

2022 -- H 7563 SUBSTITUTE A

LC004240/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- STUDENT COMPUTER DEVICE PRIVACY

Introduced By: Representatives Speakman, Ajello, Morales, Carson, Cortvriend, and Cassar

Date Introduced: February 18, 2022

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 112

4 STUDENT COMPUTER DEVICE PRIVACY

5 **16-112-1. Definitions.**

6 As used in this chapter, the following words and terms shall have the following meanings:

7 (1) "De-identified" means data from which all personally identifiable information has been
8 removed.

9 (2) "Educational institution" or "school" means any public institution that offers
10 participants, students, or trainees an organized course of study or training that is academic, trade
11 oriented or preparatory for gainful employment in a recognized occupation and shall include any
12 person acting as an agent of the institution.

13 (3) "Institutional device" means any computing device, including computer, laptop, tablet,
14 smartphone or other electronic device owned or maintained by the educational institution or school
15 district and provided to a student for educational use.

16 (4) "Location data" means records of global positioning system or other precise location
17 data either recorded historically or in real time.

18 (5) "Personal device" means any computing device, including computer, laptop, tablet,
19 smartphone or other electronic device provided by the end user being used for educational purposes.

1 (6) "School district" means any local education agency and shall include any person acting
2 as an agent of the agency.

3 (7) "Student" means any student, participant, or trainee, whether full-time or part-time, in
4 an organized course of study at an educational institution.

5 **16-112-2. Restricted access to audio and video functions.**

6 (a) No educational institution or school district shall activate or access, or request a third
7 party, other than a student's parent or legal guardian, to activate or access, any audio or video
8 receiving, transmitting, or recording functions on a student's institutional device or personal device,
9 unless:

10 (1) A student initiates the activation for educational purposes and access is limited to that
11 purpose;

12 (2) The activation and/or access is ordered pursuant to a judicial warrant; or

13 (3) Activation and/or access is deemed reasonably necessary in order to respond to a
14 suspected imminent threat to life or safety and is limited to that purpose.

15 (b) Within seventy-two (72) hours of activating and/or accessing, or requesting activation
16 and/or access by a third party other than the student's parent or legal guardian, to the audio or video
17 receiving, transmitting, or recording functions on a student's institutional device or personal device
18 pursuant to subsection (a)(3) of this section, the educational institution or school district shall
19 provide to the student and their parent or legal guardian a written explanation of the precise threat
20 that prompted the access and the data and features that were activated and/or accessed.

21 (c) No third party, other than a student's parent or legal guardian, shall activate or access
22 any audio or video receiving, transmitting, or recording functions on a student's institutional device
23 or personal device for any reason other than those provided in subsection (a) of this section. Within
24 seventy-two (72) hours of activating and/or accessing such functions pursuant to subsection (a)(3)
25 of this section, the third party shall provide to the educational institution or school district a written
26 explanation of the precise threat that prompted the access and the data and features that were
27 activated and/or accessed.

28 (d) Within seventy-two (72) hours of receiving information pursuant to subsection (c) of
29 this section, the educational institution or school district shall forward the explanation to the student
30 and their parent or legal guardian.

31 **16-112-3. Restricted access to location data.**

32 (a) No educational institution or school district may access or use location data for tracking
33 a student's institutional device or personal device, or request a third party other than a student's
34 parent or legal guardian, to do so, unless:

1 (1) Such access or use is ordered pursuant to a judicial warrant;

2 (2) The student to whom the institutional device was provided, or their parent or legal
3 guardian, has notified the educational institution or school district in writing that the institutional
4 device is missing or stolen, or the device has not been returned when required for inventory
5 purposes;

6 (3) The access or use is deemed reasonably necessary in order to respond to a suspected
7 imminent threat to life or safety and is limited to that purpose; or

8 (4) The data is retrieved in a de-identified manner and is used only to determine whether
9 the device is on-site or off-site.

10 (b) Within seventy-two (72) hours of accessing or using, or requesting a third party other
11 than a student's parent or legal guardian to access or use, the location data for a student's
12 institutional device or personal device pursuant to subsection (a)(3) of this section, the educational
13 institution or school district shall provide to the student and their parent or legal guardian a written
14 explanation of the precise threat that prompted the access or use and the data and features that were
15 accessed or used.

16 **16-112-4. Authority to adopt policies.**

17 School districts shall have the authority to adopt policies to further implement this chapter.

18 **16-112-5. Penalties.**

19 (a) In any civil action alleging a violation or proposed violation of this chapter, the court
20 may award to a prevailing plaintiff appropriate injunctive and declaratory relief, damages, and
21 reasonable attorneys' fees and costs.

22 (b) The rights provided a parent or legal guardian under this chapter shall accrue to any
23 student who is eighteen (18) years of age or older.

24 SECTION 2. This act shall take effect on August 1, 2022.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- STUDENT COMPUTER DEVICE PRIVACY

1 This act would prohibit an educational institution or school district from accessing any
2 audio or video recording, transmitting or recording function on a student's institutional or personal
3 device or using location data for tracking a student's institutional device or personal device, or allow
4 a third party to do so, except in limited circumstances.

5 This act would take effect on August 1, 2022.

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