States K-12 school.~~))

(2) "School service provider" means an entity that operates a school service to the extent it is operating in that capacity.

(3) "Student personal information" means information collected through a school service that personally identifies an individual student or other information collected and maintained about an individual student that is linked to information that identifies an individual student.

(4) "Students" means students of K-12 schools in Washington state.

(5) "Targeted advertising" means sending advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or student personal information. It does not include (a) advertising to a student at an online location based upon that student's current visit to that location without the collection and retention of a student's online activities over time or (b) adaptive learning, personalized learning, or customized education.

**Sec.**  RCW 28A.604.901 and 2015 c 277 s 8 are each amended to read as follows:

This chapter shall not be construed to:

(1) Impose a duty upon a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section by third-party content providers;

(2) ((~~Apply to general audience internet web sites, general audience mobile applications, or general audience online services even if login credentials created for a school service provider's web site, mobile application, or online service may be used to access those general audience web sites, mobile applications, or online services;~~

~~(3)~~)) Impede the ability of students to download, export, or otherwise save or maintain their own student data or documents;

((~~(4)~~)) (3) Limit internet service providers from providing internet connectivity to schools or students and their families;

((~~(5)~~)) (4) Prohibit a school service provider from marketing educational products directly to parents so long as the marketing did not result from use of student personal information obtained by the school service provider through the provision of its web site, mobile application, or online service; or

((~~(6)~~)) (5) Impose a duty on a school service provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this chapter on those applications or software.

**--- END ---**