

TABLE: PERSONAL INFORMATION PROTECTIONS BY LAW

RED = Exceptions / Limited Protections

<p><b>COPPA</b> (under 13) <b>FED</b> Children’s Online Privacy Protection Act</p> <p>Enforced by: <b>FTC</b> Responsible: <b>Web &amp; App Operators</b></p>	<p><b>FERPA</b> <b>FED</b> Family Educational Rights and Privacy Act</p> <p>Enforced by: <b>Dept of Ed</b> Responsible: <b>SEA/LEA</b></p>	<p><b>PPRA</b> <b>FED</b> Protection of Pupil Rights Act</p> <p>Enforced by: <b>Dept of Ed</b> Responsible: <b>SEA/LEA</b></p>	<p><b>Health Info</b> <b>FED/CA</b> <b>HIPAA:</b> Health Information Portability and Accountability Act + CA Welfare and Institutions Code 5328</p> <p>Enforced by: <b>HHS</b> Responsible: <b>SEA/LEA &amp; Operators</b></p>	<p><b>Data Breach</b> <b>FED/CA</b></p> <p>Enforced by: <b>State/ Federal Gov</b> Responsible: <b>SEA/LEA &amp; Operators</b></p>	<p><b>SOPIPA</b> <b>CA</b> Student Online Personal Information Protection Act</p> <p>Enforced by: <b>CA Attorney General</b> Responsible: <b>Web &amp; App Operators</b></p>	<p><b>Contract Law (1584)</b> <b>CA</b> Privacy of Pupil Records: 3rd Party Digital Storage &amp; Education Software (Education Code section 49073.1)</p> <p>Enforced by: <b>CA Attorney General</b> Responsible: <b>SEA/LEA &amp; Operators</b></p>
<ul style="list-style-type: none"> <li>• First and last name</li> <li>• Address</li> <li>• Email</li> <li>• Online contact information</li> <li>• Screen/username that functions as online contact information</li> <li>• Telephone number</li> <li>• Social security number</li> <li>• Persistent Identifiers that can be used to recognize a user over time and across different websites or online services</li> <li>• Photograph/ Video/Audio file of a child</li> <li>• Geolocation information (To ID Street/Town)</li> <li>• <b>Info collected online combined with an identifier</b></li> </ul>	<p>“Education records* contain student info maintained by school (e.g., transcripts, class lists, student course schedules, health records, student financial information, and student disciplinary records)</p> <p><b>**“Education records” unless they fall within one of the six “carve-outs:”</b></p> <ul style="list-style-type: none"> <li>• <b>sole possession records</b></li> <li>• <b>treatment records</b></li> <li>• <b>law enforcement records</b></li> <li>• <b>employment records</b></li> <li>• <b>alumni records</b></li> <li>• <b>peer grading records</b></li> </ul> <p>*Parental right to review and limit dissemination of this information</p>	<p>Survey/testing/ examination info (About student or parent/family member):</p> <ul style="list-style-type: none"> <li>• Political affiliations or beliefs</li> <li>• Mental/ psychological problems</li> <li>• Sexual behavior</li> <li>• Illegal/self-incriminating behavior</li> <li>• Family relationships</li> <li>• Legally-recognized privileged Relationships</li> <li>• Religious affiliations</li> <li>• Income (unless required for a program/financial assistance)</li> </ul> <p>Parental consent needed</p> <p>*Policies required protecting personal info including items</p>	<p>“Individually identifiable/protected health information” surrounding:</p> <ul style="list-style-type: none"> <li>• Physical or mental health (past/ present/future)</li> <li>• Healthcare information</li> <li>• Healthcare payment information (past/ present/future)</li> <li>• Non-FERPA</li> <li>• <b>(FERPA takes precedent/covers health records)</b></li> </ul> <p>Identifiers include:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Postal address</li> <li>• Dates</li> <li>• Telephone numbers</li> <li>• Fax numbers</li> <li>• Electronic email address</li> <li>• Social Security number</li> <li>• Medical Numbers</li> <li>• Account Number</li> <li>• Health plan beneficiary number</li> </ul>	<p>First or last name plus:</p> <ul style="list-style-type: none"> <li>• Social security number</li> <li>• driver’s license/ID card number</li> <li>• Account number</li> <li>• Credit/Debit Card number with security code</li> </ul> <p>Additional Personal information of <b>California residents:</b></p> <ul style="list-style-type: none"> <li>• Username</li> <li>• Email address</li> <li>• Password/security question to online account</li> <li>• Medical/insurance information</li> </ul> <p>Does NOT include: <b>(lawfully) Publicly available information</b></p>	<p>“Covered Information” (collected by “Covered Operators”):</p> <ul style="list-style-type: none"> <li>• Info created by a student/parent/ guardian [in using a service]</li> <li>• Info created by an employee/ school agent</li> <li>• Educational records</li> <li>• First and last name</li> <li>• Home address,</li> <li>• Telephone number</li> <li>• Email address/ contact information</li> <li>• Discipline records,</li> <li>• Test results,</li> <li>• Special education data,</li> <li>• Juvenile dependency records,</li> <li>• Grades, evaluations,</li> <li>• Criminal records,</li> <li>• Medical records,</li> <li>• Health records,</li> <li>• Social security number,</li> </ul>	<p>Student Records</p> <ul style="list-style-type: none"> <li>• Maintained by school</li> <li>• Info Created by a student</li> <li>• Acquired/Stored Digitally</li> <li>• To be accessed by a 3rd party for a service</li> </ul> <p><b>Exceptions:</b></p> <ul style="list-style-type: none"> <li>• <b>De-identified information</b></li> <li>• <b>Used by 3rd party for education</b></li> <li>• <b>Used to market effectiveness of product</b></li> <li>• <b>Used for development and improvement of education</b></li> </ul> <p><b>Terms required in contracts:</b></p> <ul style="list-style-type: none"> <li>• School owns student records</li> <li>• How students can control content for educational purposes, and then transfer to personal account</li> <li>• Prohibit 3rd parties from using info for outside purposes</li> <li>• How parents/students can review and correct personally identifiable info in records</li> <li>• Actions taken to ensure security of student data</li> </ul>

TABLE: PERSONAL INFORMATION PROTECTIONS BY LAW

COPPA	FED	FERPA	FED	PPRA	FED	HIPAA	FED	Data Breach	FED/CA	SOPIPA	CA	Contract Law (1584)	CA
		limited protection of “directory” information” including: student’s name, address, telephone number, birthday, place of birth, honors and awards, dates of attendance		such as (not limited to): <ul style="list-style-type: none"> <li>• First and last name</li> <li>• Address</li> <li>• Telephone number</li> <li>• Social security number</li> <li>• *collected for marketing</li> </ul> Permissions for types of information gathered Restrictions and permissions to gather data Restriction and permissions when gathering information from or about students	<ul style="list-style-type: none"> <li>• Certification/ license number</li> <li>• Vehicle identifiers and serial numbers, including license plates</li> <li>• Web universal resource locator</li> <li>• IP address</li> <li>• Biometric identifiers, including fingers and voice prints</li> <li>• Full face photographic images and any comparable images</li> <li>• Any other unique identification number, characteristic or code.</li> </ul> *Ex: A public high school that employs a physician that bills Medicaid electronically for services provided to a student under the IDEA would be subject to HIPAA concerning transactions.  **HHS and US Dept of Ed			<ul style="list-style-type: none"> <li>• Biometric information,</li> <li>• Disabilities,</li> <li>• Socioeconomic information,</li> <li>• Food purchases,</li> <li>• Political affiliations,</li> <li>• Religious information,</li> <li>• Text messages,</li> <li>• Documents</li> <li>• Student identifiers</li> <li>• Search activity</li> <li>• Photos/voice recordings</li> <li>• Geolocation information.</li> <li>• IP address</li> </ul>	<ul style="list-style-type: none"> <li>• Incident response notification procedures</li> <li>• Assurance that records will not be available to 3rd party post-contract (with enforcement method)</li> <li>• How school and 3rd parties will comply with FERPA</li> <li>• Prohibit 3rd parties from using information for advertising</li> </ul>				
Notes: Educators must use COPPA compliant products if they share protected data on children under 13.		Notes: Web & App Operators need to document how they help schools meet FERPA requirements		Notes: Companies that survey students about sensitive information must obtain consent from parents		Notes: HIPAA applies in cases where FERPA does not; FERPA supersedes HIPAA		Notes:		Notes: California schools must only use ed tech services that are SOPIPA compliant.		Notes: All new or renewing contracts must include the required information or the contract becomes “Null and void.”	