

Student Online Personal Protection Act (SOPPA)



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Illinois State University

Laboratory School SOPPA Breach Procedure:

- I. **Definitions:** The following terms are defined under the Student Online Personal Protection Act, 110 ILCS 85.

"**Breach**" means the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of covered information maintained by the Laboratory Schools or an operator.

"Breach" does not include the good faith acquisition of personal information by an employee or agent of an operator or school for a legitimate purpose of the operator or school if the covered information is not used for a purpose prohibited by this Act or subject to further unauthorized disclosure.

"**Covered information**" means personally identifiable information or material or information that is linked to personally identifiable information or material in any media or format that is not publicly available and is any of the following:

1. Created by or provided to an operator by student or the student's parent or legal guardian in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K through 12 school purposes.
2. Created by or provided to an operator by an employee or agent of a school or Lab Schools for K through 12 school purposes.
3. Gathered by an operator through the operation of its site, service, or application for K through 12 school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, a social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

"**K through 12 school purposes**" means purposes that are directed by or that customarily take place at the direction of a school, teacher, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of the school.

"**Operator**" means, to the extent that an entity is operating in this capacity, the operator of an Internet

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website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K through 12 school purposes and was designed and marketed for K through 12 school purposes.

II. Designation of Privacy Officer:

The Laboratory Schools have designated a privacy officer to carry out the duties and responsibilities assigned to schools to ensure compliance with SOPPA requirements. The Lab School privacy officer, Jim Kurz, can be contacted at: jmkurz@ilstu.edu.

III. Breach Notification Procedures:

If a breach of SOPPA Covered Information occurs, the following steps will be completed:

- a. Operators must provide notice of a breach within 30 calendar days after a determination that a breach has occurred.
- b. Upon receipt of an operator notice or other information indicating a breach may have occurred, the Lab School Privacy Officer will notify the University Chief Information Security Officer (CISO) or their designee if not already engaged.

Coordinating Teams:

1. Information Security Office (Required)
 2. Office of Risk Management (Required)
 3. Office of General Counsel (Required)
 4. Internal Audit (Incident Specific)
 5. Cyber Incident Response Team (CIRT) (Incident Specific)
 6. Emergency Operations Center (EOC) (Incident Specific)
- c. The CISO or their designee will provide notice to coordinating teams if not already engaged.
 - d. The coordinating teams will assess details of the breach.
 1. Breach determination: <operator/University official>
 2. Breached information: <data elements>
 3. Breached population: <students>
 4. Applicability of cybersecurity insurance
 - e. The coordinating teams will determine notification actions:
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- a. Parents of impacted students must be notified within 30 calendar days after receipt of notice of a breach or a determination that a breach has occurred.
2. Other applicable notifications (Illinois PIPA and COPPA).
 - a. Language, format, audience, delivery method.

A SOPPA notice must include:

- The date, estimated date, or estimated date range of the breach.
- A description of the covered information that was compromised or reasonably believed to have been compromised in the breach.
- Information that the parent may use to contact the operator and the [Laboratory Schools](#) to inquire about the breach.
- The toll-free numbers, addresses, and websites for consumer reporting agencies.
- The toll-free number, address, and website for the Federal Trade Commission.
- A statement that the parent may obtain information from the Federal Trade Commission and consumer reporting agencies about fraud alerts and security freezes.

Notices of a SOPPA breach may be delayed if an appropriate law enforcement agency determines that the notification will interfere with a criminal investigation and provides the Laboratory School with a written request for a delay of notice. A school must comply with the notification requirements as soon as the notification will no longer interfere with the investigation.

- f. Timeframe to provide notice.
 - i. The Lab Schools will provide notice as determined by the coordinating teams.
 - ii. If applicable, the Lab Schools will post the appropriate details of the breach to the data breach listing on the [College of Education's Laboratory School Data Breach](#) page.

IV. SOPPA Breach List Requirement

If required, the Laboratory Schools shall post a list of any breaches of covered student information. The list will include:

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- The number of students whose covered information is involved in the breach, unless disclosing that number would violate the provisions of the Personal Information Protection Act.
- The date, estimated date, or estimated date range of the breach.
- The name of the operator, if the breach is attributed to an operator.

The Laboratory Schools may omit an incident from the list required when, to the best of the Laboratory School's knowledge at the time of updating the list, (1) the number of students whose covered information is involved in the breach is less than 10% of the school's enrollment, (2) any breach in which, at the time of posting the list, the school is not required to make a SOPPA notice (3) any breach in which the date, estimated date, or estimated date range in which it occurred is earlier than July 1, 2021, or (4) any breach previously posted on a list under this paragraph (5) no more than 5 years prior to the school updating the current list.