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Comptroller Releases Q & A on Student Data Privacy Law

The Comptroller's Office of Research and Education Accountability (OREA) has released a report that answers some common questions about student data privacy in Tennessee. The Q & A provides information on state and federal laws that protect K-12 students' privacy.

In general, student data privacy refers to efforts to maintain the confidentiality of information that identifies individual students. The term "student data" is broad, encompassing almost anything that a student creates in school or that identifies an individual student.

Student data is not limited to social security numbers or test scores. Student data can encompass school work, class behavior, or even a student's location. A key question to ask is whether a piece of information identifies an individual student or uses personal information about an individual student – if the answer is yes, then that information can be considered "student data".

State and federal laws protect student data privacy by governing the actions of either a school employee, a member of the public, or a third-party vendor or technology operator. The new publication explains state laws in Tennessee that protect student data privacy. One of the laws - the Data Accessibility, Transparency and Accountability Act - gives the state more control and oversight regarding Tennessee public school employees' collection of student data, and strengthens parental rights with respect to student data privacy. The Tennessee General Assembly passed this law in 2014.

Another law is the Student Online Personal Protection Act, passed in 2016, which primarily addresses the actions of third parties outside of Tennessee schools and districts. This law regulates vendors/contractors or other third parties operating online services used by students. The three primary federal laws related to student data privacy are also covered in the Comptroller's publication.

School districts may take steps to protect student data privacy beyond what the laws require. However, those additional protections are likely to cost more in time or money.

OREA is a division within the Comptroller's Office that is charged with providing accurate and objective policy research and analysis for the Tennessee General Assembly and the public. To view the full report online, go to: <http://www.comptroller.tn.gov/OREA/>

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