

LEGISLATION BRIEF

Student Online Personal Protection Act (SOPPA)

EXECUTIVE SUMMARY

Effective July 1, 2021, school districts will be required by the Student Online Personal Protection Act (SOPPA) to provide additional guarantees that student data is protected when collected by educational technology companies, and that data is used for beneficial purposes only (105 ILCS 85).

SOPPA applies to all Illinois school districts, the Illinois State Board of Education, and operators of online services and applications.

DISTRICT REQUIREMENTS

Below is a high-level overview of the new requirements. Please refer to the legislation for specific timelines and components of each element.

School districts must:

1. Enter into written agreements with all K-12 service providers who collect student data.
2. Implement and maintain reasonable security practices. Agreements with vendors in which information is shared must include a provision that the vendor maintains reasonable security procedures and practices.
3. Post on their website:
 - a. A list of all operators of online services or applications utilized by the district (annually).
 - b. All data elements that the school collects, maintains, or discloses to any entity (annually). This information must also explain how the school uses the data, and to whom and why it discloses the data.
 - c. Contracts for each operator within 10 days of signing.
 - d. Subcontractors for each operator (annually).
 - e. The process for how parents can exercise their rights to inspect, review and correct information maintained by the school, operator, or ISBE.
 - f. Data breaches within 10 days and notify parents within 30 days.
4. Create a policy for who can sign contracts with operators.

Although not required by law, school districts will also need to undertake the following to meet the above requirements:

1. Provide teachers with the list of online operators that are safe and approved for use.
2. Develop a process for keeping data inventory up-to-date.

IMPACT

All digital resources that collect student data will need to be reviewed, approved, and have a data privacy agreement in place prior to use.

COVERED DATA

SOPPA affects personally identifiable information (PII), material that is linked to PII, and material in any media or format that is not publically available and is any of the following:

- Created by or provided to an operator by a student or the student's parent in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K-12 school purposes.
- Created by or provided to an operator by an employee or agent of a school or school district for K-12 school purposes.
- Gathered by an operator through the operation of its site, service, or application for K-12 school purposes and personally identifies a student, including, but not limited to:
 - Information in the student's educational record
 - First and last name
 - Home address
 - Telephone number
 - Email address
 - Information that allows physical or online contact
 - Grades
 - Discipline records
 - Test results
 - Special Education data
 - Evaluations
 - Personal characteristics
 - Socioeconomic information
 - Juvenile dependency records
 - Criminal records
 - Medical records
 - Food purchases
 - Political affiliations
 - Religious information
 - Geolocation information
 - Photos
 - Documents
 - Text messages
 - Search activity
 - Voice recordings