

NetChoice *Promoting Convenience, Choice, and Commerce on the Net*

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May 18, 2015

Representative Margaret Doherty, Chair
Education Committee
900 Court St. NE, H-282
Salem, Oregon 97301

RE: *Support Conditionally on Acceptance of Amendments to SB 187, Establishes Oregon Student Information Protection Act*

Dear Madame Chair and members of the committee:

We thank you for your hard work in adapting SB 187 to achieve its goal of preventing targeted ads based on student information without upending the benefits of “apps for education.”

While very close to achieving this balance, SB 187 still lacks a critical consent exception that has been included in similar legislation across the country:

(5) Nothing in Subsections 3(A), (B), (D) and (E) shall be construed to prohibit the use or disclosure of covered information

(A) with the affirmative consent of a student over the age of 12 for a school, other learning or job opportunity purpose, or

(B) with the affirmative consent of the school, eligible student, or the parent or guardian of a student, given in response to clear and conspicuous notice of the use or disclosure, if such notice does not require that a parent or student give consent in order to use the operator’s site, service or application. Provided any recipient of the covered information under this subsection:

(I) does not further disclose covered information, unless in order to fulfill the purpose for which the student, parent or guardian provided consent; and

(II) is legally required to comply with the requirements of subsection (4) of this section and not to use or disclose that covered information in violation of this section.

This amendment makes sense. Students, parents and schools regularly make express decisions about how, when, and who can access student information. However, without this amendment, those historical rights and expectations would disappear when an educational service provider holds student data.

Moreover, without this amendment, parents and students might not be able to control or access their own information.

We thank you again for your hard work on SB 187 and look forward to working with the Committee and the bill's sponsor on adoption of these amendments. Thank you for considering our views. Please let us know if we can provide further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Szabo".

Carl Szabo
Policy Counsel, NetChoice

NetChoice is a trade association of e-Commerce and online businesses. www.netchoice.org