

Parent and Student Rights- Illinois Student Online Personal Protection Act

The **Illinois Student Online Personal Protection Act** (“SOPPA”), 105 ILCS 85/, is intended to ensure that student data will be protected when it is collected by educational technology companies and that the data is used for beneficial purposes, such as providing personalized learning and innovative educational technologies.

Use of Student’s Covered Information: SOPPA requires that a student’s *covered information* be collected for K through 12 school purposes and not further used in a manner that is incompatible with those purposes. Furthermore, a student’s covered information shall only be adequate, relevant, and limited to what is necessary in relation to the K through 12 school purposes for which it is used.

Covered information: personally identifiable information or material or information that is linked to personally identifiable information or material in any media or format that is not publicly available and is any of the following:

1. Created by or provided to an *operator* by a student or the student’s parent/legal guardian in the course of the student or parent’s/legal guardian’s use of the operator’s site, service, or application for K through 12 school purposes.
2. Created by or provided to an operator by an employee or agent of a school or school district for K through 12 school purposes.
3. Gathered by an operator through the operation of its site, service, or application for K through 12 school purposes and personally identifies a student, including, but not limited to: information in the student’s educational record or e-mail, first and last name, home address, telephone number, e-mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, a social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

Operator: The operator of an internet website, online service, online application, or mobile application, provided that the site, service, or application is used primarily for K through 12 school purposes and was designed and marketed for K through 12 school purposes.

Parent’s/Legal Guardian’s Rights under SOPPA: The parent/legal guardian of an enrolled student has the right to all of the following under SOPPA:

1. Inspect and review the student’s covered information, regardless of whether it is maintained by the school, the Illinois State Board of Education, or an operator.
2. Request from the school a paper or electronic copy of the student’s covered information, including covered information maintained by an operator or the Illinois State Board of Education.
 - a. If a parent/legal guardian requests an electronic copy of the student’s covered information, the school must provide an electronic copy of that information, unless the school does not maintain the information in an electronic format and reproducing the information in an electronic format would be unduly burdensome to the school.
 - b. If a parent/legal guardian requests a paper copy of the student’s covered information, the school may charge the parent/legal guardian the reasonable cost for copying the

information in an amount not to exceed the amount fixed by the Illinois State Board of Education, except that no parent/legal guardian may be denied a copy of the information due to the parent's/legal guardian's inability to bear the cost of the copying.

3. Request corrections of factual inaccuracies contained in the student's covered information. After receiving a request for corrections and determining that a factual inaccuracy exists, a school must do either of the following:
 - a. If the school maintains or possesses the covered information that contains the factual inaccuracy, the school must correct the factual inaccuracy and confirm the correction with the parent/legal guardian within 90 calendar days after receiving the parent's/legal guardian's request.
 - b. If the operator or Illinois State Board of Education maintains or possesses the covered information that contains the factual inaccuracy, the school must notify the operator or the Illinois State Board of Education of the correction. The operator or the Illinois State Board of Education must correct the factual inaccuracy and confirm the correction with the school within 90 calendar days after receiving the notice. Within 10 business days after receiving confirmation of the correction from the operator or Illinois State Board of Education, the school must confirm the correction with the parent/legal guardian.

Impact on ISSRA and FERPA: Nothing in this Notice limits or alters the rights granted to parents/legal guardians and students under the Illinois School Student Records Act or the federal Family Educational Rights and Privacy Act of 1974.