



STUDENT DATA PRIVACY

HB 3606

Sponsor: Martwick, D-Chicago

Alliance/IASB position: OPPOSE

Status: HB 3606, HA#3, will likely be called in the House Cybersecurity, Data Analytics, & IT Committee Wednesday, April 10 or Thursday, April 11.

Various amendments have been filed and the sponsor has indicated that House Amendment #3 is the version that will be called in committee. IASB opposes all versions that have been filed (House Amendments 1, 2, and 3).

PLEASE CALL YOUR STATE REPRESENTATIVES **NOW**, ESPECIALLY DEMOCRATIC REPRESENTATIVES AS REPUBLICANS HAVE BEEN GENERALLY OPPOSED ALONGSIDE US.

HB 3606 contains myriad unfunded and/or unworkable mandates on school districts that would place enormous and expensive burdens on districts:

- Requires each district to try and re-negotiate potentially hundreds of agreements (there is no grandfathering clause in the bill), including non-negotiable click-wrap agreements to include prescribed terms, otherwise the agreements will be void.
- Requires burdensome new Website posting requirements.
- Requires each district to implement the U.S. Dept. of Commerce's National Institute of Standards and Technology's (NIST) Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 and technical safeguards required at the level of the Health Insurance Portability and Accountability Act (HIPAA).
 - Requiring NIST and HIPAA level technical safeguards for districts has not been implemented in any US jurisdiction for schools.
 - The Illinois School Student Records Act (ISSRA) already has a requirement for districts to take "all reasonable measures" to safeguard student records from unauthorized access or dissemination.
- Requires districts to provide parents with copies of "covered information" that may be quite difficult to obtain from operators and/or will involve a lot of staff time.

Districts do not have the option to say NO to a parent that wants a “factual inaccuracy” corrected in his or her student’s data, even if the data is accurate.

The bill allows parents to use a “backdoor” way to opt-out of curriculum delivered via 1:1 devices and programs because under the current language, they can just request all their student’s covered information be deleted by the school/operator.

A list of all data breaches for all time must be posted on the district website for all to see, even if only one student was affected and/or the breach was fully remedied.

School districts should not be required to adopt a “policy” designating school employees authorized to enter agreements with operators – it should be a “procedure.” A procedure is more appropriate since it is an administrative function and the Superintendent or designee should decide.

The bill contains a prohibition on schools selling covered information which may effectively ban schools from selling yearbooks, pictures, and other memorabilia.

MEMBERS OF THE HOUSE CYBERSECURITY, DATA ANALYTICS, & IT COMMITTEE CAN BE FOUND [HERE](#).