
SENATE BILL 5598

State of Washington

66th Legislature

2019 Regular Session

By Senators Rolfes, Nguyen, Carlyle, Frockt, Hasegawa, Hunt, Kuderer, and Saldaña

Read first time 01/24/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to student internet data privacy; amending RCW
2 28A.604.010 and 28A.604.901; adding a new section to chapter 28A.604
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 privacy of our children is critically important, especially in regard
7 to their K-12 educational experiences. Schools are intended to be a
8 safe environment, and an important component of maintaining security
9 is ensuring student privacy and protecting student data. The
10 legislature acknowledges that new technologies hold incredible
11 promise for improving the educational experiences and outcomes of all
12 of our students but also recognizes that it is vital to ensure
13 companies take necessary steps to safeguard the privacy of our
14 students when they use educational services as well as when students
15 navigate away from these services. The legislature intends to ensure
16 that all student data is safeguarded and that the privacy of students
17 and parents is honored, respected, and protected.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.604
19 RCW to read as follows:

1 (1) The attorney general may bring an action in the name of the
2 state, or on behalf of persons residing in the state, to restrain and
3 prevent any act prohibited or declared to be unlawful in this
4 chapter.

5 (2) For actions brought by the attorney general, the legislature
6 finds that the practices covered by this chapter are matters vitally
7 affecting the public interest for the purpose of applying the
8 consumer protection act, chapter 19.86 RCW. For actions brought by
9 the attorney general, a violation of this chapter is not reasonable
10 in relation to the development and preservation of business and is an
11 unfair or deceptive act in trade or commerce and an unfair method of
12 competition for purposes of applying the consumer protection act,
13 chapter 19.86 RCW.

14 **Sec. 3.** RCW 28A.604.010 and 2015 c 277 s 2 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "School service" means a web site, mobile application, or
19 online service that: (a) Is designed and marketed primarily for use
20 in a K-12 school; (b) is used at the direction of teachers or other
21 employees of a K-12 school; and (c) collects, maintains, or uses
22 student personal information. (~~(A "school service" does not include a~~
23 ~~web site, mobile application, or online service that is designed and~~
24 ~~marketed for use by individuals or entities generally, even if also~~
25 ~~marketed to a United States K-12 school.))~~)

26 (2) "School service provider" means an entity that operates a
27 school service to the extent it is operating in that capacity.

28 (3) "Student personal information" means information collected
29 through a school service that personally identifies an individual
30 student or other information collected and maintained about an
31 individual student that is linked to information that identifies an
32 individual student.

33 (4) "Students" means students of K-12 schools in Washington
34 state.

35 (5) "Targeted advertising" means sending advertisements to a
36 student where the advertisement is selected based on information
37 obtained or inferred from that student's online behavior, usage of
38 applications, or student personal information. It does not include
39 (a) advertising to a student at an online location based upon that

1 student's current visit to that location without the collection and
2 retention of a student's online activities over time or (b) adaptive
3 learning, personalized learning, or customized education.

4 **Sec. 4.** RCW 28A.604.901 and 2015 c 277 s 8 are each amended to
5 read as follows:

6 This chapter shall not be construed to:

7 (1) Impose a duty upon a provider of an interactive computer
8 service, as defined in 47 U.S.C. Sec. 230, to review or enforce
9 compliance with this section by third-party content providers;

10 ~~((Apply to general audience internet web sites, general
11 audience mobile applications, or general audience online services
12 even if login credentials created for a school service provider's web
13 site, mobile application, or online service may be used to access
14 those general audience web sites, mobile applications, or online
15 services;~~

16 ~~(3))~~ Impede the ability of students to download, export, or
17 otherwise save or maintain their own student data or documents;

18 ~~((4))~~ (3) Limit internet service providers from providing
19 internet connectivity to schools or students and their families;

20 ~~((5))~~ (4) Prohibit a school service provider from marketing
21 educational products directly to parents so long as the marketing did
22 not result from use of student personal information obtained by the
23 school service provider through the provision of its web site, mobile
24 application, or online service; or

25 ~~((6))~~ (5) Impose a duty on a school service provider of an
26 electronic store, gateway, marketplace, or other means of purchasing
27 or downloading software or applications to review or enforce
28 compliance with this chapter on those applications or software.

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