
A BILL FOR AN ACT

RELATING TO STUDENT DATA MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§302A- Student data management. (a) A computer
5 service provider shall not process student data for any purpose
6 other than providing, improving, developing, or maintaining the
7 integrity of its computer-based service, unless the computer
8 service provider receives express permission from the student's
9 parent. A computer service provider shall not sell, disclose,
10 or otherwise process student data for any commercial or
11 advertising purpose.

12 (b) A computer service provider may process student data
13 to assist the department or its personnel in conducting
14 educational research as permitted by the Family Educational
15 Rights and Privacy Act of 1974, as amended, 20 U.S.C. sec 1232g.

16 (c) A computer service provider that enters into an
17 agreement to provide computer-based services to the department



1 shall certify in writing to the department that it will comply
2 with this section.

3 (d) The department may adopt rules pursuant to chapter 91
4 necessary to carry out the purposes of this section.

5 (e) Whenever used in this section, unless the context
6 requires otherwise:

7 "Computer-based service" means any electronic service not
8 operated by the department that processes student data through
9 computer application, cloud computing, computer program,
10 database, data warehouse, network, operating system, server, or
11 software.

12 "Computer service provider" means any private person, firm,
13 corporation, association, business entity, or partnership, other
14 than the department or department personnel, that provides the
15 department with a computer-based service that processes student
16 data.

17 "Process" means to electronically use, access, collect,
18 manipulate, modify, analyze, transform, disclose, store,
19 transmit, aggregate, or dispose of student data.

20 "Student data" means any information or material that
21 identifies a student, including but not limited to a student's



1 name, email address, email messages, postal address, phone
2 number, and any documents, photos, or unique identifiers
3 relating to a student."

4 SECTION 2. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY:

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JAN 23 2015



H.B. NO. 613

Report Title:

Student data; Computer services

Description:

Limits and controls the ways in which a computer service provider working with the DOE can use student data.

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