



**Testimony for the House Ways & Means Committee
February 21, 2014**

HB 607 – Education – Student Privacy and Cloud Computing Act

SARA N. LOVE
PUBLIC POLICY
DIRECTOR

SUPPORT

The ACLU of Maryland supports HB 607, which would require contracts between schools and cloud computing service providers to restrict the use of student data by those providers.

As we live more and more of our lives online, more and more of our personal information is put online. Not checked, that personal information can be used for purposes far beyond the original intent behind providing the information in the first place. For example, researchers at Fordham University School of Law in New York report that certain schools districts have contracts for cafeteria service payments that “would allow companies to collect, store, share and sell everything the student buys and eats at school.” As the leader researcher stated, “Companies could sell that information to advertisers or insurance companies.... Because a kid drinks a lot of soda, a family might have to pay higher insurance premiums or have trouble getting dental insurance.”¹

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
COLEMAN BAZELON
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

Equally concerning is that these companies, without the proper prohibitions, could use this information for what is known as behavioral advertising. Behavioral advertising means tracking someone’s preferences so that advertisers can target that person specifically. This raises fundamental privacy questions. Depending on the work the student does, or what information is stored in the cloud, a lot of personal information could be revealed. Should anyone have the right to know and sell to others the fact that a student is overweight, or depressed, or gay?

Advertisers also sell this information to third parties, called data aggregators, who in turn sell it to other marketers, employers and, perhaps most chillingly, the government. As far back as 2001 data aggregation companies have had contracts with the federal government and states to collect and share personal information about millions of Americans, including unlisted cell phone numbers, insurance claims, driver's license photographs, and credit reports. One company boasts it is: "the silent partner to municipal, county, state, and federal justice agencies who access our databases every day to locate subjects, develop background information, secure information from a cellular or unlisted number, and much more."²

Our children’s personal information should not be for sale. When schools enter into contracts for cloud computing, those contracts should ensure that student’s data is protected.

For the foregoing reasons, the ACLU of Maryland supports HB 607.

¹ <http://www.nytimes.com/2013/10/14/technology/concerns-arise-over-privacy-of-schoolchildrens-data.html>

² <https://www.aclu.org/blog/technology-and-liberty/yes-they-really-know-its-you>

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND