

# Resolution - Protection of Data Privacy

**WHEREAS**, educational technology companies collect and sell data on minors without consent;

**WHEREAS**, educational technology companies comply with strong data privacy law such as:

- **European Union** (EU) General Data Protection Regulation (GDPR) relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data and protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data;
- **California** Privacy Rights Act (CPRA) of 2020 and California Consumer Privacy Act of 2018 (CCPA) that applies to the personal information of California residents who are employees, job applicants, independent contractors, and board members, as well as employees' dependents who receive benefits through the employer;
- **Illinois** Student Online Personal Protection Act of 2019 which gives parents control over online information schools collect from minors and how the data is used;
- **New York's** Bill of Rights for Data Privacy and Security (Parents' Bill of Rights) of 2015 requires each educational agency in the State of New York to develop a Parents' Bill of Rights for Data Privacy and Security and publish it on its website;

**WHEREAS**, federal statutes exist with very little enforcement to protect the confidentiality of a student's identifiable information include: 15 U.S.C. 6501-6502 (16 CFR Part 312) Children's Online Privacy Protection Act (**COPPA**) and 20 U.S.C. 1232h (34 CFR Part 98) Protection of Pupil Rights Amendment (**PPRA**);

**THEREFORE**, the Texas legislature should protect citizens and particularly student data including but not limited to:

- Codify federal **COPPA** into Texas law through age 18;
- Codify federal **PPRA** into Texas law with enforcement mechanism;
- Protect student data privacy and prohibit the selling of data by passing legislation similar to **Illinois** and **New York** statute;
- Provide protection... similar to **California's** CPRA and CCPA;
- Require citizens to OPT IN for the collection of personally identifiable data, prohibit government agencies, for profit companies, and non-profit companies from selling data, and provide private right of action for enforcement similar to INTRODUCED **Oklahoma** 2022 Regular HB 2969;
- Protect consumer rights including access, rectification, deletion, restriction of processing, and data portability, require notice and obtain verifiable consumer "opt-in" consent, including parent or eligible student, before collecting and processing a consumer's personal information for the first time, codify duties of care, loyalty, and confidentiality, and provide private right of action similar to **Massachusetts** Information Privacy Act (MIPA);

**THEREFORE**, the Texas GOP should affirm the need to protect citizen data privacy with a platform plank as follows:

"Plank #xxx. Data Privacy. We demand that the Texas legislature protect data privacy by prohibiting the collection and selling of data and the enforcement of data privacy through private right of action. Schools should not consent to data collection of minors on behalf of parents. Schools should protect the confidentiality of student's identifiable information."