# **Utah Code Ann. § 53B-28-501**

Current through May 1, 2024 of the 2024 General Session.

***Utah Code Annotated* > *Title 53B State System of Higher Education (Chs. 1 — 36)* > *Chapter 28 Student Rights And Responsibilities (Pts. 1 — 5)* > *Part 5 Higher Education Student Data Protection (§§ 53B-28-501 — 53B-28-506)***

**53B-28-501. Definitions.**

As used in this part:

**(1)** “Advisory group” means the institution of higher education privacy advisory group established by the state privacy officer under Section 53B-28-502.

**(2)** “Aggregate data” means data that:

**(a)** are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and

**(b)** do not reveal personally identifiable student data.

**(3)** “Data breach” means an unauthorized release of or unauthorized access to personally identifiable student data that an education entity maintains.

**(4)** “Data governance plan” means an education entity’s comprehensive plan for managing education data that:

**(a)** incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;

**(b)** describes the role, responsibility, and authority of the board or an institution privacy officer;

**(c)** provides for necessary technical assistance, training, support, and auditing;

**(d)** describes the process for sharing student data between the education entity and another person;

**(e)** describes the education entity’s data expungement process, including how to respond to requests for expungement;

**(f)** describes the data breach response process; and

**(g)** is published annually and available on the institution’s website or the Utah System of Higher Education’s website.

**(5)** “Education entity” means the Utah Board of Higher Education or an institution.

**(6)** “Higher education privacy officer” means a privacy officer that the board designates under Section 53B-28-503.

**(7)** “Institution” means an institution of higher education described in Section 53B-1-102.

**(8)** “Minor” means a person younger than 18 years old.

**(9)**

**(a)** “Personally identifiable student data” means student data that identifies or is used by the holder to identify a student.

**(b)** “Personally identifiable student data” includes:

**(i)** a student’s first and last name;

**(ii)** the first and last name of a student’s family member;

**(iii)** a student’s or a student’s family’s home or physical address;

**(iv)** a student’s email address or other online contact information;

**(v)** a student’s telephone number;

**(vi)** a student’s social security number;

**(vii)** a student’s biometric identifier;

**(viii)** a student’s health or disability data;

**(ix)** a student’s education entity student identification number;

**(x)** a student’s social media user name and password or alias;

**(xi)** if associated with personally identifiable student data, the student’s persistent identifier, including:

**(A)** a customer number held in a cookie; or

**(B)** a processor serial number;

**(xii)** a combination of a student’s last name or photograph with other information that together permits a person to contact the student online;

**(xiii)** information about a student or a student’s family that a person collects online and combines with other personally identifiable student data to identify the student; and

**(xiv)** information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**(10)** “State privacy officer” means the state privacy officer described in Section 67-3-13.

**(11)** “Student” means an individual enrolled in an institution.

**(12)**

**(a)** “Student data” means information about a student at the individual student level.

**(b)** “Student data” does not include aggregate or de-identified data.

**(13)** “Third-party contractor” means a person who:

**(a)** is not an institution or an employee of an institution; and

**(b)** pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

**History**

2022 ch. 461, § 3, effective July 1, 2022.

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