

Guidelines on Administrative Regulations for Board Policy AF – Student Data Privacy Marketing Clauses

These guidelines are intended to address questions regarding the approval of technology applications that market to users of the application.

Section IV.A of the Administrative Regulations states: “All requests for technology applications that require the submission of Personally Identifiable Information and/or acceptance of a user agreement shall be submitted for approval as per procedures established by the ITRT. Approval must be provided prior to use.” In addition Section III.E.a states “The ITRT’s internal procedures shall have in place management, operational, and technical security controls that would prohibit the approval of terms of use agreements that...allow for secondary use of data for marketing, sales, and targeted advertising to users of the service.”

The Policy and Administrative Regulations are specifically intended to “ensure students’ personally identifiable information is protected.” In that light, it is best to interpret the word “data” in Section III.E.a to mean student data. This would also be consistent with the intent of §4–131 of the Education Article of the Maryland Code to prohibit the use of covered information to present “targeted advertising.”

Teacher data are not protected by this policy. In addition, staff names and email addresses are public information. It would be impractical, if not impossible, to prohibit these data from being used for marketing purposes.

The following table can be used to determine if the language in a Terms of Use Agreement or Privacy Policy meet the expectations of the Administrative Regulation regarding marketing, advertising, or sales:

Account Type	Data Used For Marketing or Advertising	Action
Teacher/Staff	Any type of Teacher or Staff Data	Okay
Teacher/Staff	Student data based on student’s current visit without collection or retention of the data over time.	Okay
Teacher/Staff	Student data based on information obtained or inferred from the student’s online behavior or usage of applications that are persistent over time, or based on covered information.	Deny
Student	Student data based on student’s current visit without collection or retention of the data over time.	Okay
Student	Student data based on information obtained or inferred from the student’s online behavior or usage of applications that are persistent over time, or based on covered information.	Deny
No Login Credentials Required	Student data based on student’s current visit without collection or retention of the data over time.	Okay
No Login Credentials Required	Student data based on information obtained or inferred from the student’s online behavior or usage of applications that are persistent over time, or based on covered information.	Deny