

Future of Privacy Forum SOPIPA AT-A-GLANCE

The Student Online Personal Information Protection Act (SB 1177, or SOPIPA) is a California student data privacy regulation in effect since January 1, 2016. It protects a wide range of student information and puts the onus of compliance on industry, not education institutions.

Who Must Comply?

SOPIPA applies to operators of websites, online services (including cloud computing services), online applications or mobile applications with actual knowledge that their site, service or application is used primarily for K-12 school purposes and was designed and marketed for K-12 school purposes.

SOPIPA does not apply to operators of general audience products, even if those products are accessible through a K-12 operator's product.

Operators do not need to have a contract with a school or district in order to be subject to SOPIPA.

What are K-12 School Purposes?

These are purposes that:

- customarily take place at the direction of the K-12 school, teacher or school district; OR
- aid in the administration of school activities, including:
 - o instruction in the classroom or home
 - o administrative activities
 - o collaboration between students, school personnel or parents; OR
- are for the use and benefit of the school.

Requirements:

SOPIPA prohibits operators of websites or online services from:

1. Knowingly engaging in targeted advertising to students or their parents or legal guardians
2. Using covered information to amass a profile about a K-12 student
3. Selling student information
4. Disclosing what SOPIPA refers to as covered information, except in specific, limited circumstances

SOPIPA requires that operators of websites or online services:

1. Implement and maintain reasonable security procedures and practices, appropriate to the nature of the covered information
2. Protect the information from unauthorized access, destruction, use, modification or disclosure
3. Delete a student's covered information if the school or district requests such deletion

What is Covered Information?

Covered information means personally identifiable information or materials, regardless of media or format that are:

- created or provided by a student, or the student's parent or legal guardian, to an operator 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 or provided by an employee or agent of the K-12 school, school district, local education agency, or county office of education, to an operator
- gathered by an operator through the operation of a site, service or application and is descriptive of a student or otherwise identifies a student, including, but not limited to these 29 items:

Information in the student's educational record or email ~ First and last name ~ Home address ~ Telephone number ~ Email address ~ Other information that allows physical or online contact ~ Discipline records ~ Test results ~ Special education data ~ Juvenile dependency records ~ Grades ~ Evaluations ~ Criminal records ~ Medical records ~ Health records ~ Social security number ~ Biometric information ~ Disabilities ~ Socioeconomic information ~ Food purchases ~ Political affiliations ~ Religious information ~ Text messages ~ Documents ~ Student identifiers ~ Search activity ~ Photos ~ Voice recordings ~ Geolocation information