

STUDENT ONLINE PERSONAL PROTECTION ACT (EXCERPT)
Act 368 of 2016

388.1293 Definitions.

Sec. 3.

As used in this act:

(a) "Covered information" means personally identifiable information or material in any media or format that is any of the following:

(i) Created by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K-12 school purposes.

(ii) Created by or provided to an operator by an employee or agent of a K-12 school or school district for K-12 school purposes.

(iii) Gathered by an operator through the operation of a site, service, or application for K-12 school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic 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, 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.

(b) "Interactive computer service" means that term as defined in 47 USC 230.

(c) "K-12 school" means a school that offers any of grades kindergarten to 12 and that is operated by a school district.

(d) "K-12 school purposes" means purposes that are directed by or that customarily take place at the direction of a K-12 school, teacher, or school district or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the school. Other than advertising described in section 5(3)(b), K-12 school purposes also includes those purposes related to K-12 students preparing for postsecondary education.

(e) "Operator" means, to the extent that it is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K-12 school purposes and was designed and marketed for K-12 school purposes.

(f) "School district" means a school district, intermediate school district, or public school academy, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(g) "Service provider" means a person or entity that provides a service that enables users to access content, information, electronic mail, or other services offered over the Internet or a computer network.

(h) "Targeted advertising" means presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or covered information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location or single search query without the collection and retention of a student's online activities over time.

History: 2016, Act 368, Eff. Mar. 22, 2017