

SECOND REGULAR SESSION

HOUSE BILL NO. 1331

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

4873L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to the privacy of student data, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.109, to read as follows:

161.109. 1. It shall be unlawful for any person to divulge educational records with personally-identifiable information of any Missouri elementary and secondary school student to any other person or entity, except:

(1) With the informed, written consent of a parent or guardian of the student;

(2) To employees or agents of the school for use in the education of the student;

(3) To law enforcement for purposes of conducting criminal investigations;

(4) To comply with a subpoena;

(5) To the department of elementary and secondary education for use in complying with the provisions of this chapter, provided, however, that the department shall not divulge such information on individually identifiable students to any third party without the consent of a parent or guardian of a student;

(6) With the informed, written consent of the student after the student is eighteen or otherwise legally emancipated.

2. As used in this section, "personally identifiable information" means:

(1) First and last name;

(2) A home or other physical address including street name and the name of a city or town;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 **(3) Online contact information including email address;**
19 **(4) A telephone number;**
20 **(5) A Social Security number;**
21 **(6) Any identifier that, when combined with any other information, whether**
22 **disclosed or not, can be used to connect the identifier to any item contained in subdivisions**
23 **(1) to (5) of this subsection for a particular student.**
24 **3. Any person whose educational privacy is violated under the provisions of this**
25 **section shall have a cause of action against the person who divulged the information and**
26 **any person or entity who used such information for any purpose after having illegally**
27 **received it, and shall be entitled to receive the greater of actual damages or one thousand**
28 **dollars, whichever is greater, and reasonable attorney's fees and other litigation costs**
29 **incurred.**
30 **4. Violation of this section is a class A misdemeanor.**

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