

# HOUSE BILL 607

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4r2501  
CF 4r2546

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By: Delegates Kaiser, Afzali, Barkley, Barnes, Bates, Carr, Clagett, Elliott, Fraser-Hidalgo, George, Glenn, Guzzone, Healey, Hogan, Krebs, Lafferty, Luedtke, McDermott, McDonough, McIntosh, Pendergrass, Schulz, Serafini, Smigiel, Stocksedale, Valentino-Smith, Vitale, and Zucker

Introduced and read first time: January 30, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Privacy and Cloud Computing Act**

3 FOR the purpose of authorizing certain educational institutions to use certain cloud  
4 computing services to provide certain individuals access to certain documents;  
5 requiring a certain educational institution and a certain cloud computing  
6 service provider to enter into a certain agreement; providing for the content of a  
7 certain agreement; prohibiting a certain cloud computing service provider from  
8 using or processing certain student data in a certain manner; requiring the  
9 State Superintendent of Schools to adopt certain regulations; defining certain  
10 terms; and generally relating to the Student Privacy and Cloud Computing Act.

11 BY adding to

12 Article – Education

13 Section 4–131

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 **4–131.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
21 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “CLOUD COMPUTING SERVICE” MEANS A SERVICE THAT**  
2 **ALLOWS A PERSON TO ACCESS A NETWORK OF SHARED FILES AND**  
3 **APPLICATIONS ON DEMAND.**

4           **(3) “CLOUD COMPUTING SERVICE PROVIDER” MEANS A PERSON**  
5 **THAT PROVIDES A CLOUD COMPUTING SERVICE TO AN EDUCATIONAL**  
6 **INSTITUTION.**

7           **(4) “EDUCATIONAL INSTITUTION” MEANS A PUBLIC SCHOOL,**  
8 **NONPUBLIC SCHOOL, CHARTER SCHOOL, OR LOCAL SCHOOL SYSTEM.**

9           **(5) “PROCESS” MEANS TO USE, ACCESS, MANIPULATE, SCAN,**  
10 **MODIFY, TRANSFORM, DISCLOSE, STORE, TRANSMIT, TRANSFER, RETAIN,**  
11 **AGGREGATE, OR DISPOSE OF STUDENT DATA.**

12           **(6) (I) “STUDENT DATA” MEANS INFORMATION OR MATERIAL**  
13 **CREATED OR PROVIDED BY:**

14                           **1. AN INDIVIDUAL WHILE ENROLLED AS A STUDENT**  
15 **AT AN EDUCATIONAL INSTITUTION; OR**

16                           **2. AN EMPLOYEE OF THE EDUCATIONAL**  
17 **INSTITUTION IN RELATION TO A STUDENT OF THE EDUCATIONAL INSTITUTION.**

18                           **(II) “STUDENT DATA” INCLUDES THE FOLLOWING**  
19 **INFORMATION OF A STUDENT:**

20                           **1. NAME;**

21                           **2. ELECTRONIC MAIL ADDRESS OR ELECTRONIC**  
22 **MAIL MESSAGES;**

23                           **3. POSTAL ADDRESS;**

24                           **4. PHONE NUMBER;**

25                           **5. WORD PROCESSING DOCUMENTS; AND**

26                           **6. METADATA OR OTHER UNIQUE IDENTIFIERS.**

1           **(B) AN EDUCATIONAL INSTITUTION MAY USE A CLOUD COMPUTING**  
2 **SERVICE TO PROVIDE STUDENTS, TEACHERS, AND OTHER EMPLOYEES OF THE**  
3 **EDUCATIONAL INSTITUTION ACCESS TO SHARED FILES AND APPLICATIONS.**

4           **(C) (1) IF AN EDUCATIONAL INSTITUTION DECIDES TO USE A CLOUD**  
5 **COMPUTING SERVICE, THE EDUCATIONAL INSTITUTION AND THE CLOUD**  
6 **COMPUTING SERVICE PROVIDER SHALL ENTER INTO AN AGREEMENT TO**  
7 **ESTABLISH THE TYPE OF SERVICE THE CLOUD COMPUTING SERVICE PROVIDER**  
8 **WILL PROVIDE.**

9           **(2) IN THE INITIAL WRITTEN AGREEMENT, THE CLOUD**  
10 **COMPUTING SERVICE PROVIDER SHALL AGREE:**

11                   **(I) TO PROCESS OR MONITOR STUDENT DATA ONLY TO THE**  
12 **EXTENT NECESSARY TO PROVIDE THE TYPE OF SERVICE AGREED ON BY BOTH**  
13 **PARTIES; AND**

14                   **(II) NOT TO PROCESS OR MONITOR STUDENT DATA IN A**  
15 **MANNER THAT SUBSTANTIALLY BENEFITS THE CLOUD COMPUTING SERVICE**  
16 **PROVIDER OR A THIRD PARTY, INCLUDING:**

- 17                           1.   **ONLINE BEHAVIORAL ADVERTISING;**
- 18                           2.   **CREATING OR CORRECTING A CLOUD PROFILE;**
- 19                           3.   **SELLING DATA FOR A COMMERCIAL PURPOSE; OR**
- 20                           4.   **ANY OTHER SIMILAR COMMERCIAL FOR-PROFIT**  
21 **ACTIVITY.**

22           **(D) THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO**  
23 **IMPLEMENT THIS SECTION.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25           October 1, 2014.