

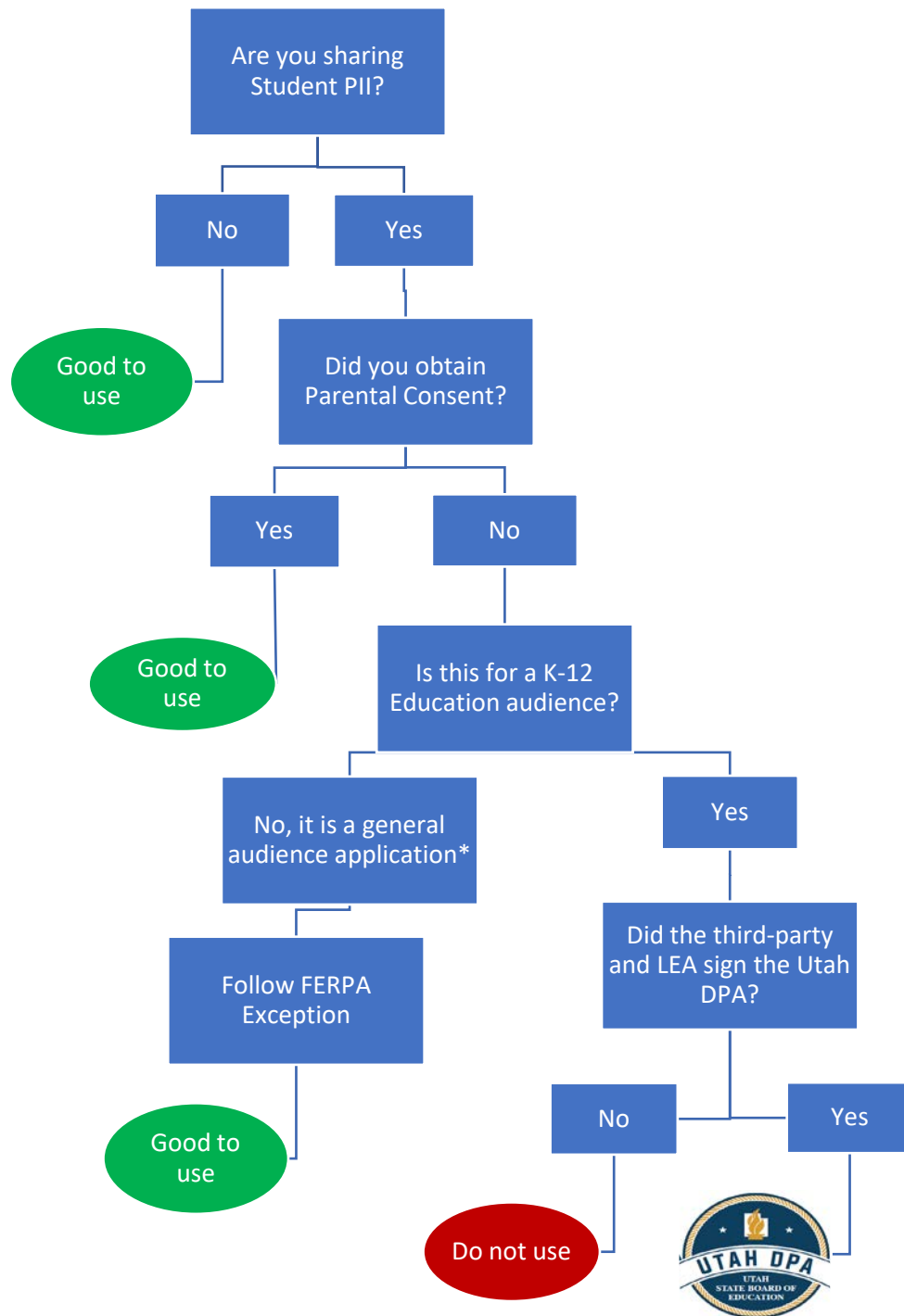


The Utah State Board of Education, (USBE) has developed a Data Privacy Agreement (DPA) that meets all FERPA and Utah state privacy laws (see details below). Local education agencies (LEAs) are encouraged to use this agreement as the de facto privacy agreement for public education in Utah. Vendors may additionally choose to sign the General Offer of Privacy Terms, Exhibit E, making the Utah DPA essentially a piggy-backable or umbrella agreement, requiring only the signature of the additional LEA to make it binding and eliminating any further privacy negotiations for that particular resource. This will assist LEAs in determining which vendors meet both FERPA and Utah state privacy laws.

USBE will provide all LEAs with access to a registry of vendors. In collaboration with USBE, LEAs will publicly post whether a vendor has signed the agreement or has declined to sign. LEAs will be able search for DPAs by district, resource or agreement; inventory digital resources; track contract status; maintain signed contracts; allow staff to request review of resources; and create transparency with stakeholders around student data privacy compliance.

To follow federal and state law, the Utah DPA consists of the following requirements:

- ✓ Third -party contractor will only use PII for what is stated within the contract terms
- ✓ Lists requirements and restrictions related to the collection, use, storage, or sharing of student data
- ✓ Has a description of a person, or type of person, including an affiliate of the third-party contractor with whom the third-party contractor may share student data
- ✓ Provisions that, at the request of the education entity, govern the deletion of the student data receive by the third-party contractor
- ✓ Right to audit
- ✓ As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement
- ✓ States that data is the property of the student under Section 53A-1-1405;
- ✓ Third-party contractor must notify educational entity of any data breach
- ✗ Third -party contractor will not collect, maintain, use or share student personal information beyond that needed for authorized educational/school purposes, or as authorized by the parent/student.
- ✗ Third -party contractor will not sell student personal information.
- ✗ Prohibits the secondary use of PII by the third-party contractor
- ✗ Third-party contractor will delete PII after contract ends or at request of educational entity
- ✗ May not (Except as provided in Subsection(6)(b)) sell student data or use student data for targeted advertising.



* "General audience application" means an Internet website, online service, online application, mobile application, or software program that: (a) is not specifically intended for use by an audience member that attends kindergarten or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from 1 to 12; and (b) is not subject to a contract between an education entity and a third-party contractor. (53E-9-301) Examples: YouTube, Pinterest, Salt Lake Tribune, Wikipedia, NASA.gov, whitehouse.gov, New York Times, YoutTube, etc.