

School District Data Protection And Transparency-

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SB15-173

<http://tinyurl.com/ns9olcp>

If I came to your house and read your diary, would that be invasion? Is it your diary or mine?

What if I took that diary, and every diary you owned since you were old enough to write, and contained personal sometimes questionable things you did or thought, or private life events like sexual history, finding out you have dyslexia, or epilepsy, or ADHD or depression and had to take medicine. What if I took all that and gave it to your future employer, or the college or military you apply to. What if your future insurer had that information and declined to insure you? These are all labels placed on you because I took your information and shared it.

Joel Reidenberg, Fordham Law professor and Privacy expert said at a recent congressional hearing, when asked what kind of data do the online companies collect in these profiles of children. This well respected, world renowned expert said, "It is everything about you, from your homelife, from your school. Think George Orwell to the nth degree." Professor Reidenberg also made this statement: "The school gets to use google for "free" but in return, Google Analytics is getting everything about that student. \*"Homework assignments ,presentations in school, communications between parents, search history. Google says they now won't target advertise now but Google has not said they won't track and use that information to develop products. It is non-transparent."

Microsoft Spokesperson, Ms. Knox, at the same congressional hearing in February, testified that Microsoft and other online edtech companies have DO access to children's emails and documents and search history. "We take a peek into their emails."

Knewton and edtech company that is partnered with Pearson, and in Colorado schools brags that they get **five to ten million actionable data per student per day**. Education is the most datamineable industry by far.

FERPA does not protect data. FERPA does not protect HIPPA.

Google only recently signed the SIAA pledge, K12inc has not. This is an industry pledge, a promise to police themselves when handling student data, agree to not sell student data. When I asked Mr. Barnes the google rep who testified before you 2 days ago, why Google opposed this bill yet they signed the SIAA pledge which ASKS for the same thing.

He said it is very different when it is law.

Data minimization is the key to privacy. If you don't collect it, it can't be breached or used to profile you. To take advantage of technology in classroom, we need effective privacy protection. Without trust, without transparency, we can't move forward.

I urge you to support this bill *as-is*. It **unanimously** passed the Senate. The intent of the bill was to NOT burden school districts with trying to navigate privacy policies and pull out the types of data collected, how it is used and asking vendors who it is shared with. Schools won't know this information but the vendors certainly do. The vendors are making billions if not trillions on data. Data is like stocks and bonds; it is currency. We are not asking them to stop collecting the data. We are asking for transparency—they know the data they collect on our own children, we do not. How is that right?

We are just parents. Asking YOU to do the right thing for kids.

## How Behavioral Advertising Works

Lots of platforms work by inserting a cookie into a visitor's hard drive. Advertising networks have a larger demographic of users at their disposal. Being able to serve different sites, they can easily divide the populace into segments.

The first step in serving behavioral ads is tracking who the users are and what they do online.

**Tracking refers to the process of collecting and processing data, while Targeting refers to using that data to offer personalized advertising.**

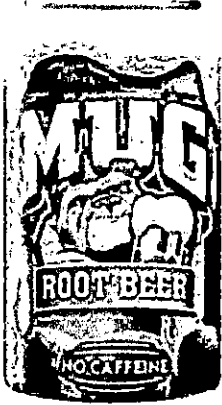
Google Analytics tells you what's happening. KISSmetrics tells you who's doing it.

<https://blog.kissmetrics.com/behavioral-advertising/>

SB173 does not prohibit Tracking and collection of children's Behavioral Data.

SB173 only stops Targeted ads.

## Product Placement



The “busboy” passage in the eighth grade Common Core, online Pearson owned test was fictional, written about a dishwasher at a pizza restaurant. In it, the busboy neglects to notice a large puddle of root beer under a table that he clears. His irate employer notifies him about the mess, and he cleans it up. It seems alright at first glance.

However, the root beer was referred to at one point as Mug™ Root Beer. It was followed by a footnote, which informed test-takers that Mug™ was a registered trademark of PepsiCo. The brand of soda, the type of soda, and, come to think of it, the exact beverage was not necessary to the development of the story, nor was it mentioned in any of the confusing and analytical questions following the passage. -Washington Post  
<http://www.washingtonpost.com/blogs/answer-sheet/wp/2013/05/08/eighth-grader-what-bothered-me-most-about-new-common-core-test/>

### New standardized tests feature plugs for commercial products

New York state students who took Pearson-designed exams were just treated to plugs for LEGO, Mug Root Beer and more products from at least half a dozen companies, according to the New York Post.

<http://www.washingtonpost.com/blogs/answer-sheet/wp/2013/05/08/eighth-grader-what-bothered-me-most-about-new-common-core-test/>

## Behind the Scenes of Behavioral Advertising

Behavioral advertising is a technique used by online advertisers to present targeted ads to consumers by collecting information about their browsing behavior.

Several pieces of data may be used, such as:

- The pages browsed on a website
- The time spent on the site
- The clicks made
- The recency of the visit
- The overall interaction with the site

All this data creates a user persona or profile that can be used to segment the audience into certain types. People with similar online behavior can be clubbed together into one segment. Then, these segments are shown ads that cater to their interests.

According to a survey by the Network Advertising Initiative, conducted with 12 advertising networks, targeted advertisements based on user behavior converted 6.8% compared with non targeted ads at 2.8%.

# SB15-173: School District Data Protection and Transparency Act

Sponsors: Sen. Chris Holbert, Rep. Dan Pabon

## Relevant PII privacy initiatives and Federal Law:

**The 2014 US Department of Education Guidance on Student Data Privacy** recommends that districts:

- *Make information about student data policies easy to find.*
- *Publish a list of the personal student information districts collect and plan to use.*
- *Make sure parents know what, if any, personal student information districts plan to share with third-party vendors.*
- *Effectively communicate data usage plans and policies to parents and members of the public.*

**The voluntary Student Privacy Pledge sponsored by the Software Information Industry Association (SIIA)**, signed by over 122 companies including Google and Microsoft, encourages vendors to:

*"Disclose clearly in contracts or privacy policies, including in a manner easy for parents to understand, what types of student personal information is collected, if any, and the purposes for which the information is used or shared with third parties."*

**The 1998 Children's Online Privacy Protection Act (COPPA)** applies to children under 13 and requires online operators that offer services targeted to children to:

*"provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information..."*

**The 1974 Family Education Rights and Privacy Act (FERPA)** says:

*"Educational agencies and institutions are required to notify parents and eligible students about their rights under FERPA."*

**The 1978 Protection of Pupil Rights Amendment (PPRA)** requires:

*"Schools and districts to provide parents and students with effective notice of their PPRA rights, to provide notice to parents of district policies (developed and adopted in consultation with parents) regarding specific activities, and to notify them of the dates of specific events and the opportunity to opt out of participating in those events."*

## Student data included in Covered Information or CI:

Information in the student's educational record or electronic mail  
First and last name  
Home address  
Telephone number  
Electronic mail address  
Discipline or criminal records  
Juvenile dependency records  
Medical or health records  
Social security number  
Biometric information  
Disabilities  
Socioeconomic information  
Political affiliations  
Religious information  
Text messages  
Documents  
Student identifiers  
Search activity  
Photos  
Voice recordings  
Food purchases  
Geolocation information

## Who qualifies as an Operator:

Any operator collecting and using CI for Internet web sites, products, or services:

On-line services, including cloud computing services

On-line applications

Mobile applications

"Operator" does not include a school, a school district, charter schools, the Charter School Institute, the Colorado Department of Education, the State Board of Education, or other official Colorado state government departments or agencies.