

## **SF2307 (Companion to Judiciary Omnibus Bill HF 1404 including HF 341)**

### **Testimony – Andrew Liddell**

My name is Andrew Liddell. I'm a technology lawyer and digital rights activist from Austin, Texas, where I live with my wife and two young kids. I submit these remarks in in favor of SF2307, the companion to HF1404, which includes HF341 relating to student data privacy.

I cofounded the Student Data Privacy Project, a grassroots parent effort to understand what information is being collected about our kids by tech vendors and what is being done with it. Last year, we coordinated an effort by 14 families in nine states to exercise their information access rights under the 1974 federal FERPA law.

What we learned was shocking. Despite clear requirements to make this information available to parents upon request and to limit to whom that information is given and how it can be used, not a single school district from Alaska to Maryland gave parents the information they're legally entitled to within the time limits required by the law. Some districts simply ignored the requests; others referred parents to the technology vendors, who then ignored the requests. Others involved their district's Chief Technology Officer and made a good-faith attempt to comply, but were refused by the technology vendors. Still others were unaware of their obligations under FERPA and tasked the superintendent's administrative assistant with responding.

Here in Minnesota, one family received over 2,000 files about their young daughter, representing just a small portion of what was requested, but which included such things as baby pictures, videos of her in an online yoga class, her artwork and answers to in-class questions. The family was given no information about how long this information was to be stored, to whom it was disclosed, or for what purposes it was being used.

Today's digital products, including those used in school, collect a staggering amount of information about their users. This include grades for every assignment and disciplinary records going back to Kindergarten. It includes every search, every website you visit, and every person you interact with. It also includes every mouse movement and how long you linger on an image, truly every single thing you do on a computer—all of this information is fed into an algorithm that is used to build a digital model of you. This "digital you" not only determines what you experience in the digital world but also what opportunities you have in the real world.

Everything a child does on a computer for the 13 years they're in school is subject to being collected in this way. While this vast trove presents risks for hackers, I am most concerned about how the currently legal uses of this information are shaping this generation of young people. These digital models of our kids are used in life altering ways, including to determine which students will be recruited by a selective college and which will be referred to the local police. Currently, there are no practical limits to how this information is used, and no assurances that this information is accurate before it is disclosed to those who make life-changing decisions about our kids' futures.

A state of constant surveillance is a threat to freedom, democracy, and healthy development. The Center for Democracy and Technology reported in the fall of 2021 that lower income students

and students from Black and Hispanic families were more likely to be surveilled at school and were disproportionately disciplined for their online activity. And that same report showed that most children now agree with the statement, “I do not share my true thoughts or ideas because I know what I do online is being monitored.”

SF2307 and its companion bills HF1404/HF341 create a healthier digital ecosystem for the schoolchildren of Minnesota. By legislating that student data is not the property of technology vendors and limiting how that data can be used, and by sharply curtailing the surveillance of students, this bill safeguards the freedom and self-determination of the children of this state.

I urge you to support it.