

Student Data Privacy Act

On May 22nd 2022, Governor Walz signed the Student Data Privacy Act into law, which will go into effect for the 2022-23 school year.

The new law adds some clarifying definitions:

- A “**school-issued device**” is hardware OR software that a public school (or a technology provider) provides to a student for personal use.
- A “**technology provider**” is anyone who contracts with a public school to issue a device for student use *and* gets access to educational data as a part of the contract.

Law Requirements:

- **Schools Must Inform Parents and Students** of any programs or contracts with technology providers that deal with student data, **30 days before school starts** via US mail, email, or direct communication.
 - Notice must include information on the provider, the student data affected, the contract, and contact information for questions or concerns.
 - Interested families must be given opportunity to inspect the contracts ahead of time.
- **New Rules for Technology Providers:**
 - **Student data** cannot be owned by technology providers.
 - **Security breaches** of educational data must be disclosed to the school.
 - **Student data must be destroyed** before a contract ends.
 - **Selling / sharing student data** is not allowed.
 - **Commercial use of student data** is not allowed.
 - **School contracts must ensure data security / limit data access.**
- **New Rules on Student Privacy:** Government Entities and Service Providers cannot *access or monitor* student data, audio/video transmissions or recordings, or student interactions.
 - **Exceptions** include legal warrants, finding devices, life-threatening safety situations, compliance with federal or state laws, pre-agreed contractual purposes with specific staff, or for approved federal or state program purposes like E-Rate.
 - **Notification to students / families** is required within 72 hours if Student Data is accessed or monitored, or 72 hours after “an imminent threat” is over.

Link to Statute : <https://www.revisor.mn.gov/statutes/cite/13.32> (new language : [link](#))