

# SENATE BILL REPORT

## SB 6528

---

---

As Reported By Senate Committee On:  
Higher Education, February 3, 2004

**Title:** An act relating to prohibiting institutions of higher education from sharing students' personal information.

**Brief Description:** Prohibiting institutions of higher education from sharing students' personal information.

**Sponsors:** Senators Kohl-Welles, Horn, Carlson, Shin, B. Sheldon and Roach.

**Brief History:**

**Committee Activity:** Higher Education: 2/3/04 [DPS-FSIH].

---

### SENATE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Financial Services, Insurance & Housing.

Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, B. Sheldon and Shin.

**Staff:** Heather Lewis-Lechner (786-7448)

**Background:** In 2001, the Washington Legislature passed a law prohibiting institutions of higher education from using the Social Security number of any student for any identification purpose except for employment, financial aid, research, assessment, accountability, transcripts or as otherwise required by state or federal laws. In that same legislation, institutions were required to develop a system of personal identifiers for its students to be used for grading and other administrative purposes.

Under the Federal Family Educational and Privacy Act of 1974 (FERPA), higher education institutions must have written permission from the student before releasing any information from a student's records. FERPA does allow institutions to disclose, without consent, "directory" type information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. The institutions must tell students about the directory information annually and allow the students a reasonable amount of time to request that the school not disclose directory information about them.

**Summary of Substitute Bill:** Institutions of higher education and their respective alumni associations are prohibited from providing, sharing, giving or selling lists of currently enrolled students or their personal identifiers to organizations, corporations or other business entities for the purpose of marketing goods or services without written consent by the student.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is not meant to provide a hardship on the institutions, but is meant to protect students' privacy. Students have just as much concern about privacy over their personal information as everyone else and there are downsides to the institutions releasing this type of information for marketing purposes. We have all heard about the credit card companies marketing to students on campuses and the higher and higher debt loads students are getting into. Other state agencies do not sell information on the people they do business with and students deserve that same privacy. FERPA may provide opt-out provisions but many students do not know how and it is often confusing trying to figure out. Also, universities are not always being honest about the opt-out options. Students shouldn't be treated like data and information. This issue affects students' quality of life.

**Testimony Against:** Concerns: There are already laws that deal with this issue and institutions are uneasy about the implications this bill might have. Institutions support student privacy but want to look closely at whether this bill is needed.

**Testified:** Senator Kohl-Welles, prime sponsor; Brady Hornstein, WSL; Larry Ganders, WSU.