

**UPDATED SUMMARY  
SENATE BILL 15-173**

**First Regular Session - Seventieth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

The bill adds additional protections to existing law concerning student data privacy and transparency. ~~A vendor~~ *An operator* is defined as an operator of a web site, on-line service, *including cloud computing services*, on-line application, or mobile application (site or service) with *actual* knowledge that the site, ~~or~~ *service, or application* is used primarily for public school purposes and was designed and marketed for public school purposes. *An operator does not include a school, school district, board of cooperative services, the charter school institute, the department of education, or the state board of education.*

The bill prohibits ~~vendors~~ *operators* from:

- ! Engaging in targeted advertising if the targeting is based upon any student information acquired because of the use of ~~a vendor's~~ *an operator's* site or service;
- ! Using information acquired through the site or service to create a profile of a student that is not in furtherance of a public school purpose;
- ! Selling a student's information; and
- ! Disclosing covered student information *except in certain situations or unless specific requirements are met.*

The bill ~~allows vendors~~ *requires operators* to:

- ! Implement and maintain reasonable security procedures and practices;
- ! Delete a student's data at the request of the school, ~~or~~ *school district, charter school, board of cooperative services, or charter school institute* with control of the data;
- ! *Publicly and conspicuously post information related to operators collecting covered student information, the type of information being collected, and the public school purpose or purposes for which the covered information is intended to be used; and*
- ! *Provide, upon request, the state board of education, the department of education, school districts, boards of cooperative services, or the charter school institute with information related to covered student information collected by operators and various policies and procedures of the operator.*

*The bill allows operators to:*

- ! Disclose covered student information if required by state or federal law;
- ! Disclose covered student information for legitimate research purposes, provided applicable requirements of state and federal law are met;
- ! Disclose deidentified covered student information in order to improve the ~~vendor's~~ *operator's* sites or services or other educational products or for

marketing uses.

The bill does not:

- ! Limit the authority of law enforcement to access any information allowed by law or authorized by a court order;
- ! Apply to general audience sites and services or to internet service providers in the course of providing internet connectivity;
- ! Prohibit a *vendor* ~~an operator~~ from marketing its product or services, provided the marketing did not result from the use of covered student information obtained by the *vendor* ~~operator~~ in violation of the bill;
- ! Impose duties on electronic stores, gateways, marketplaces, or other means of purchasing or downloading software or applications; or
- ! Impede the ability of a student to download, export, or otherwise save or maintain his or her own student-created data or documents.

~~The bill moves existing law related to parental written consent for obtaining and releasing data to part 3 of article 2 of title 22, C.R.S., along with other relevant law related to student data.~~