

Resolution to Protect of Data Privacy of Texas Students

WHEREAS, Educational technology companies collect and sell data 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; and
- **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**).

WHEREAS, both the existing Texas Business and Commerce Code Section 509, and the amended 509.002(b)(1 through 10) (HB 18, Securing Children Online through Parental Empowerment Act) leave critical exemptions in statute that expose sensitive personal information of Texas children to potential abuse, seemingly on purpose.

THEREFORE, Plank #203 should be amended by adding that the Texas legislature should protect student data by performing the following:

- 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 right of Access, Rectification, Deletion, Restriction, Portability, Opt-Out of Sales, and Against Automated Decision Making and Private Right of Action 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; and
- 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).
- Nullify/repeal Texas Business and Commerce Code Section 509.002(b)(1 through 10), as amended by HB 18 of 88th Regular Session (Securing Children Online through Parental Empowerment Act).

A copy of this resolution should be sent to the _____ County/Senate District # _____ Convention Resolutions Committee from Precinct # _____ with the recommendation that it be passed and sent to the State Convention Platform Committee of the _____ Party of Texas.